

As Reported by the House Criminal Justice Committee

125th General Assembly

Regular Session

2003-2004

Sub. S. B. No. 57

Senators Jacobson, Armbruster, Randy Gardner, Goodman, Harris, Stivers,

Herington, Amstutz, Austria, Blessing, Carnes, Dann, Robert Gardner,

Hottinger, Mumper

Representatives Seitz, Latta, Faber, Callender

A B I L L

To amend sections 1905.033, 2917.04, 2917.13, 1
2929.01, 2929.22, 2929.25, 2929.28, 2950.01, 2
2951.011, and 2967.14, to contingently amend 3
section 2913.07, and to enact section 2917.031 of 4
the Revised Code to increase the penalty under 5
specified circumstances for failure to disperse 6
and misconduct at an emergency, to clarify the 7
required proof for the offenses of riot and 8
aggravated riot, to modify the definition of 9
residential unit used in the SORN Law, to make 10
technical corrections and clarifications to the 11
misdemeanor sentencing statutes, and to declare an 12
emergency. 13

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

Section 1. That sections 1905.033, 2913.07, 2917.04, 2917.13, 14
2929.01, 2929.22, 2929.25, 2929.28, 2950.01, 2951.011, and 2967.14 15
be amended and section 2917.031 of the Revised Code be enacted to 16
read as follows: 17

Sec. 1905.033. (A) The mayor of a municipal corporation who 18
conducts a mayor's court shall register annually with the supreme 19
court as provided in this division. The mayor shall file the 20
registration on a form prescribed by the supreme court and not 21
later than the fifteenth day of January in any year in which the 22
mayor conducts a mayor's court or at least fifteen days before the 23
mayor first conducts a mayor's court in a particular year, 24
whichever is later. The registration shall include the name of the 25
mayor, the name of any magistrate appointed by the mayor pursuant 26
to section 1905.05 of the Revised Code, and the dates on which the 27
mayor and magistrate last received the training required by 28
section ~~1901.031~~ 1905.031 of the Revised Code. 29

(B) The mayor of any municipal corporation who conducts a 30
mayor's court shall make the following reports: 31

(1) A report to the supreme court of all cases filed, 32
pending, or terminated in the mayor's court in the reporting 33
period covered by the report, and any financial, dispositional, 34
and other information that the supreme court prescribes by rule. 35
The mayor shall make the report under division (B)(1) of this 36
section on a form prescribed by the supreme court and not later 37
than the fifteenth day of January, April, July, and October of 38
each year. The report shall cover all cases filed, pending, or 39
terminated in the mayor's court for the calendar quarter preceding 40
the appropriate filing date. 41

(2) A report to the bureau of criminal identification and 42
investigation of every conviction in the mayor's court for an 43
offense that is a misdemeanor on a first offense and a felony on 44
any subsequent offense. The mayor shall make the report under 45
division (B)(2) of this section upon entry of the judgment of 46
conviction for the offense. 47

(C) A mayor of a municipal corporation who fails to comply 48

with the general law on registering and reporting under this 49
section shall not conduct a mayor's court. 50

Sec. 2913.07. (A) As used in this section: 51

(1) "Audiovisual recording function" means the capability of 52
a device to record or transmit a motion picture or any part of a 53
motion picture by means of any technology existing on, or 54
developed after, the effective date of this section. 55

(2) "Facility" ~~includes all retail establishments and~~ means a 56
movie ~~theaters~~ theater. 57

(B) No person, without the written consent of the owner or 58
lessee of the facility and of the licensor of the motion picture, 59
shall knowingly operate an audiovisual recording function of a 60
device in a facility in which a motion picture is being shown. 61

(C) Whoever violates division (B) of this section is guilty 62
of motion picture piracy, a misdemeanor of the first degree on the 63
first offense and a felony of the fifth degree on each subsequent 64
offense. 65

(D) This section does not prohibit or restrict a lawfully 66
authorized investigative, law enforcement, protective, or 67
intelligence gathering employee or agent of the government of this 68
state or a political subdivision of this state, or of the federal 69
government, when acting in an official capacity, from operating an 70
audiovisual recording function of a device in any facility in 71
which a motion picture is being shown. 72

(E) Division (B) of this section does not limit or affect the 73
application of any other prohibition in the Revised Code. Any act 74
that is a violation of both division (B) of this section and 75
another provision of the Revised Code may be prosecuted under this 76
section, under the other provision of the Revised Code, or under 77
both this section and the other provision of the Revised Code. 78

Sec. 2917.031. For the purposes of prosecuting violations of sections 2917.02 and 2917.03 of the Revised Code, the state is not required to allege or prove that the offender expressly agreed with four or more others to commit any act that constitutes a violation of either section prior to or while committing those acts.

Sec. 2917.04. (A) Where five or more persons are participating in a course of disorderly conduct in violation of section 2917.11 of the Revised Code, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance, or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

(B) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

(C)(1) Whoever violates this section is guilty of failure to disperse.

(2) Except as otherwise provided in division (C)(3) of this section, failure to disperse is a minor misdemeanor.

(3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in division (A) of this section creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind.

Sec. 2917.13. (A) No person shall knowingly do any of the following:

(1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical

services person, or other authorized person, engaged in the 108
person's duties at the scene of a fire, accident, disaster, riot, 109
or emergency of any kind; 110

(2) Hamper the lawful activities of any emergency facility 111
person who is engaged in the person's duties in an emergency 112
facility; 113

(3) Fail to obey the lawful order of any law enforcement 114
officer engaged in the law enforcement officer's duties at the 115
scene of or in connection with a fire, accident, disaster, riot, 116
or emergency of any kind. 117

(B) Nothing in this section shall be construed to limit 118
access or deny information to any news media representative in the 119
lawful exercise of the news media representative's duties. 120

(C) Whoever violates this section is guilty of misconduct at 121
an emergency. Except as otherwise provided in this division, 122
misconduct at an emergency is a ~~minor~~ misdemeanor of the fourth 123
degree. If a violation of this section creates a risk of physical 124
harm to persons or property, misconduct at an emergency is a 125
misdemeanor of the first degree. 126

(D) As used in this section: 127

(1) "Emergency medical services person" is the singular of 128
"emergency medical services personnel" as defined in section 129
2133.21 of the Revised Code. 130

(2) "Emergency facility person" is the singular of "emergency 131
facility personnel" as defined in section 2909.04 of the Revised 132
Code. 133

(3) "Emergency facility" has the same meaning as in section 134
2909.04 of the Revised Code. 135

Sec. 2929.01. As used in this chapter: 136

(A)(1) "Alternative residential facility" means, subject to 137
division (A)(2) of this section, any facility other than an 138
offender's home or residence in which an offender is assigned to 139
live and that satisfies all of the following criteria: 140

(a) It provides programs through which the offender may seek 141
or maintain employment or may receive education, training, 142
treatment, or habilitation. 143

(b) It has received the appropriate license or certificate 144
for any specialized education, training, treatment, habilitation, 145
or other service that it provides from the government agency that 146
is responsible for licensing or certifying that type of education, 147
training, treatment, habilitation, or service. 148

(2) "Alternative residential facility" does not include a 149
community-based correctional facility, jail, halfway house, or 150
prison. 151

(B) "Bad time" means the time by which the parole board 152
administratively extends an offender's stated prison term or terms 153
pursuant to section 2967.11 of the Revised Code because the parole 154
board finds by clear and convincing evidence that the offender, 155
while serving the prison term or terms, committed an act that is a 156
criminal offense under the law of this state or the United States, 157
whether or not the offender is prosecuted for the commission of 158
that act. 159

(C) "Basic probation supervision" means a requirement that 160
the offender maintain contact with a person appointed to supervise 161
the offender in accordance with sanctions imposed by the court or 162
imposed by the parole board pursuant to section 2967.28 of the 163
Revised Code. "Basic probation supervision" includes basic parole 164
supervision and basic post-release control supervision. 165

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 166
"unit dose" have the same meanings as in section 2925.01 of the 167

