

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 211**

**Representatives Humphrey, Williams**

**Cosponsors: Representatives Brewer, Isaacsohn, Piccolantonio, Upchurch,  
Russo, Brennan, White, E., Brownlee, Synenberg, Mohamed, Cockley, Fischer**

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**A BILL**

To amend sections 2929.19, 2951.03, and 2951.041 of  
the Revised Code to require a court to consider  
an offender's status as a primary caretaker of a  
child in determining whether the offender is  
amenable to a community control sanction or to  
intervention in lieu of conviction.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2929.19, 2951.03, and 2951.041 of  
the Revised Code be amended to read as follows:

**Sec. 2929.19.** (A) The court shall hold a sentencing  
hearing before imposing a sentence under this chapter upon an  
offender who was convicted of or pleaded guilty to a felony and  
before resentencing an offender who was convicted of or pleaded  
guilty to a felony and whose case was remanded pursuant to  
section 2953.07 or 2953.08 of the Revised Code. At the hearing,  
the offender, the prosecuting attorney, the victim or the  
victim's representative in accordance with section 2930.14 of  
the Revised Code, and, with the approval of the court, any other  
person may present information relevant to the imposition of

sentence in the case. The court shall inform the offender of the 19  
verdict of the jury or finding of the court and ask the offender 20  
whether the offender has anything to say as to why sentence 21  
should not be imposed upon the offender. 22

(B) (1) At the sentencing hearing, the court, before 23  
imposing sentence, shall do all of the following: 24

(a) Consider the following: 25

(i) The record,~~any~~; 26

(ii) Any information presented at the hearing by any 27  
person pursuant to division (A) of this section,~~and, if~~; 28

(iii) If one was prepared, the presentence investigation 29  
report made pursuant to section 2951.03 of the Revised Code or 30  
Criminal Rule 32.2, ~~and any~~ including the offender's status as 31  
the primary caretaker of a child, if applicable; 32

(iv) Any victim impact statement made pursuant to section 33  
2947.051 of the Revised Code~~;~~. 34

(b) If the offense was committed when the offender was 35  
under eighteen years of age, in addition to other factors 36  
considered, consider youth and its characteristics as mitigating 37  
factors, including: 38

(i) The chronological age of the offender at the time of 39  
the offense and that age's hallmark features, including 40  
intellectual capacity, immaturity, impetuosity, and a failure to 41  
appreciate risks and consequences; 42

(ii) The family and home environment of the offender at 43  
the time of the offense, the offender's inability to control the 44  
offender's surroundings, a history of trauma regarding the 45  
offender, and the offender's school and special education 46

history;	47
(iii) The circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have impacted the offender's conduct;	48 49 50 51
(iv) Whether the offender might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth, such as the offender's inability to deal with police officers and prosecutors during the offender's interrogation or possible plea agreement or the offender's inability to assist the offender's own attorney;	52 53 54 55 56 57
(v) Examples of the offender's rehabilitation, including any subsequent growth or increase in maturity during confinement.	58 59 60
(2) Subject to division (B) (3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:	61 62 63 64
(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term;	65 66 67
(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense or offenses, the sentence or sentences imposed and whether the sentence or sentences contain mandatory prison terms, if sentences are imposed for multiple counts whether the sentences are to be served concurrently or consecutively, and the name and section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed	68 69 70 71 72 73 74 75

for the specification or specifications; 76

(c) If the prison term is a non-life felony indefinite 77  
prison term, notify the offender of all of the following: 78

(i) That it is rebuttably presumed that the offender will 79  
be released from service of the sentence on the expiration of 80  
the minimum prison term imposed as part of the sentence or on 81  
the offender's presumptive earned early release date, as defined 82  
in section 2967.271 of the Revised Code, whichever is earlier; 83

(ii) That the department of rehabilitation and correction 84  
may rebut the presumption described in division (B) (2) (c) (i) of 85  
this section if, at a hearing held under section 2967.271 of the 86  
Revised Code, the department makes specified determinations 87  
regarding the offender's conduct while confined, the offender's 88  
rehabilitation, the offender's threat to society, the offender's 89  
restrictive housing, if any, while confined, and the offender's 90  
security classification; 91

(iii) That if, as described in division (B) (2) (c) (ii) of 92  
this section, the department at the hearing makes the specified 93  
determinations and rebuts the presumption, the department may 94  
maintain the offender's incarceration after the expiration of 95  
that minimum term or after that presumptive earned early release 96  
date for the length of time the department determines to be 97  
reasonable, subject to the limitation specified in section 98  
2967.271 of the Revised Code; 99

(iv) That the department may make the specified 100  
determinations and maintain the offender's incarceration under 101  
the provisions described in divisions (B) (2) (c) (i) and (ii) of 102  
this section more than one time, subject to the limitation 103  
specified in section 2967.271 of the Revised Code; 104