Revised Code.	168
(E) "Community-based correctional facility" means a	169
community-based correctional facility and program or district	170
community-based correctional facility and program developed	171
pursuant to sections 2301.51 to 2301.56 of the Revised Code.	172
(F) "Community control sanction" means a sanction that is not	173
a prison term and that is described in section 2929.15, 2929.16,	174
2929.17, or 2929.18 of the Revised Code or a sanction that is not	175
a jail term and that is described in section 2929.26, 2929.27, or	176
2929.28 of the Revised Code. "Community control sanction" includes	177
probation if the sentence involved was imposed for a felony that	178
was committed prior to July 1, 1996, or if the sentence involved	179
was imposed for a misdemeanor that was committed prior to January	180
1, 2004.	181
(G) "Controlled substance," "marihuana," "schedule I," and	182
"schedule II" have the same meanings as in section 3719.01 of the	183
Revised Code.	184
(H) "Curfew" means a requirement that an offender during a	185
specified period of time be at a designated place.	186
(I) "Day reporting" means a sanction pursuant to which an	187
offender is required each day to report to and leave a center or	188
other approved reporting location at specified times in order to	189
participate in work, education or training, treatment, and other	190
approved programs at the center or outside the center.	191
(J) "Deadly weapon" has the same meaning as in section	192
2923.11 of the Revised Code.	193
(K) "Drug and alcohol use monitoring" means a program under	194
which an offender agrees to submit to random chemical analysis of	195
the offender's blood, breath, or urine to determine whether the	196
offender has ingested any alcohol or other drugs.	197

(L) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(M) "Economic loss" means any economic detriment suffered by a victim as a result of the commission of ~~a felony~~ an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the ~~felony~~ offense.

(N) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.

(O) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(P) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(Q) "House arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code and during which all of the following apply:

(1) The offender is required to remain in the offender's home 229
or other specified premises for the specified period of 230
confinement, except for periods of time during which the offender 231
is at the offender's place of employment or at other premises as 232
authorized by the sentencing court or by the parole board. 233

(2) The offender is required to report periodically to a 234
person designated by the court or parole board. 235

(3) The offender is subject to any other restrictions and 236
requirements that may be imposed by the sentencing court or by the 237
parole board. 238

(R) "Intensive probation supervision" means a requirement 239
that an offender maintain frequent contact with a person appointed 240
by the court, or by the parole board pursuant to section 2967.28 241
of the Revised Code, to supervise the offender while the offender 242
is seeking or maintaining necessary employment and participating 243
in training, education, and treatment programs as required in the 244
court's or parole board's order. "Intensive probation supervision" 245
includes intensive parole supervision and intensive post-release 246
control supervision. 247

(S) "Jail" means a jail, workhouse, minimum security jail, or 248
other residential facility used for the confinement of alleged or 249
convicted offenders that is operated by a political subdivision or 250
a combination of political subdivisions of this state. 251

(T) "Jail term" means the term in a jail that a sentencing 252
court imposes or is authorized to impose pursuant to section 253
2929.24 or 2929.25 of the Revised Code or pursuant to any other 254
provision of the Revised Code that authorizes a term in a jail for 255
a misdemeanor conviction. 256

(U) "Mandatory jail term" means the term in a jail that a 257
sentencing court is required to impose pursuant to division (G) of 258
section 1547.99 of the Revised Code, division (B) of section 259

4510.14 of the Revised Code, or division (G) of section 4511.19 of 260
the Revised Code or pursuant to any other provision of the Revised 261
Code that requires a term in a jail for a misdemeanor conviction. 262

(V) "Delinquent child" has the same meaning as in section 263
2152.02 of the Revised Code. 264

(W) "License violation report" means a report that is made by 265
a sentencing court, or by the parole board pursuant to section 266
2967.28 of the Revised Code, to the regulatory or licensing board 267
or agency that issued an offender a professional license or a 268
license or permit to do business in this state and that specifies 269
that the offender has been convicted of or pleaded guilty to an 270
offense that may violate the conditions under which the offender's 271
professional license or license or permit to do business in this 272
state was granted or an offense for which the offender's 273
professional license or license or permit to do business in this 274
state may be revoked or suspended. 275

(X) "Major drug offender" means an offender who is convicted 276
of or pleads guilty to the possession of, sale of, or offer to 277
sell any drug, compound, mixture, preparation, or substance that 278
consists of or contains at least one thousand grams of hashish; at 279
least one hundred grams of crack cocaine; at least one thousand 280
grams of cocaine that is not crack cocaine; at least two thousand 281
five hundred unit doses or two hundred fifty grams of heroin; at 282
least five thousand unit doses of L.S.D. or five hundred grams of 283
L.S.D. in a liquid concentrate, liquid extract, or liquid 284
distillate form; or at least one hundred times the amount of any 285
other schedule I or II controlled substance other than marihuana 286
that is necessary to commit a felony of the third degree pursuant 287
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 288
Code that is based on the possession of, sale of, or offer to sell 289
the controlled substance. 290

(Y) "Mandatory prison term" means any of the following: 291

(1) Subject to division (Y)(2) of this section, the term in 292
prison that must be imposed for the offenses or circumstances set 293
forth in divisions (F)(1) to (8) or (F)(12) of section 2929.13 and 294
division (D) of section 2929.14 of the Revised Code. Except as 295
provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 296
2925.11 of the Revised Code, unless the maximum or another 297
specific term is required under section 2929.14 of the Revised 298
Code, a mandatory prison term described in this division may be 299
any prison term authorized for the level of offense. 300

(2) The term of sixty or one hundred twenty days in prison 301
that a sentencing court is required to impose for a third or 302
fourth degree felony OVI offense pursuant to division (G)(2) of 303
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 304
of the Revised Code. 305

(3) The term in prison imposed pursuant to section 2971.03 of 306
the Revised Code for the offenses and in the circumstances 307
described in division (F)(11) of section 2929.13 of the Revised 308
Code and that term as modified or terminated pursuant to section 309
2971.05 of the Revised Code. 310

(Z) "Monitored time" means a period of time during which an 311
offender continues to be under the control of the sentencing court 312
or parole board, subject to no conditions other than leading a 313
law-abiding life. 314

(AA) "Offender" means a person who, in this state, is 315
convicted of or pleads guilty to a felony or a misdemeanor. 316

(BB) "Prison" means a residential facility used for the 317
confinement of convicted felony offenders that is under the 318
control of the department of rehabilitation and correction but 319
does not include a violation sanction center operated under 320
authority of section 2967.141 of the Revised Code. 321

(CC) "Prison term" includes any of the following sanctions 322

for an offender:	323
(1) A stated prison term;	324
(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code;	325 326 327
(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.	328 329 330 331
(DD) "Repeat violent offender" means a person about whom both of the following apply:	332 333
(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person.	334 335 336 337 338 339 340 341 342 343 344
(2) Either of the following applies:	345
(a) The person previously was convicted of or pleaded guilty to, and previously served or, at the time of the offense was serving, a prison term for, any of the following:	346 347 348
(i) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a	349 350 351 352

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(ii) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed under division (DD)(2)(a)(i) of this section and that resulted in the death of a person or in physical harm to a person.

(b) The person previously was adjudicated a delinquent child for committing an act that if committed by an adult would have been an offense listed in division (DD)(2)(a)(i) or (ii) of this section, the person was committed to the department of youth services for that delinquent act.

(EE) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.

(FF) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.

(GG) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14 or 2971.03 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code.

(HH) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the

offense committed by the offender and that includes a meeting in 384
which the offender and the victim may discuss the offense, discuss 385
restitution, and consider other sanctions for the offense. 386

(II) "Fourth degree felony OVI offense" means a violation of 387
division (A) of section 4511.19 of the Revised Code that, under 388
division (G) of that section, is a felony of the fourth degree. 389

(JJ) "Mandatory term of local incarceration" means the term 390
of sixty or one hundred twenty days in a jail, a community-based 391
correctional facility, a halfway house, or an alternative 392
residential facility that a sentencing court may impose upon a 393
person who is convicted of or pleads guilty to a fourth degree 394
felony OVI offense pursuant to division (G)(1) of section 2929.13 395
of the Revised Code and division (G)(1)(d) or (e) of section 396
4511.19 of the Revised Code. 397

(KK) "Designated homicide, assault, or kidnapping offense," 398
"sexual motivation specification," "sexually violent offense," 399
"sexually violent predator," and "sexually violent predator 400
specification" have the same meanings as in section 2971.01 of the 401
Revised Code. 402

(LL) "Habitual sex offender," "sexually oriented offense," 403
"sexual predator," "registration-exempt sexually oriented 404
offense," "child-victim oriented offense," "habitual child-victim 405
offender," and "child-victim predator" have the same meanings as 406
in section 2950.01 of the Revised Code. 407

(MM) An offense is "committed in the vicinity of a child" if 408
the offender commits the offense within thirty feet of or within 409
the same residential unit as a child who is under eighteen years 410
of age, regardless of whether the offender knows the age of the 411
child or whether the offender knows the offense is being committed 412
within thirty feet of or within the same residential unit as the 413
child and regardless of whether the child actually views the 414

commission of the offense.	415
(NN) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	416 417
(OO) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.	418 419
(PP) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.	420 421
(QQ) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.	422 423 424
(RR) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.	425 426
(SS) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.	427 428
(TT) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	429 430
(UU) "Electronic monitoring" means monitoring through the use of an electronic monitoring device.	431 432
(VV) "Electronic monitoring device" means any of the following:	433 434
(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:	435 436
(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (VV)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control	437 438 439 440 441 442 443 444

or otherwise is tampered with, that can transmit continuously and 445
periodically a signal to that receiver when the person is within a 446
specified distance from the receiver, and that can transmit an 447
appropriate signal to that receiver if the person to whom it is 448
attached travels a specified distance from that receiver. 449

(b) The device has a receiver that can receive continuously 450
the signals transmitted by a transmitter of the type described in 451
division (VV)(1)(a) of this section, can transmit continuously 452
those signals by telephone to a central monitoring computer of the 453
type described in division (VV)(1)(c) of this section, and can 454
transmit continuously an appropriate signal to that central 455
monitoring computer if the receiver is turned off or altered 456
without prior court approval or otherwise tampered with. 457

(c) The device has a central monitoring computer that can 458
receive continuously the signals transmitted by telephone by a 459
receiver of the type described in division (VV)(1)(b) of this 460
section and can monitor continuously the person to whom an 461
electronic monitoring device of the type described in division 462
(VV)(1)(a) of this section is attached. 463

(2) Any device that is not a device of the type described in 464
division (VV)(1) of this section and that conforms with all of the 465
following: 466

(a) The device includes a transmitter and receiver that can 467
monitor and determine the location of a subject person at any 468
time, or at a designated point in time, through the use of a 469
central monitoring computer or through other electronic means. 470

(b) The device includes a transmitter and receiver that can 471
determine at any time, or at a designated point in time, through 472
the use of a central monitoring computer or other electronic means 473
the fact that the transmitter is turned off or altered in any 474
manner without prior approval of the court in relation to the 475

electronic monitoring or without prior approval of the department 476
of rehabilitation and correction in relation to the use of an 477
electronic monitoring device for an inmate on transitional control 478
or otherwise is tampered with. 479

(3) Any type of technology that can adequately track or 480
determine the location of a subject person at any time and that is 481
approved by the director of rehabilitation and correction, 482
including, but not limited to, any satellite technology, voice 483
tracking system, or retinal scanning system that is so approved. 484

Sec. 2929.22. (A) Unless a mandatory jail term is required to 485
be imposed by division (G) of section 1547.99, division (B) of 486
section 4510.14, division (G) of section 4511.19 of the Revised 487
Code, or any other provision of the Revised Code a court that 488
imposes a sentence under this chapter upon an offender for a 489
misdemeanor or minor misdemeanor has discretion to determine the 490
most effective way to achieve the purposes and principles of 491
sentencing set forth in section 2929.21 of the Revised Code. 492

Unless a specific sanction is required to be imposed or is 493
precluded from being imposed by the section setting forth an 494
offense or the penalty for an offense or by any provision of 495
sections 2929.23 to 2929.28 of the Revised Code, a court that 496
imposes a sentence upon an offender for a misdemeanor may impose 497
on the offender any sanction or combination of sanctions under 498
sections 2929.24 to 2929.28 of the Revised Code. The court shall 499
not impose a sentence that imposes an unnecessary burden on local 500
government resources. 501

(B)(1) In determining the appropriate sentence for a 502
misdemeanor, the court shall ~~determine whether the victim of the~~ 503
~~offense was sixty five years of age or older, permanently and~~ 504
~~totally disabled, or under eighteen years of age at the time of~~ 505
~~the commission of the offense and, to the extent applicable, shall~~ 506

~~proceed as follows:~~ 507

~~(a) If the court determines that the victim was sixty five 508
years of age or older, permanently and totally disabled, or under 509
eighteen years of age at the time of the commission of the 510
offense, regardless of whether the offender knew the age of the 511
victim or knew of the victim's disability, and if the offense is a 512
misdemeanor other than a minor misdemeanor, the court shall 513
consider that fact in favor of imposing a jail term on the 514
offender, but that fact shall not control the decision of the 515
court. 516~~

~~(b) If the court determines that the victim was sixty five 517
years of age or older or permanently and totally disabled at the 518
time of the commission of the offense, regardless of whether the 519
offender knew the age of the victim or knew of the victim's 520
disability, the court shall consider that fact in favor of 521
imposing a financial sanction of restitution on the offender under 522
section 2929.28 of the Revised Code, but that fact shall not 523
control the decision of the court. 524~~

~~(2) In determining the appropriate sentence for a 525
misdemeanor, in addition to complying with division (B)(1) of this 526
section, the court shall consider all of the following factors: 527~~

~~(a) The nature and circumstances of the offense or offenses; 528~~

~~(b) Whether the circumstances regarding the offender and the 529
offense or offenses indicate that the offender has a history of 530
persistent criminal activity and that the offender's character and 531
condition reveal a substantial risk that the offender will commit 532
another offense; 533~~

~~(c) Whether the circumstances regarding the offender and the 534
offense or offenses indicate that the offender's history, 535
character, and condition reveal a substantial risk that the 536
offender will be a danger to others and that the offender's 537~~

conduct has been characterized by a pattern of repetitive, 538
compulsive, or aggressive behavior with heedless indifference to 539
the consequences; 540

(d) ~~The criminal history and character of the offender in~~ 541
~~general, in addition to the circumstances described in divisions~~ 542
~~(B)(2)(b) and (c) of this section~~ Whether the victim's youth, age, 543
disability, or other factor made the victim particularly 544
vulnerable to the offense or made the impact of the offense more 545
serious; 546

(e) Whether the offender is likely to commit future crimes in 547
general, in addition to the circumstances described in divisions 548
(B)~~(2)~~(1)(b) and (c) of this section. 549

~~(3)~~(2) In determining the appropriate sentence for a 550
misdemeanor, in addition to complying with ~~divisions~~ division 551
(B)(1) ~~and (2)~~ of this section, the court may consider any other 552
factors that are relevant to achieving the purposes and principles 553
of sentencing set forth in section 2929.21 of the Revised Code. 554

(C) Before imposing a jail term as a sentence for a 555
misdemeanor, a court shall consider the appropriateness of 556
imposing a community control sanction or a combination of 557
community control sanctions under sections 2929.25, 2929.26, 558
2929.27, and 2929.28 of the Revised Code. A court may impose the 559
longest jail term authorized under section 2929.24 of the Revised 560
Code only upon offenders who commit the worst forms of the offense 561
or upon offenders whose conduct and response to prior sanctions 562
for prior offenses demonstrate that the imposition of the longest 563
jail term is necessary to deter the offender from committing a 564
future crime. 565

(D)(1) A sentencing court shall consider any relevant oral or 566
written statement made by the victim, the defendant, the defense 567
attorney, or the prosecuting authority regarding sentencing for a 568

misdemeanor. This division does not create any rights to notice 569
other than those rights authorized by Chapter 2930. of the Revised 570
Code. 571

(2) At the time of sentencing for a misdemeanor or as soon as 572
possible after sentencing, the court shall notify the victim of 573
the offense of the victim's right to file an application for an 574
award of reparations pursuant to sections 2743.51 to 2743.72 of 575
the Revised Code. 576

Sec. 2929.25. (A)(1) Except as provided in sections 2929.22 577
and 2929.23 of the Revised Code or when a jail term is required by 578
law, in sentencing an offender for a misdemeanor, other than a 579
minor misdemeanor, the sentencing court may do either of the 580
following: 581