(v) That if the offender has not been released prior to 105  
the expiration of the offender's maximum prison term imposed as 106  
part of the sentence, the offender must be released upon the 107  
expiration of that term. 108

(d) Notify the offender that the offender will be 109  
supervised under section 2967.28 of the Revised Code after the 110  
offender leaves prison if the offender is being sentenced, other 111  
than to a sentence of life imprisonment, for a felony of the 112  
first degree or second degree, for a felony sex offense, or for 113  
a felony of the third degree that is an offense of violence and 114  
is not a felony sex offense. This division applies with respect 115  
to all prison terms imposed for an offense of a type described 116  
in this division, including a non-life felony indefinite prison 117  
term and including a term imposed for any offense of a type 118  
described in this division that is a risk reduction sentence, as 119  
defined in section 2967.28 of the Revised Code. If a court 120  
imposes a sentence including a prison term of a type described 121  
in division (B) (2) (d) of this section on or after July 11, 2006, 122  
the failure of a court to notify the offender pursuant to 123  
division (B) (2) (d) of this section that the offender will be 124  
supervised under section 2967.28 of the Revised Code after the 125  
offender leaves prison or to include in the judgment of 126  
conviction entered on the journal a statement to that effect 127  
does not negate, limit, or otherwise affect the mandatory period 128  
of supervision that is required for the offender under division 129  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 130  
the Revised Code applies if, prior to July 11, 2006, a court 131  
imposed a sentence including a prison term of a type described 132  
in division (B) (2) (d) of this section and failed to notify the 133  
offender pursuant to division (B) (2) (d) of this section 134  
regarding post-release control or to include in the judgment of 135

conviction entered on the journal or in the sentence a statement 136  
regarding post-release control. 137

(e) Notify the offender that the offender may be 138  
supervised under section 2967.28 of the Revised Code after the 139  
offender leaves prison if the offender is being sentenced for a 140  
felony of the third, fourth, or fifth degree that is not subject 141  
to division (B) (2) (d) of this section. This division applies 142  
with respect to all prison terms imposed for an offense of a 143  
type described in this division, including a term imposed for 144  
any such offense that is a risk reduction sentence, as defined 145  
in section 2967.28 of the Revised Code. Section 2929.191 of the 146  
Revised Code applies if, prior to July 11, 2006, a court imposed 147  
a sentence including a prison term of a type described in 148  
division (B) (2) (e) of this section and failed to notify the 149  
offender pursuant to division (B) (2) (e) of this section 150  
regarding post-release control or to include in the judgment of 151  
conviction entered on the journal or in the sentence a statement 152  
regarding post-release control. 153

(f) Notify the offender that, if a period of supervision 154  
is imposed following the offender's release from prison, as 155  
described in division (B) (2) (d) or (e) of this section, and if 156  
the offender violates that supervision or a condition of post- 157  
release control imposed under division (B) of section 2967.131 158  
of the Revised Code, the parole board may impose a prison term, 159  
as part of the sentence, of up to one-half of the definite 160  
prison term originally imposed upon the offender as the 161  
offender's stated prison term or up to one-half of the minimum 162  
prison term originally imposed upon the offender as part of the 163  
offender's stated non-life felony indefinite prison term. If a 164  
court imposes a sentence including a prison term on or after 165  
July 11, 2006, the failure of a court to notify the offender 166

pursuant to division (B) (2) (f) of this section that the parole board may impose a prison term as described in division (B) (2) (f) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D) (1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B) (2) (f) of this section regarding the possibility of the parole board imposing a prison term for a violation of supervision or a condition of post-release control.

(g) (i) Determine, notify the offender of, and include in the sentencing entry the total number of days, including the sentencing date but excluding conveyance time, that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and by which the department of rehabilitation and correction must reduce the definite prison term imposed on the offender as the offender's stated prison term or, if the offense is an offense for which a non-life felony indefinite prison term is imposed under division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the minimum and maximum prison terms imposed on the offender as part of that non-life felony indefinite prison term, under section 2967.191 of the Revised Code. The court's calculation shall not

include the number of days, if any, that the offender served in 198  
the custody of the department of rehabilitation and correction 199  
arising out of any prior offense for which the prisoner was 200  
convicted and sentenced. 201

(ii) In making a determination under division (B) (2) (g) (i) 202  
of this section, the court shall consider the arguments of the 203  
parties and conduct a hearing if one is requested. 204