(a) Directly impose a sentence that consists of one or more 582
community control sanctions authorized by section 2929.26, 583
2929.27, or 2929.28 of the Revised Code. The court may impose any 584
other conditions of release under a community control sanction 585
that the court considers appropriate, ~~including, but not limited~~ 586
~~to, requiring that the offender not ingest or be injected with a~~ 587
~~drug of abuse and submit to random drug testing and requiring that~~ 588
~~the results of the drug test indicate that the offender did not~~ 589
~~ingest or was not injected with a drug of abuse.~~ If the court 590
imposes a jail term upon the offender, the court may impose any 591
community control sanction or combination of community control 592
sanctions in addition to the jail term. 593

(b) Impose a jail term under section 2929.24 of the Revised 594
Code from the range of jail terms authorized under that section 595
for the offense, suspend all or a portion of the jail term 596
imposed, and place the offender under a community control sanction 597
or combination of community control sanctions authorized under 598
section 2929.26, 2929.27, or 2929.28 of the Revised Code. 599

(2) The duration of all community control sanctions imposed 600
upon an offender and in effect for an offender at any time shall 601
not exceed five years. 602

(3) At sentencing, if a court directly imposes a community 603
control sanction or combination of community control sanctions 604
pursuant to division (A)(1)(a) of this section, the court shall 605
state the duration of the community control sanctions imposed and 606
shall notify the offender that if any of the conditions of the 607
community control sanctions are violated the court may do any of 608
the following: 609

(a) Impose a longer time under the same community control 610
sanction if the total time under all of the offender's community 611
control sanctions does not exceed the five-year limit specified in 612
division (A)(2) of this section; 613

(b) Impose a more restrictive community control sanction 614
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 615
but the court is not required to impose any particular sanction or 616
sanctions; 617

(c) Impose a definite jail term from the range of jail terms 618
authorized for the offense under section 2929.24 of the Revised 619
Code. 620

(B)(1) If a court sentences an offender to any community 621
control sanction or combination of community control sanctions 622
authorized under section 2929.26, 2929.27, or 2929.28 of the 623
Revised Code, the court shall place the offender under the general 624
control and supervision of the court or of a department of 625
probation in the jurisdiction that serves the court for purposes 626
of reporting to the court a violation of any of the conditions of 627
the sanctions imposed. If the offender resides in another 628
jurisdiction and a department of probation has been established to 629
serve the municipal court or county court in that jurisdiction, 630

the sentencing court may request the municipal court or the county 631
court to receive the offender into the general control and 632
supervision of that department of probation for purposes of 633
reporting to the sentencing court a violation of any of the 634
conditions of the sanctions imposed. The sentencing court retains 635
jurisdiction over any offender whom it sentences for the duration 636
of the sanction or sanctions imposed. 637

(2) The sentencing court shall require as a condition of any 638
community control sanction that the offender abide by the law and 639
not leave the state without the permission of the court or the 640
offender's probation officer. In the interests of doing justice, 641
rehabilitating the offender, and ensuring the offender's good 642
behavior, the court may impose additional requirements on the 643
offender. The offender's compliance with the additional 644
requirements also shall be a condition of the community control 645
sanction imposed upon the offender. 646

(C)(1) If the court imposing sentence upon an offender 647
sentences the offender to any community control sanction or 648
combination of community control sanctions authorized under 649
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 650
the offender violates any of the conditions of the sanctions, the 651
public or private person or entity that supervises or administers 652
the program or activity that comprises the sanction shall report 653
the violation directly to the sentencing court or to the 654
department of probation or probation officer with general control 655
and supervision over the offender. If the public or private person 656
or entity reports the violation to the department of probation or 657
probation officer, the department or officer shall report the 658
violation to the sentencing court. 659

(2) If an offender violates any condition of a community 660
control sanction, the sentencing court may impose upon the 661
violator a longer time under the same community control sanction 662

if the total time under all of the community control sanctions 663
imposed on the violator does not exceed the five-year limit 664
specified in division (A)(2) of this section or may impose on the 665
violator a more restrictive community control sanction or 666
combination of community control sanctions, including a jail term. 667
If the court imposes a jail term upon a violator pursuant to this 668
division, the total time spent in jail for the misdemeanor offense 669
and the violation of a condition of the community control sanction 670
shall not exceed the maximum jail term available for the offense 671
for which the sanction that was violated was imposed. The court 672
may reduce the longer period of time that the violator is required 673
to spend under the longer sanction or the more restrictive 674
sanction by all or part of the time the violator successfully 675
spent under the sanction that was initially imposed. 676

(D) Except as otherwise provided in this division, if an 677
offender, for a significant period of time, fulfills the 678
conditions of a community control sanction imposed pursuant to 679
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 680
exemplary manner, the court may reduce the period of time under 681
the community control sanction or impose a less restrictive 682
community control sanction. Fulfilling the conditions of a 683
community control sanction does not relieve the offender of a duty 684
to make restitution under section 2929.28 of the Revised Code. 685

Sec. 2929.28. (A) In addition to imposing court costs 686
pursuant to section 2947.23 of the Revised Code, the court 687
imposing a sentence upon an offender for a misdemeanor, including 688
a minor misdemeanor, may sentence the offender to any financial 689
sanction or combination of financial sanctions authorized under 690
this section. Financial sanctions that may be imposed pursuant to 691
this section include, but are not limited to, the following: 692

(1) Restitution by the offender to the victim of the 693

offender's crime or any survivor of the victim, in an amount based 694
on the victim's economic loss. The court shall order that the 695
restitution be made to the victim in open court or to the adult 696
probation department that serves the jurisdiction or the clerk of 697
the court on behalf of the victim. The order may include a 698
requirement that reimbursement be made to third parties, other 699
than the offender's insurer, for amounts paid to the victim or any 700
survivor of the victim for economic loss resulting from the 701
offense. If reimbursement to third parties is required, the 702
offender shall make the reimbursement to any governmental agency 703
to repay any amounts paid by the agency to the victim or survivor 704
before the offender makes any reimbursement to any other person. 705

The court shall determine, or order to be determined, the 706
amount of restitution to be paid by the offender. The court may 707
base the amount of restitution it orders on an amount recommended 708
by the victim, the offender, a presentence investigation report, 709
estimates or receipts indicating the cost of repairing or 710
replacing property, and other information. The court shall hold a 711
hearing on restitution if the offender, victim, or survivor 712
disputes the amount of restitution. 713

All restitution payments shall be credited against any 714
recovery of economic loss in a civil action brought by the victim 715
or any survivor of the victim against the offender. 716

The court may order that the offender pay a surcharge, of not 717
more than five per cent of the amount of the restitution otherwise 718
ordered, to the entity responsible for collecting and processing 719
restitution payments. 720

The victim or survivor may request that the prosecuting 721
attorney file a motion, or the offender may file a motion, for 722
modification of the payment terms of any restitution ordered. If 723
the court grants the motion, it may modify the payment terms as it 724
determines appropriate. 725

(2) A fine of the type described in divisions (A)(2)(a) and	726
(b) of this section payable to the appropriate entity as required	727
by law:	728
(a) A fine in the following amount:	729
(i) For a misdemeanor of the first degree, not more than one	730
thousand dollars;	731
(ii) For a misdemeanor of the second degree, not more than	732
seven hundred fifty dollars;	733
(iii) For a misdemeanor of the third degree, not more than	734
five hundred dollars;	735
(iv) For a misdemeanor of the fourth degree, not more than	736
two hundred fifty dollars;	737
(v) For a minor misdemeanor, not more than one hundred fifty	738
dollars.	739
(b) A state fine or cost as defined in section 2949.111 of	740
the Revised Code.	741
(3)(a) Reimbursement by the offender of any or all of the	742
costs of sanctions incurred by the government, including, but not	743
limited to, the following:	744
(i) All or part of the costs of implementing any community	745
control sanction, including a supervision fee under section	746
2951.021 of the Revised Code;	747
(ii) All or part of the costs of confinement in a jail or	748
other residential facility, including, but not limited to, a per	749
diem fee for room and board, the costs of medical and dental	750
treatment, and the costs of repairing property damaged by the	751
offender while confined.	752
(b) The amount of reimbursement ordered under division	753
(A)(3)(a) of this section shall not exceed the total amount of	754

reimbursement the offender is able to pay and shall not exceed the 755
actual cost of the sanctions. The court may collect any amount of 756
reimbursement the offender is required to pay under that division. 757
If the court does not order reimbursement under that division, 758
confinement costs may be assessed pursuant to a repayment policy 759
adopted under section 2929.37 of the Revised Code. In addition, 760
the offender may be required to pay the fees specified in section 761
2929.38 of the Revised Code in accordance with that section. 762