(iii) The sentencing court retains continuing jurisdiction 205  
to correct any error not previously raised at sentencing in 206  
making a determination under division (B) (2) (g) (i) of this 207  
section. The offender may, at any time after sentencing, file a 208  
motion in the sentencing court to correct any error made in 209  
making a determination under division (B) (2) (g) (i) of this 210  
section, and the court may in its discretion grant or deny that 211  
motion. If the court changes the number of days in its 212  
determination or redetermination, the court shall cause the 213  
entry granting that change to be delivered to the department of 214  
rehabilitation and correction without delay. Sections 2931.15 215  
and 2953.21 of the Revised Code do not apply to a motion made 216  
under this section. 217

(iv) An inaccurate determination under division (B) (2) (g) 218  
(i) of this section is not grounds for setting aside the 219  
offender's conviction or sentence and does not otherwise render 220  
the sentence void or voidable. 221

(v) The department of rehabilitation and correction shall 222  
rely upon the latest journal entry of the court in determining 223  
the total days of local confinement for purposes of division (B) 224  
(2) (g) (i) to (iii) of this section and section 2967.191 of the 225  
Revised Code. 226



(3) (a) The court shall include in the offender's sentence	227
a statement that the offender is a tier III sex offender/child-	228
victim offender, and the court shall comply with the	229
requirements of section 2950.03 of the Revised Code if any of	230
the following apply:	231
(i) The offender is being sentenced for a violent sex	232
offense or designated homicide, assault, or kidnapping offense	233
that the offender committed on or after January 1, 1997, and the	234
offender is adjudicated a sexually violent predator in relation	235
to that offense.	236
(ii) The offender is being sentenced for a sexually	237
oriented offense that the offender committed on or after January	238
1, 1997, and the offender is a tier III sex offender/child-	239
victim offender relative to that offense.	240
(iii) The offender is being sentenced on or after July 31,	241
2003, for a child-victim oriented offense, and the offender is a	242
tier III sex offender/child-victim offender relative to that	243
offense.	244
(iv) The offender is being sentenced under section 2971.03	245
of the Revised Code for a violation of division (A) (1) (b) of	246
section 2907.02 of the Revised Code committed on or after	247
January 2, 2007.	248
(v) The offender is sentenced to a term of life without	249
parole under division (B) of section 2907.02 of the Revised	250
Code.	251
(vi) The offender is being sentenced for attempted rape	252
committed on or after January 2, 2007, and a specification of	253
the type described in section 2941.1418, 2941.1419, or 2941.1420	254
of the Revised Code.	255

(vii) The offender is being sentenced under division (B) 256  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 257  
for an offense described in those divisions committed on or 258  
after January 1, 2008. 259

(b) Additionally, if any criterion set forth in divisions 260  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 261  
circumstances described in division (E) of section 2929.14 of 262  
the Revised Code, the court shall impose sentence on the 263  
offender as described in that division. 264

(4) If the sentencing court determines at the sentencing 265  
hearing that a community control sanction should be imposed and 266  
the court is not prohibited from imposing a community control 267  
sanction, the court shall impose a community control sanction. 268  
The court shall notify the offender that, if the conditions of 269  
the sanction are violated, if the offender commits a violation 270  
of any law, or if the offender leaves this state without the 271  
permission of the court or the offender's probation officer, the 272  
court may impose a longer time under the same sanction, may 273  
impose a more restrictive sanction, or may impose a prison term 274  
on the offender and shall indicate the range from which the 275  
prison term may be imposed as a sanction for the violation, 276  
which shall be the range of prison terms for the offense that is 277  
specified pursuant to section 2929.14 of the Revised Code and as 278  
described in section 2929.15 of the Revised Code." 279

(5) Before imposing a financial sanction under section 280  
2929.18 of the Revised Code or a fine under section 2929.32 of 281  
the Revised Code, the court shall consider the offender's 282  
present and future ability to pay the amount of the sanction or 283  
fine. 284

(6) If the sentencing court sentences the offender to a 285

sanction of confinement pursuant to section 2929.14 or 2929.16 286  
of the Revised Code that is to be served in a local detention 287  
facility, as defined in section 2929.36 of the Revised Code, and 288  
if the local detention facility is covered by a policy adopted 289  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 290  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 291  
and section 2929.37 of the Revised Code, both of the following 292  
apply: 293

(a) The court shall specify both of the following as part 294  
of the sentence: 295

(i) If the offender is presented with an itemized bill 296  
pursuant to section 2929.37 of the Revised Code for payment of 297  
the costs of confinement, the offender is required to pay the 298  
bill in accordance with that section. 299

(ii) If the offender does not dispute the bill described 300  
in division (B) (6) (a) (i) of this section and does not pay the 301  
bill by the times specified in section 2929.37 of the Revised 302  
Code, the clerk of the court may issue a certificate of judgment 303  
against the offender as described in that section. 304

(b) The sentence automatically includes any certificate of 305  
judgment issued as described in division (B) (6) (a) (ii) of this 306  
section. 307