(B) If the court determines a hearing is necessary, the court 763
may hold a hearing to determine whether the offender is able to 764
pay the financial sanction imposed pursuant to this section or 765
court costs or is likely in the future to be able to pay the 766
sanction or costs. 767

If the court determines that the offender is indigent and 768
unable to pay the financial sanction or court costs, the court 769
shall consider imposing and may impose a term of community service 770
under division (A) of section 2929.27 of the Revised Code in lieu 771
of imposing a financial sanction or court costs. If the court does 772
not determine that the offender is indigent, the court may impose 773
a term of community service under division (A) of section 2929.27 774
of the Revised Code in lieu of or in addition to imposing a 775
financial sanction under this section and in addition to imposing 776
court costs. The court may order community service for a minor 777
misdemeanor pursuant to division (C) of section 2929.27 of the 778
Revised Code in lieu of or in addition to imposing a financial 779
sanction under this section and in addition to imposing court 780
costs. If a person fails to pay a financial sanction or court 781
costs, the court may order community service in lieu of the 782
financial sanction or court costs. 783

(C)(1) The offender shall pay reimbursements imposed upon the 784
offender pursuant to division (A)(3) of this section to pay the 785
costs incurred by a county pursuant to any sanction imposed under 786

this section or section 2929.26 or 2929.27 of the Revised Code or 787
in operating a facility used to confine offenders pursuant to a 788
sanction imposed under section 2929.26 of the Revised Code to the 789
county treasurer. The county treasurer shall deposit the 790
reimbursements in the county's general fund ~~in accordance with~~ 791
~~division (H) of this section~~. The county shall use the amounts 792
deposited in the fund to pay the costs incurred by the county 793
pursuant to any sanction imposed under this section or section 794
2929.26 or 2929.27 of the Revised Code or in operating a facility 795
used to confine offenders pursuant to a sanction imposed under 796
section 2929.26 of the Revised Code. 797

(2) The offender shall pay reimbursements imposed upon the 798
offender pursuant to division (A)(3) of this section to pay the 799
costs incurred by a municipal corporation pursuant to any sanction 800
imposed under this section or section 2929.26 or 2929.27 of the 801
Revised Code or in operating a facility used to confine offenders 802
pursuant to a sanction imposed under section 2929.26 of the 803
Revised Code to the treasurer of the municipal corporation. The 804
treasurer shall deposit the reimbursements in the municipal 805
corporation's general fund ~~in accordance with division (H) of this~~ 806
~~section~~. The municipal corporation shall use the amounts deposited 807
in the fund to pay the costs incurred by the municipal corporation 808
pursuant to any sanction imposed under this section or section 809
2929.26 or 2929.27 of the Revised Code or in operating a facility 810
used to confine offenders pursuant to a sanction imposed under 811
section 2929.26 of the Revised Code. 812

(3) The offender shall pay reimbursements imposed pursuant to 813
division (A)(3) of this section for the costs incurred by a 814
private provider pursuant to a sanction imposed under this section 815
or section 2929.26 or 2929.27 of the Revised Code to the provider. 816

(D) Except as otherwise provided in this division, a 817
financial sanction imposed under division (A) of this section is a 818

judgment in favor of the state or the political subdivision that 819
operates the court that imposed the financial sanction. A 820
financial sanction of reimbursement imposed pursuant to division 821
(A)(3)(a)(i) of this section upon an offender is a judgment in 822
favor of the entity administering the community control sanction. 823
A financial sanction of reimbursement imposed pursuant to division 824
(A)(3)(a)(ii) of this section upon an offender confined in a jail 825
or other residential facility is a judgment in favor of the entity 826
operating the jail or other residential facility. A financial 827
sanction of restitution imposed pursuant to division (A)(1) of 828
this section is a judgment in favor of the victim of the 829
offender's criminal act. The offender subject to the financial 830
sanction is the judgment debtor. 831

Once the financial sanction is imposed as a judgment, the 832
victim, private provider, state, or political subdivision may 833
bring an action to do any of the following: 834

(1) Obtain execution of the judgment through any available 835
procedure, including any of the procedures identified in divisions 836
(D)(1)(a) to (e) of section 2929.18 of the Revised Code. 837

(2) Obtain an order for the assignment of wages of the 838
judgment debtor under section 1321.33 of the Revised Code. 839

(E) The civil remedies authorized under division (D) of this 840
section for the collection of the financial sanction supplement, 841
but do not preclude, enforcement of the criminal sentence. 842

(F) Each court imposing a financial sanction upon an offender 843
under this section may designate the clerk of the court or another 844
person to collect the financial sanction. The clerk, or another 845
person authorized by law or the court to collect the financial 846
sanction may do the following: 847

(1) Enter into contracts with one or more public agencies or 848
private vendors for the collection of amounts due under the 849

sanction. Before entering into a contract for the collection of 850
amounts due from an offender pursuant to any financial sanction 851
imposed pursuant to this section, a court shall comply with 852
sections 307.86 to 307.92 of the Revised Code. 853

(2) Permit payment of all or any portion of the sanction in 854
installments, by financial transaction device if the court is a 855
county court or a municipal court operated by a county, by credit 856
or debit card or by another electronic transfer if the court is a 857
municipal court not operated by a county, or by any other 858
reasonable method, in any time, and on any terms that court 859
considers just, except that the maximum time permitted for payment 860
shall not exceed five years. If the court is a county court or a 861
municipal court operated by a county, the acceptance of payments 862
by any financial transaction device shall be governed by the 863
policy adopted by the board of county commissioners of the county 864
pursuant to section 301.28 of the Revised Code. If the court is a 865
municipal court not operated by a county, the clerk may pay any 866
fee associated with processing an electronic transfer out of 867
public money or may charge the fee to the offender. 868

(3) To defray administrative costs, charge a reasonable fee 869
to an offender who elects a payment plan rather than a lump sum 870
payment of any financial sanction. 871

(G) No financial sanction imposed under this section shall 872
preclude a victim from bringing a civil action against the 873
offender. 874

~~(H) Reimbursement imposed under division (A)(3) of this 875
section to pay the costs incurred by a county or municipal 876
corporation shall be paid to the general fund of the county or 877
municipal corporation that incurred the expenses in question, as 878
described in division (C) of this section. 879~~

Sec. 2950.01. As used in this chapter, unless the context 880

clearly requires otherwise: 881

(A) "Confinement" includes, but is not limited to, a 882
community residential sanction imposed pursuant to section 2929.16 883
or 2929.26 of the Revised Code. 884

(B) "Habitual sex offender" means, except when a juvenile 885
judge removes this classification pursuant to division (A)(2) of 886
section 2152.84 or division (C)(2) of section 2152.85 of the 887
Revised Code, a person to whom both of the following apply: 888

(1) The person is convicted of or pleads guilty to a sexually 889
oriented offense that is not a registration-exempt sexually 890
oriented offense, or the person is adjudicated a delinquent child 891
for committing on or after January 1, 2002, a sexually oriented 892
offense that is not a registration-exempt sexually oriented 893
offense, was fourteen years of age or older at the time of 894
committing the offense, and is classified a juvenile sex offender 895
registrant based on that adjudication. 896

(2) One of the following applies to the person: 897

(a) Regarding a person who is an offender, the person 898
previously was convicted of or pleaded guilty to one or more 899
sexually oriented offenses or child-victim oriented offenses or 900
previously was adjudicated a delinquent child for committing one 901
or more sexually oriented offenses or child-victim oriented 902
offenses and was classified a juvenile offender registrant or 903
out-of-state juvenile offender registrant based on one or more of 904
those adjudications, regardless of when the offense was committed 905
and regardless of the person's age at the time of committing the 906
offense. 907

(b) Regarding a delinquent child, the person previously was 908
convicted of, pleaded guilty to, or was adjudicated a delinquent 909
child for committing one or more sexually oriented offenses or 910

child-victim oriented offenses, regardless of when the offense was 911
committed and regardless of the person's age at the time of 912
committing the offense. 913

(C) "Prosecutor" has the same meaning as in section 2935.01 914
of the Revised Code. 915

(D) "Sexually oriented offense" means any of the following: 916

(1) Any of the following violations or offenses committed by 917
a person eighteen years of age or older: 918

(a) Regardless of the age of the victim of the offense, a 919
violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the 920
Revised Code; 921

(b) Any of the following offenses involving a minor, in the 922
circumstances specified: 923

(i) A violation of division (A)(4) of section 2905.01 or 924
section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the 925
victim of the offense is under eighteen years of age; 926

(ii) A violation of section 2907.21 of the Revised Code when 927
the person who is compelled, induced, procured, encouraged, 928
solicited, requested, or facilitated to engage in, paid or agreed 929
to be paid for, or allowed to engage in the sexual activity in 930
question is under eighteen years of age; 931

(iii) A violation of division (A)(1) or (3) of section 932
2907.321 or 2907.322 of the Revised Code; 933

(iv) A violation of division (A)(1) or (2) of section 934
2907.323 of the Revised Code; 935

(v) A violation of division (B)(5) of section 2919.22 of the 936
Revised Code when the child who is involved in the offense is 937
under eighteen years of age; 938

(vi) A violation of division (A)(1), (2), (3), or (5) of 939
section 2905.01, of section 2903.211, 2905.02, 2905.03, or 940

2905.05, or of former section 2905.04 of the Revised Code, when	941
the victim of the offense is under eighteen years of age and the	942
offense is committed with a sexual motivation.	943
(c) Regardless of the age of the victim of the offense, a	944
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the	945
Revised Code, or of division (A) of section 2903.04 of the Revised	946
Code, that is committed with a sexual motivation;	947
(d) A sexually violent offense;	948
(e) A violation of section 2907.06 or 2907.08 of the Revised	949
Code when the victim of the offense is eighteen years of age or	950
older, or a violation of section 2903.211 of the Revised Code when	951
the victim of the offense is eighteen years of age or older and	952
the offense is committed with a sexual motivation;	953
(f) A violation of any former law of this state, any existing	954
or former municipal ordinance or law of another state or the	955
United States, any existing or former law applicable in a military	956
court or in an Indian tribal court, or any existing or former law	957
of any nation other than the United States, that is or was	958
substantially equivalent to any offense listed in division	959
(D)(1)(a), (b), (c), (d), or (e) of this section;	960
(g) An attempt to commit, conspiracy to commit, or complicity	961
in committing any offense listed in division (D)(1)(a), (b), (c),	962
(d), (e), or (f) of this section.	963
(2) An act committed by a person under eighteen years of age	964
that is any of the following:	965
(a) Subject to division (D)(2)(i) of this section, regardless	966
of the age of the victim of the violation, a violation of section	967
2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code;	968
(b) Subject to division (D)(2)(i) of this section, any of the	969
following acts involving a minor in the circumstances specified:	970

(i) A violation of division (A)(4) of section 2905.01 or 971
section 2907.06 or 2907.08 of the Revised Code, when the victim of 972
the violation is under eighteen years of age; 973

(ii) A violation of section 2907.21 of the Revised Code when 974
the person who is compelled, induced, procured, encouraged, 975
solicited, requested, or facilitated to engage in, paid or agreed 976
to be paid for, or allowed to engage in the sexual activity in 977
question is under eighteen years of age; 978

(iii) A violation of division (B)(5) of section 2919.22 of 979
the Revised Code when the child who is involved in the violation 980
is under eighteen years of age; 981

(iv) A violation of division (A)(1), (2), (3), or (5) of 982
section 2905.01, section 2903.211, or former section 2905.04 of 983
the Revised Code, when the victim of the violation is under 984
eighteen years of age and the offense is committed with a sexual 985
motivation. 986

(c) Subject to division (D)(2)(i) of this section, any 987
sexually violent offense that, if committed by an adult, would be 988
a felony of the first, second, third, or fourth degree; 989

(d) Subject to division (D)(2)(i) of this section, a 990
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 991
2905.02 of the Revised Code, a violation of division (A) of 992
section 2903.04 of the Revised Code, or an attempt to violate any 993
of those sections or that division that is committed with a sexual 994
motivation; 995

(e) Subject to division (D)(2)(i) of this section, a 996
violation of division (A)(1) or (3) of section 2907.321, division 997
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 998
section 2907.323 of the Revised Code, or an attempt to violate any 999
of those divisions, if the person who violates or attempts to 1000
violate the division is four or more years older than the minor 1001

who is the victim of the violation; 1002

(f) Subject to division (D)(2)(i) of this section, a 1003
violation of section 2907.06 or 2907.08 of the Revised Code when 1004
the victim of the violation is eighteen years of age or older, or 1005
a violation of section 2903.211 of the Revised Code when the 1006
victim of the violation is eighteen years of age or older and the 1007
offense is committed with a sexual motivation; 1008

(g) Subject to division (D)(2)(i) of this section, any 1009
violation of any former law of this state, any existing or former 1010
municipal ordinance or law of another state or the United States, 1011
any existing or former law applicable in a military court or in an 1012
Indian tribal court, or any existing or former law of any nation 1013
other than the United States, that is or was substantially 1014
equivalent to any offense listed in division (D)(2)(a), (b), (c), 1015
(d), (e), or (f) of this section and that, if committed by an 1016
adult, would be a felony of the first, second, third, or fourth 1017
degree; 1018

(h) Subject to division (D)(2)(i) of this section, any 1019
attempt to commit, conspiracy to commit, or complicity in 1020
committing any offense listed in division (D)(2)(a), (b), (c), 1021
(d), (e), (f), or (g) of this section; 1022

(i) If the child's case has been transferred for criminal 1023
prosecution under section 2152.12 of the Revised Code, the act is 1024
any violation listed in division (D)(1)(a), (b), (c), (d), (e), 1025
(f), or (g) of this section or would be any offense listed in any 1026
of those divisions if committed by an adult. 1027

(E) "Sexual predator" means a person to whom either of the 1028
following applies: 1029

(1) The person has been convicted of or pleaded guilty to 1030
committing a sexually oriented offense that is not a 1031
registration-exempt sexually oriented offense and is likely to 1032

engage in the future in one or more sexually oriented offenses. 1033

(2) The person has been adjudicated a delinquent child for 1034
committing a sexually oriented offense that is not a 1035
registration-exempt sexually oriented offense, was fourteen years 1036
of age or older at the time of committing the offense, was 1037
classified a juvenile offender registrant based on that 1038
adjudication, and is likely to engage in the future in one or more 1039
sexually oriented offenses. 1040

(F) "Supervised release" means a release of an offender from 1041
a prison term, a term of imprisonment, or another type of 1042
confinement that satisfies either of the following conditions: 1043

(1) The release is on parole, a conditional pardon, under a 1044
community control sanction, under transitional control, or under a 1045
post-release control sanction, and it requires the person to 1046
report to or be supervised by a parole officer, probation officer, 1047
field officer, or another type of supervising officer. 1048

(2) The release is any type of release that is not described 1049
in division (F)(1) of this section and that requires the person to 1050
report to or be supervised by a probation officer, a parole 1051
officer, a field officer, or another type of supervising officer. 1052

(G) An offender or delinquent child is "adjudicated as being 1053
a sexual predator" or "adjudicated a sexual predator" if any of 1054
the following applies and if, regarding a delinquent child, that 1055
status has not been removed pursuant to section 2152.84, 2152.85, 1056
or 2950.09 of the Revised Code: 1057

(1) The offender is convicted of or pleads guilty to 1058
committing, on or after January 1, 1997, a sexually oriented 1059
offense that is a sexually violent offense and that is not a 1060
registration-exempt sexually oriented offense and also is 1061
convicted of or pleads guilty to a sexually violent predator 1062
specification that was included in the indictment, count in the 1063

indictment, or information that charged the sexually violent offense. 1064
1065

(2) Regardless of when the sexually oriented offense was committed, on or after January 1, 1997, the offender is sentenced for a sexually oriented offense that is not a registration-exempt sexually oriented offense, and the sentencing judge determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator. 1066
1067
1068
1069
1070
1071

(3) The delinquent child is adjudicated a delinquent child for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense, was fourteen years of age or older at the time of committing the offense, and has been classified a juvenile offender registrant based on that adjudication, and the adjudicating judge or that judge's successor in office determines pursuant to division (B) of section 2950.09 or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code that the delinquent child is a sexual predator. 1072
1073
1074
1075
1076
1077
1078
1079
1080