(7) The failure of the court to notify the offender that a 308  
prison term is a mandatory prison term pursuant to division (B) 309  
(2) (a) of this section or to include in the sentencing entry any 310  
information required by division (B) (2) (b) of this section does 311  
not affect the validity of the imposed sentence or sentences. If 312  
the sentencing court notifies the offender at the sentencing 313  
hearing that a prison term is mandatory but the sentencing entry 314

does not specify that the prison term is mandatory, the court 315  
may complete a corrected journal entry and send copies of the 316  
corrected entry to the offender and the department of 317  
rehabilitation and correction, or, at the request of the state, 318  
the court shall complete a corrected journal entry and send 319  
copies of the corrected entry to the offender and department of 320  
rehabilitation and correction. 321

(C) (1) If the offender is being sentenced for a fourth 322  
degree felony OVI offense under division (G) (1) of section 323  
2929.13 of the Revised Code, the court shall impose the 324  
mandatory term of local incarceration in accordance with that 325  
division, shall impose a mandatory fine in accordance with 326  
division (B) (3) of section 2929.18 of the Revised Code, and, in 327  
addition, may impose additional sanctions as specified in 328  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 329  
Code. The court shall not impose a prison term on the offender 330  
except that the court may impose a prison term upon the offender 331  
as provided in division (A) (1) of section 2929.13 of the Revised 332  
Code. 333

(2) If the offender is being sentenced for a third or 334  
fourth degree felony OVI offense under division (G) (2) of 335  
section 2929.13 of the Revised Code, the court shall impose the 336  
mandatory prison term in accordance with that division, shall 337  
impose a mandatory fine in accordance with division (B) (3) of 338  
section 2929.18 of the Revised Code, and, in addition, may 339  
impose an additional prison term as specified in section 2929.14 340  
of the Revised Code. In addition to the mandatory prison term or 341  
mandatory prison term and additional prison term the court 342  
imposes, the court also may impose a community control sanction 343  
on the offender, but the offender shall serve all of the prison 344  
terms so imposed prior to serving the community control 345

sanction. 346

(D) The sentencing court, pursuant to division (I)(1) of 347  
section 2929.14 of the Revised Code, may recommend placement of 348  
the offender in a program of shock incarceration under section 349  
5120.031 of the Revised Code or an intensive program prison 350  
under section 5120.032 of the Revised Code, disapprove placement 351  
of the offender in a program or prison of that nature, or make 352  
no recommendation. If the court recommends or disapproves 353  
placement, it shall make a finding that gives its reasons for 354  
its recommendation or disapproval. 355

**Sec. 2951.03.** (A)(1) Unless the defendant and the 356  
prosecutor who is handling the case against the defendant agree 357  
to waive the presentence investigation report, no person who has 358  
been convicted of or pleaded guilty to a felony shall be placed 359  
under a community control sanction until a written presentence 360  
investigation report has been considered by the court. The court 361  
may order a presentence investigation report notwithstanding an 362  
agreement to waive the report. If a court orders the preparation 363  
of a presentence investigation report pursuant to this section, 364  
section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 365  
officer making the report shall inquire into the circumstances 366  
of the offense and the criminal record, social history, and 367  
present condition of the defendant, all information available 368  
regarding any prior adjudications of the defendant as a 369  
delinquent child and regarding the dispositions made relative to 370  
those adjudications, and any other matters specified in Criminal 371  
Rule 32.2. Whenever the officer considers it advisable, the 372  
officer's investigation may include a physical and mental 373  
examination of the defendant. A physical examination of the 374  
defendant may include a drug test consisting of a chemical 375  
analysis of a blood or urine specimen of the defendant to 376

determine whether the defendant ingested or was injected with a 377  
drug of abuse. If, pursuant to section 2930.13 of the Revised 378  
Code, the victim of the offense of which the defendant has been 379  
convicted wishes to make a statement regarding the impact of the 380  
offense for the officer's use in preparing the presentence 381  
investigation report, the officer shall comply with the 382  
requirements of that section. If the defendant files a motion 383  
that includes evidence of the defendant's status as primary 384  
caretaker of a child, the officer shall investigate the 385  
defendant's status as primary caretaker of a child and include 386  
any findings in the report. 387

(2) If a defendant is committed to any institution, the 388  
presentence investigation report shall be sent to the 389  
institution with the entry of commitment. If a defendant is 390  
committed to any institution and a presentence investigation 391  
report is not prepared regarding that defendant pursuant to this 392  
section, section 2947.06 of the Revised Code, or Criminal Rule 393  
32.2, the director of the department of rehabilitation and 394  
correction or the director's designee may order that an offender 395  
background investigation and report be conducted and prepared 396  
regarding the defendant pursuant to section 5120.16 of the 397  
Revised Code. An offender background investigation report 398  
prepared pursuant to this section shall be considered 399  
confidential information and is not a public record under 400  
section 149.43 of the Revised Code. 401