(4) Prior to January 1, 1997, the offender was convicted of or pleaded guilty to, and was sentenced for, a sexually oriented offense that is not a registration-exempt sexually oriented offense, the offender is imprisoned in a state correctional institution on or after January 1, 1997, and the court determines pursuant to division (C) of section 2950.09 of the Revised Code that the offender is a sexual predator. 1081
1082
1083
1084
1085
1086
1087

(5) Regardless of when the sexually oriented offense was committed, the offender or delinquent child is convicted of or pleads guilty to, has been convicted of or pleaded guilty to, or is adjudicated a delinquent child for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense in another state, in a federal court, military court, or Indian tribal court, or in a court in any nation other than the United States, as a result of that conviction, plea of 1088
1089
1090
1091
1092
1093
1094
1095

guilty, or adjudication, the offender or delinquent child is 1096
required, under the law of the jurisdiction in which the offender 1097
was convicted or pleaded guilty or the delinquent child was 1098
adjudicated, to register as a sex offender until the offender's or 1099
delinquent child's death, and, on or after July 1, 1997, for 1100
offenders or January 1, 2002, for delinquent children, the 1101
offender or delinquent child moves to and resides in this state or 1102
temporarily is domiciled in this state for more than five days or 1103
the offender is required under section 2950.04 of the Revised Code 1104
to register a school, institution of higher education, or place of 1105
employment address in this state, unless a court of common pleas 1106
or juvenile court determines that the offender or delinquent child 1107
is not a sexual predator pursuant to division (F) of section 1108
2950.09 of the Revised Code. 1109

(H) "Sexually violent predator specification," and "sexually 1110
violent offense," "sexual motivation," and "violent sex offense" 1111
have the same meanings as in section 2971.01 of the Revised Code. 1112

(I) "Post-release control sanction" and "transitional 1113
control" have the same meanings as in section 2967.01 of the 1114
Revised Code. 1115

(J) "Juvenile offender registrant" means a person who is 1116
adjudicated a delinquent child for committing on or after January 1117
1, 2002, a sexually oriented offense that is not a 1118
registration-exempt sexually oriented offense or a child-victim 1119
oriented offense, who is fourteen years of age or older at the 1120
time of committing the offense, and who a juvenile court judge, 1121
pursuant to an order issued under section 2152.82, 2152.83, 1122
2152.84, or 2152.85 of the Revised Code, classifies a juvenile 1123
offender registrant and specifies has a duty to comply with 1124
sections 2950.04, 2950.05, and 2950.06 of the Revised Code if the 1125
child committed a sexually oriented offense or with sections 1126
2950.041, 2950.05, and 2950.06 of the Revised Code if the child 1127

committed a child-victim oriented offense. "Juvenile offender 1128
registrant" includes a person who, prior to ~~the effective date of~~ 1129
~~this amendment~~ July 31, 2003, was a "juvenile sex offender 1130
registrant" under the former definition of that former term. 1131

(K) "Secure facility" means any facility that is designed and 1132
operated to ensure that all of its entrances and exits are locked 1133
and under the exclusive control of its staff and to ensure that, 1134
because of that exclusive control, no person who is 1135
institutionalized or confined in the facility may leave the 1136
facility without permission or supervision. 1137

(L) "Out-of-state juvenile offender registrant" means a 1138
person who is adjudicated a delinquent child in a court in another 1139
state, in a federal court, military court, or Indian tribal court, 1140
or in a court in any nation other than the United States for 1141
committing a sexually oriented offense that is not a 1142
registration-exempt sexually oriented offense or a child-victim 1143
oriented offense, who on or after January 1, 2002, moves to and 1144
resides in this state or temporarily is domiciled in this state 1145
for more than five days, and who has a duty under section 2950.04 1146
of the Revised Code to register in this state and the duty to 1147
otherwise comply with that section and sections 2950.05 and 1148
2950.06 of the Revised Code if the child committed a sexually 1149
oriented offense or has a duty under section 2950.041 of the 1150
Revised Code to register in this state and the duty to otherwise 1151
comply with that section and sections 2950.05 and 2950.06 of the 1152
Revised Code if the child committed a child-victim oriented 1153
offense. "Out-of-state juvenile offender registrant" includes a 1154
person who, prior to ~~the effective date of this amendment~~ July 31, 1155
2003, was an "out-of-state juvenile sex offender registrant" under 1156
the former definition of that former term. 1157

(M) "Juvenile court judge" includes a magistrate to whom the 1158
juvenile court judge confers duties pursuant to division (A)(15) 1159

of section 2151.23 of the Revised Code. 1160

(N) "Adjudicated a delinquent child for committing a sexually 1161
oriented offense" includes a child who receives a serious youthful 1162
offender dispositional sentence under section 2152.13 of the 1163
Revised Code for committing a sexually oriented offense. 1164

(O) "Aggravated sexually oriented offense" means a violation 1165
of division (A)(1)(b) of section 2907.02 of the Revised Code 1166
committed on or after June 13, 2002, or a violation of division 1167
(A)(2) of that section committed on or after ~~the effective date of~~ 1168
~~this amendment~~ July 31, 2003. 1169

(P)(1) "Presumptive registration-exempt sexually oriented 1170
offense" means any of the following sexually oriented offenses 1171
described in division (P)(1)(a), (b), (c), (d), or (e) of this 1172
section, when the offense is committed by a person who previously 1173
has not been convicted of, pleaded guilty to, or adjudicated a 1174
delinquent child for committing any sexually oriented offense 1175
described in division (P)(1)(a), (b), (c), (d), or (e) of this 1176
section, any other sexually oriented offense, or any child-victim 1177
oriented offense and when the victim or intended victim of the 1178
offense is eighteen years of age or older: 1179

(a) Any sexually oriented offense listed in division 1180
(D)(1)(e) or (D)(2)(f) of this section committed by a person who 1181
is eighteen years of age or older or, subject to division 1182
(P)(1)(e) of this section, committed by a person who is under 1183
eighteen years of age; 1184

(b) Any violation of any former law of this state, any 1185
existing or former municipal ordinance or law of another state or 1186
the United States, any existing or former law applicable in a 1187
military court or in an Indian tribal court, or any existing or 1188
former law of any nation other than the United States that is 1189
committed by a person who is eighteen years of age or older and 1190

that is or was substantially equivalent to any sexually oriented 1191
offense listed in division (P)(1)(a) of this section; 1192

(c) Subject to division (P)(1)(e) of this section, any 1193
violation of any former law of this state, any existing or former 1194
municipal ordinance or law of another state or the United States, 1195
any existing or former law applicable in a military court or in an 1196
Indian tribal court, or any existing or former law of any nation 1197
other than the United States that is committed by a person who is 1198
under eighteen years of age, that is or was substantially 1199
equivalent to any sexually oriented offense listed in division 1200
(P)(1)(a) of this section, and that would be a felony of the 1201
fourth degree if committed by an adult; 1202

(d) Any attempt to commit, conspiracy to commit, or 1203
complicity in committing any offense listed in division (P)(1)(a) 1204
or (b) of this section if the person is eighteen years of age or 1205
older or, subject to division (P)(1)(e) of this section, listed in 1206
division (P)(1)(a) or (c) of this section if the person is under 1207
eighteen years of age. 1208

(e) Regarding an act committed by a person under eighteen 1209
years of age, if the child's case has been transferred for 1210
criminal prosecution under section 2152.12 of the Revised Code, 1211
the act is any sexually oriented offense listed in division 1212
(P)(1)(a), (b), or (d) of this section. 1213

(2) "Presumptive registration-exempt sexually oriented 1214
offense" does not include any sexually oriented offense described 1215
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 1216
is committed by a person who previously has been convicted of, 1217
pleaded guilty to, or adjudicated a delinquent child for 1218
committing any sexually oriented offense described in division 1219
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 1220
sexually oriented offense. 1221