(3) The department of rehabilitation and correction may 402  
use any presentence investigation report and any offender 403  
background investigation report prepared pursuant to this 404  
section for penological and rehabilitative purposes. The 405  
department may disclose any presentence investigation report and 406  
any offender background investigation report to courts, law 407

enforcement agencies, community-based correctional facilities, 408  
halfway houses, and medical, mental health, and substance abuse 409  
treatment providers. The department shall make the disclosure in 410  
a manner calculated to maintain the report's confidentiality. 411  
Any presentence investigation report or offender background 412  
investigation report that the department discloses to a 413  
community-based correctional facility, a halfway house, or a 414  
medical, mental health, or substance abuse treatment provider 415  
shall not include a victim impact section or information 416  
identifying a witness. 417

(B) (1) If a presentence investigation report is prepared 418  
pursuant to this section, section 2947.06 of the Revised Code, 419  
or Criminal Rule 32.2, the court, at a reasonable time before 420  
imposing sentence, shall permit the defendant or the defendant's 421  
counsel to read the report, except that the court shall not 422  
permit the defendant or the defendant's counsel to read any of 423  
the following: 424

(a) Any recommendation as to sentence; 425

(b) Any diagnostic opinions that, if disclosed, the court 426  
believes might seriously disrupt a program of rehabilitation for 427  
the defendant; 428

(c) Any sources of information obtained upon a promise of 429  
confidentiality; 430

(d) Any other information that, if disclosed, the court 431  
believes might result in physical harm or some other type of 432  
harm to the defendant or to any other person. 433

(2) Prior to sentencing, the court shall permit the 434  
defendant and the defendant's counsel to comment on the 435  
presentence investigation report and, in its discretion, may 436

permit the defendant and the defendant's counsel to introduce 437  
testimony or other information that relates to any alleged 438  
factual inaccuracy contained in the report. 439

(3) If the court believes that any information in the 440  
presentence investigation report should not be disclosed 441  
pursuant to division (B)(1) of this section, the court, in lieu 442  
of making the report or any part of the report available, shall 443  
state orally or in writing a summary of the factual information 444  
contained in the report that will be relied upon in determining 445  
the defendant's sentence. The court shall permit the defendant 446  
and the defendant's counsel to comment upon the oral or written 447  
summary of the report. 448

(4) Any material that is disclosed to the defendant or the 449  
defendant's counsel pursuant to this section shall be disclosed 450  
to the prosecutor who is handling the prosecution of the case 451  
against the defendant. 452

(5) If the comments of the defendant or the defendant's 453  
counsel, the testimony they introduce, or any of the other 454  
information they introduce alleges any factual inaccuracy in the 455  
presentence investigation report or the summary of the report, 456  
the court shall do either of the following with respect to each 457  
alleged factual inaccuracy: 458

(a) Make a finding as to the allegation; 459

(b) Make a determination that no finding is necessary with 460  
respect to the allegation, because the factual matter will not 461  
be taken into account in the sentencing of the defendant. 462

(C) A court's decision as to the content of a summary 463  
under division (B)(3) of this section or as to the withholding 464  
of information under division (B)(1)(a), (b), (c), or (d) of 465



this section shall be considered to be within the discretion of 466  
the court. No appeal can be taken from either of those 467  
decisions, and neither of those decisions shall be the basis for 468  
a reversal of the sentence imposed. 469

(D) (1) The contents of a presentence investigation report 470  
prepared pursuant to this section, section 2947.06 of the 471  
Revised Code, or Criminal Rule 32.2 and the contents of any 472  
written or oral summary of a presentence investigation report or 473  
of a part of a presentence investigation report described in 474  
division (B) (3) of this section are confidential information and 475  
are not a public record. The contents of a presentence 476  
investigation report or of a part of a presentence investigation 477  
report described in division (B) (3) of this section may be 478  
shared between courts. Any court, any appellate court, 479  
authorized probation officers, investigators, and any authorized 480  
court personnel, the defendant, the defendant's counsel, the 481  
prosecutor who is handling the prosecution of the case against 482  
the defendant, and authorized personnel of an institution to 483  
which the defendant is committed may inspect, receive copies of, 484  
retain copies of, and use a presentence investigation report or 485  
a written or oral summary of a presentence investigation only 486  
for the purposes of or only as authorized by Criminal Rule 32.2 487  
or this section, division (F) (1) of section 2953.08, section 488  
2947.06, or another section of the Revised Code. 489

(2) Immediately following the imposition of sentence upon 490  
the defendant, the defendant or the defendant's counsel and the 491  
prosecutor shall return to the court all copies of a presentence 492  
investigation report and of any written summary of a presentence 493  
investigation report or part of a presentence investigation 494  
report that the court made available to the defendant or the 495  
defendant's counsel and to the prosecutor pursuant to this 496

section. The defendant or the defendant's counsel and the 497  
prosecutor shall not make any copies of the presentence 498  
investigation report or of any written summary of a presentence 499  
investigation report or part of a presentence investigation 500  
report that the court made available to them pursuant to this 501  
section. 502

(3) Except when a presentence investigation report or a 503  
written or oral summary of a presentence investigation report is 504  
being used for the purposes of or as authorized by Criminal Rule 505  
32.2 or this section, division (F) (1) of section 2953.08, 506  
section 2947.06, or another section of the Revised Code, the 507  
court or other authorized holder of the report or summary shall 508  
retain the report or summary under seal. 509

(E) In inquiring into the information available regarding 510  
any prior adjudications of the defendant as a delinquent child 511  
and regarding the dispositions made relative to those 512  
adjudications, the officer making the report shall consider all 513  
information that is relevant, including, but not limited to, the 514  
materials described in division (B) of section 2151.14, division 515  
(C) (3) of section 2152.18, division (D) (3) of section 2152.19, 516  
and division (E) of section 2152.71 of the Revised Code. 517

(F) As used in this section: 518

(1) "Prosecutor" has the same meaning as in section 519  
2935.01 of the Revised Code. 520

(2) "Community control sanction" has the same meaning as 521  
in section 2929.01 of the Revised Code. 522

(3) "Public record" has the same meaning as in section 523  
149.43 of the Revised Code. 524

**Sec. 2951.041.** (A) (1) If an offender is charged with a 525

criminal offense, including but not limited to a violation of 526  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 527  
of the Revised Code, and the court has reason to believe that 528  
drug or alcohol usage by the offender was a factor leading to 529  
the criminal offense with which the offender is charged or that, 530  
at the time of committing that offense, the offender had a 531  
mental illness, was a person with an intellectual disability, or 532  
was a victim of a violation of section 2905.32 or 2907.21 of the 533  
Revised Code and that the mental illness, status as a person 534  
with an intellectual disability, or fact that the offender was a 535  
victim of a violation of section 2905.32 or 2907.21 of the 536  
Revised Code was a factor leading to the offender's criminal 537  
behavior, the court may accept, prior to the entry of a guilty 538  
plea, the offender's request for intervention in lieu of 539  
conviction. The request shall include a statement from the 540  
offender as to whether the offender is alleging that drug or 541  
alcohol usage by the offender was a factor leading to the 542  
criminal offense with which the offender is charged or is 543  
alleging that, at the time of committing that offense, the 544  
offender had a mental illness, was a person with an intellectual 545  
disability, or was a victim of a violation of section 2905.32 or 546  
2907.21 of the Revised Code and that the mental illness, status 547  
as a person with an intellectual disability, or fact that the 548  
offender was a victim of a violation of section 2905.32 or 549  
2907.21 of the Revised Code was a factor leading to the criminal 550  
offense with which the offender is charged. The request also 551  
shall include a waiver of the defendant's right to a speedy 552  
trial, the preliminary hearing, the time period within which the 553  
grand jury may consider an indictment against the offender, and 554  
arraignment, unless the hearing, indictment, or arraignment has 555  
already occurred. Unless an offender alleges that drug or 556  
alcohol usage by the offender was a factor leading to the 557

criminal offense with which the offender is charged, the court 558  
may reject an offender's request without a hearing. If the court 559  
elects to consider an offender's request or the offender alleges 560  
that drug or alcohol usage by the offender was a factor leading 561  
to the criminal offense with which the offender is charged, the 562  
court shall conduct a hearing to determine whether the offender 563  
is eligible under this section for intervention in lieu of 564  
conviction and shall stay all criminal proceedings pending the 565  
outcome of the hearing. If the court schedules a hearing, the 566  
court shall order an assessment of the offender for the purpose 567  
of determining the offender's program eligibility for 568  
intervention in lieu of conviction and recommending an 569  
appropriate intervention plan. If the court schedules a hearing, 570  
the offender may file a motion with the court that includes 571  
evidence that the offender is the primary caretaker of a child. 572  
If the court determines that the offender is the primary 573  
caretaker of a child, the court shall consider that fact in 574  
determining the offender's program eligibility for intervention 575  
in lieu of conviction. 576

If the offender alleges that drug or alcohol usage by the 577  
offender was a factor leading to the criminal offense with which 578  
the offender is charged, the court may order that the offender 579  
be assessed by a community addiction services provider or a 580  
properly credentialed professional for the purpose of 581  
determining the offender's program eligibility for intervention 582  
in lieu of conviction and recommending an appropriate 583  
intervention plan. The community addiction services provider or 584  
the properly credentialed professional shall provide a written 585  
assessment of the offender to the court. 586

(2) The victim notification provisions of division (E) of 587  
section 2930.06 of the Revised Code apply in relation to any 588

hearing held under division (A) (1) of this section. 589

(B) An offender is eligible for intervention in lieu of 590  
conviction if the court finds all of the following: 591

(1) The offender previously has not been convicted of or 592  
pleaded guilty to any felony offense of violence. 593

(2) The offense is not a felony of the first, second, or 594  
third degree, is not an offense of violence, is not a felony sex 595  
offense, is not a violation of division (A) (1) or (2) of section 596  
2903.06 of the Revised Code, is not a violation of division (A) 597  
(1) of section 2903.08 of the Revised Code, is not a violation 598  
of division (A) of section 4511.19 of the Revised Code or a 599  
municipal ordinance that is substantially similar to that 600  
division, and is not an offense for which a sentencing court is 601  
required to impose a mandatory prison term. 602

(3) The offender is not charged with a violation of 603  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 604  
charged with a violation of section 2925.03 of the Revised Code 605  
that is a felony of the first, second, third, or fourth degree, 606  
and is not charged with a violation of section 2925.11 of the 607  
Revised Code that is a felony of the first or second degree. 608

(4) If an offender alleges that drug or alcohol usage by 609  
the offender was a factor leading to the criminal offense with 610  
which the offender is charged, the court has ordered that the 611  
offender be assessed by a community addiction services provider 612  
or a properly credentialed professional for the purpose of 613  
determining the offender's program eligibility for intervention 614  
in lieu of conviction and recommending an appropriate 615  
intervention plan, the offender has been assessed by a community 616  
addiction services provider of that nature or a properly 617

credentialed professional in accordance with the court's order, 618  
and the community addiction services provider or properly 619  
credentialed professional has filed the written assessment of 620  
the offender with the court. 621

(5) If an offender alleges that, at the time of committing 622  
the criminal offense with which the offender is charged, the 623  
offender had a mental illness, was a person with an intellectual 624  
disability, or was a victim of a violation of section 2905.32 or 625  
2907.21 of the Revised Code and that the mental illness, status 626  
as a person with an intellectual disability, or fact that the 627  
offender was a victim of a violation of section 2905.32 or 628  
2907.21 of the Revised Code was a factor leading to that 629  
offense, the offender has been assessed by a psychiatrist, 630  
psychologist, independent social worker, licensed professional 631  
clinical counselor, or independent marriage and family therapist 632  
for the purpose of determining the offender's program 633  
eligibility for intervention in lieu of conviction and 634  
recommending an appropriate intervention plan. 635

(6) The offender's drug usage, alcohol usage, mental 636  
illness, or intellectual disability, or the fact that the 637  
offender was a victim of a violation of section 2905.32 or 638  
2907.21 of the Revised Code, whichever is applicable, was a 639  
factor leading to the criminal offense with which the offender 640  
is charged, intervention in lieu of conviction would not demean 641  
the seriousness of the offense, and intervention would 642  
substantially reduce the likelihood of any future criminal 643  
activity. 644

(7) The alleged victim of the offense was not sixty-five 645  
years of age or older, permanently and totally disabled, under 646  
thirteen years of age, or a peace officer engaged in the 647

officer's official duties at the time of the alleged offense. 648

(8) If the offender is charged with a violation of section 649  
2925.24 of the Revised Code, the alleged violation did not 650  
result in physical harm to any person. 651

(9) The offender is willing to comply with all terms and 652  
conditions imposed by the court pursuant to division (D) of this 653  
section. 654

(10) The offender is not charged with an offense that 655  
would result in the offender being disqualified under Chapter 656  
4506. of the Revised Code from operating a commercial motor 657  
vehicle or would subject the offender to any other sanction 658  
under that chapter. 659

(C) At the conclusion of a hearing held pursuant to 660  
division (A) of this section, the court shall determine whether 661  
the offender will be granted intervention in lieu of conviction. 662  
In making this determination, the court shall presume that 663  
intervention in lieu of conviction is appropriate. If the court 664  
finds under this division and division (B) of this section that 665  
the offender is eligible for intervention in lieu of conviction, 666  
the court shall grant the offender's request unless the court 667  
finds specific reasons to believe that the candidate's 668  
participation in intervention in lieu of conviction would be 669  
inappropriate. 670

If the court denies an eligible offender's request for 671  
intervention in lieu of conviction, the court shall state the 672  
reasons for the denial, with particularity, in a written entry. 673

If the court grants the offender's request, the court 674  
shall accept the offender's plea of guilty and waiver of the 675  
defendant's right to a speedy trial, the preliminary hearing, 676

the time period within which the grand jury may consider an 677  
indictment against the offender, and arraignment, unless the 678  
hearing, indictment, or arraignment has already occurred. In 679  
addition, the court then may stay all criminal proceedings and 680  
order the offender to comply with all terms and conditions 681  
imposed by the court pursuant to division (D) of this section. 682  
If the court finds that the offender is not eligible or does not 683  
grant the offender's request, the criminal proceedings against 684  
the offender shall proceed as if the offender's request for 685  
intervention in lieu of conviction had not been made. 686

(D) If the court grants an offender's request for 687  
intervention in lieu of conviction, all of the following apply: 688

(1) The court shall place the offender under the general 689  
control and supervision of one of the following, as if the 690  
offender was subject to a community control sanction imposed 691  
under section 2929.15, 2929.18, or 2929.25 of the Revised Code: 692

(a) The county probation department, the adult parole 693  
authority, or another appropriate local probation or court 694  
services agency, if one exists; 695

(b) If the court grants the request for intervention in 696  
lieu of conviction during the period commencing on April 4, 697  
2023, and ending on October 15, 2025, a community-based 698  
correctional facility. 699

(2) The court shall establish an intervention plan for the 700  
offender. 701

(3) The terms and conditions of the intervention plan 702  
required under division (D)(2) of this section shall require the 703  
offender, for at least one year, but not more than five years, 704  
from the date on which the court grants the order of 705



intervention in lieu of conviction, to abstain from the use of 706  
illegal drugs and alcohol, to participate in treatment and 707  
recovery support services, and to submit to regular random 708  
testing for drug and alcohol use and may include any other 709  
treatment terms and conditions, or terms and conditions similar 710  
to community control sanctions, which may include community 711  
service or restitution, that are ordered by the court. 712

(E) If the court grants an offender's request for 713  
intervention in lieu of conviction and the court finds that the 714  
offender has successfully completed the intervention plan for 715  
the offender, including the requirement that the offender 716  
abstain from using illegal drugs and alcohol for a period of at 717  
least one year, but not more than five years, from the date on 718  
which the court granted the order of intervention in lieu of 719  
conviction, the requirement that the offender participate in 720  
treatment and recovery support services, and all other terms and 721  
conditions ordered by the court, the court shall dismiss the 722  
proceedings against the offender. Successful completion of the 723  
intervention plan and period of abstinence under this section 724  
shall be without adjudication of guilt and is not a criminal 725  
conviction for purposes of any disqualification or disability 726  
imposed by law and upon conviction of a crime, and the court may 727  
order the sealing or expungement of records related to the 728  
offense in question, as a dismissal of the charges, in the 729  
manner provided in sections 2953.31, 2953.33, 2953.37, and 730  
2953.521 of the Revised Code and divisions (H), (K), and (L) of 731  
section 2953.34 of the Revised Code. 732

(F) If the court grants an offender's request for 733  
intervention in lieu of conviction and the offender fails to 734  
comply with any term or condition imposed as part of the 735  
intervention plan for the offender, the supervising authority 736

for the offender promptly shall advise the court of this 737  
failure, and the court shall hold a hearing to determine whether 738  
the offender failed to comply with any term or condition imposed 739  
as part of the plan. If the court determines that the offender 740  
has failed to comply with any of those terms and conditions, it 741  
may continue the offender on intervention in lieu of conviction, 742  
continue the offender on intervention in lieu of conviction with 743  
additional terms, conditions, and sanctions, or enter a finding 744  
of guilty and impose an appropriate sanction under Chapter 2929. 745  
of the Revised Code. If the court sentences the offender to a 746  
prison term, the court, after consulting with the department of 747  
rehabilitation and correction regarding the availability of 748  
services, may order continued court-supervised activity and 749  
treatment of the offender during the prison term and, upon 750  
consideration of reports received from the department concerning 751  
the offender's progress in the program of activity and 752  
treatment, may consider judicial release under section 2929.20 753  
of the Revised Code. 754

(G) As used in this section: 755

(1) "Community addiction services provider" has the same 756  
meaning as in section 5119.01 of the Revised Code. 757

(2) "Community control sanction" has the same meaning as 758  
in section 2929.01 of the Revised Code. 759

(3) "Intervention in lieu of conviction" means any court- 760  
supervised activity that complies with this section. 761

(4) "Intellectual disability" has the same meaning as in 762  
section 5123.01 of the Revised Code. 763

(5) "Peace officer" has the same meaning as in section 764  
2935.01 of the Revised Code. 765

(6) "Mental illness" and "psychiatrist" have the same	766
meanings as in section 5122.01 of the Revised Code.	767
(7) "Psychologist" has the same meaning as in section	768
4732.01 of the Revised Code.	769
(8) "Felony sex offense" means a violation of a section	770
contained in Chapter 2907. of the Revised Code that is a felony.	771
<b>Section 2.</b> That existing sections 2929.19, 2951.03, and	772
2951.041 of the Revised Code are hereby repealed.	773