(Q)(1) "Registration-exempt sexually oriented offense" means 1222
any presumptive registration-exempt sexually oriented offense, if 1223
a court does not issue an order under section 2950.021 of the 1224
Revised Code that removes the presumptive exemption and subjects 1225
the offender who was convicted of or pleaded guilty to the offense 1226
to registration under section 2950.04 of the Revised Code and all 1227
other duties and responsibilities generally imposed under this 1228
chapter upon persons who are convicted of or plead guilty to any 1229
sexually oriented offense other than a presumptive 1230
registration-exempt sexually oriented offense or that removes the 1231
presumptive exemption and potentially subjects the child who was 1232
adjudicated a delinquent child for committing the offense to 1233
classification as a juvenile offender registrant under ~~sections~~ 1234
section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code 1235
and to registration under section 2950.04 of the Revised Code and 1236
all other duties and responsibilities generally imposed under this 1237
chapter upon persons who are adjudicated delinquent children for 1238
committing a sexually oriented offense other than a presumptive 1239
registration-exempt sexually oriented offense. 1240

(2) "Registration-exempt sexually oriented offense" does not 1241
include a presumptive registration-exempt sexually oriented 1242
offense if a court issues an order under section 2950.021 of the 1243
Revised Code that removes the presumptive exemption and subjects 1244
the offender or potentially subjects the delinquent child to the 1245
duties and responsibilities described in division (Q)(1) of this 1246
section. 1247

(R) "School" and "school premises" have the same meanings as 1248
in section 2925.01 of the Revised Code. 1249

(S)(1) "Child-victim oriented offense" means any of the 1250
following: 1251

(a) Subject to division (S)(2) of this section, any of the 1252

following violations or offenses committed by a person eighteen 1253
years of age or older, when the victim of the violation is under 1254
eighteen years of age and is not a child of the person who commits 1255
the violation: 1256

(i) A violation of division (A)(1), (2), (3), or (5) of 1257
section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of 1258
former section 2905.04 of the Revised Code; 1259

(ii) A violation of any former law of this state, any 1260
existing or former municipal ordinance or law of another state or 1261
the United States, any existing or former law applicable in a 1262
military court or in an Indian tribal court, or any existing or 1263
former law of any nation other than the United States, that is or 1264
was substantially equivalent to any offense listed in division 1265
(S)(1)(a)(i) of this section; 1266

(iii) An attempt to commit, conspiracy to commit, or 1267
complicity in committing any offense listed in division 1268
(S)(1)(a)(i) or (ii) of this section. 1269

(b) Subject to division (S)(2) of this section, an act 1270
committed by a person under eighteen years of age that is any of 1271
the following, when the victim of the violation is under eighteen 1272
years of age and is not a child of the person who commits the 1273
violation: 1274

(i) Subject to division (S)(1)(b)(iv) of this section, a 1275
violation of division (A)(1), (2), (3), or (5) of section 2905.01 1276
or of former section 2905.04 of the Revised Code; 1277

(ii) Subject to division (S)(1)(b)(iv) of this section, any 1278
violation of any former law of this state, any existing or former 1279
municipal ordinance or law of another state or the United States, 1280
any existing or former law applicable in a military court or in an 1281
Indian tribal court, or any existing or former law of any nation 1282
other than the United States, that is or was substantially 1283

equivalent to any offense listed in division (S)(1)(b)(i) of this	1284
section and that, if committed by an adult, would be a felony of	1285
the first, second, third, or fourth degree;	1286
(iii) Subject to division (S)(1)(b)(iv) of this section, any	1287
attempt to commit, conspiracy to commit, or complicity in	1288
committing any offense listed in division (S)(1)(b)(i) or (ii) of	1289
this section;	1290
(iv) If the child's case has been transferred for criminal	1291
prosecution under section 2152.12 of the Revised Code, the act is	1292
any violation listed in division (S)(1)(a)(i), (ii), or (iii) of	1293
this section or would be any offense listed in any of those	1294
divisions if committed by an adult.	1295
(2) "Child-victim oriented offense" does not include any	1296
offense identified in division (S)(1)(a) or (b) of this section	1297
that is a sexually violent offense. An offense identified in	1298
division (S)(1)(a) or (b) of this section that is a sexually	1299
violent offense is within the definition of a sexually oriented	1300
offense.	1301
(T)(1) "Habitual child-victim offender" means, except when a	1302
juvenile judge removes this classification pursuant to division	1303
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of	1304
the Revised Code, a person to whom both of the following apply:	1305
(a) The person is convicted of or pleads guilty to a	1306
child-victim oriented offense, or the person is adjudicated a	1307
delinquent child for committing on or after January 1, 2002, a	1308
child-victim oriented offense, was fourteen years of age or older	1309
at the time of committing the offense, and is classified a	1310
juvenile offender registrant based on that adjudication.	1311
(b) One of the following applies to the person:	1312
(i) Regarding a person who is an offender, the person	1313

previously was convicted of or pleaded guilty to one or more
child-victim oriented offenses or previously was adjudicated a
delinquent child for committing one or more child-victim oriented
offenses and was classified a juvenile offender registrant or
out-of-state juvenile offender registrant based on one or more of
those adjudications, regardless of when the offense was committed
and regardless of the person's age at the time of committing the
offense.

(ii) Regarding a delinquent child, the person previously was
convicted of, pleaded guilty to, or was adjudicated a delinquent
child for committing one or more child-victim oriented offenses,
regardless of when the offense was committed and regardless of the
person's age at the time of committing the offense.

(2) "Habitual child-victim offender" includes a person who
has been convicted of, pleaded guilty to, or adjudicated a
delinquent child for committing, a child-victim oriented offense
and who, on and after the effective date of this amendment, is
automatically classified a habitual child-victim offender pursuant
to division (E) of section 2950.091 of the Revised Code.

(U) "Child-victim predator" means a person to whom either of
the following applies:

(1) The person has been convicted of or pleaded guilty to
committing a child-victim oriented offense and is likely to engage
in the future in one or more child-victim oriented offenses.

(2) The person has been adjudicated a delinquent child for
committing a child-victim oriented offense, was fourteen years of
age or older at the time of committing the offense, was classified
a juvenile offender registrant based on that adjudication, and is
likely to engage in the future in one or more child-victim
oriented offenses.

(V) An offender or delinquent child is "adjudicated as being

a child-victim predator" or "adjudicated a child-victim predator" 1345
if any of the following applies and if, regarding a delinquent 1346
child, that status has not been removed pursuant to section 1347
2152.84, 2152.85, or 2950.09 of the Revised Code: 1348

(1) The offender or delinquent child has been convicted of, 1349
pleaded guilty to, or adjudicated a delinquent child for 1350
committing, a child-victim oriented offense and, on and after ~~the~~ 1351
~~effective date of this amendment~~ July 31, 2003, is automatically 1352
classified a child-victim predator pursuant to division (A) of 1353
section 2950.091 of the Revised Code. 1354

(2) Regardless of when the child-victim oriented offense was 1355
committed, on or after ~~the effective date of this amendment~~ July 1356
31, 2003, the offender is sentenced for a child-victim oriented 1357
offense, and the sentencing judge determines pursuant to division 1358
(B) of section 2950.091 of the ~~Revised~~ Revised Code that the 1359
offender is a child-victim predator. 1360

(3) The delinquent child is adjudicated a delinquent child 1361
for committing a child-victim oriented offense, was fourteen years 1362
of age or older at the time of committing the offense, and has 1363
been classified a juvenile offender registrant based on that 1364
adjudication, and the adjudicating judge or that judge's successor 1365
in office determines pursuant to division (B) of section 2950.09 1366
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 1367
the Revised Code that the delinquent child is a child-victim 1368
predator. 1369

(4) Prior to the effective date of this section, the offender 1370
was convicted of or pleaded guilty to a child-victim oriented 1371
offense, at the time of the conviction or guilty plea, the offense 1372
was considered a sexually oriented offense, on or after ~~the~~ 1373
~~effective date of this amendment~~ July 31, 2003, the offender is 1374
serving a term of imprisonment in a state correctional 1375

institution, and the court determines pursuant to division (C) of 1376
section 2950.091 of the Revised Code that the offender is a 1377
child-victim predator. 1378

(5) Regardless of when the child-victim oriented offense was 1379
committed, the offender or delinquent child is convicted, pleads 1380
guilty, has been convicted, pleaded guilty, or adjudicated a 1381
delinquent child in a court in another state, in a federal court, 1382
military court, or Indian tribal court, or in a court in any 1383
nation other than the United States for committing a child-victim 1384
oriented offense, as a result of that conviction, plea of guilty, 1385
or adjudication, the offender or delinquent child is required 1386
under the law of the jurisdiction in which the offender was 1387
convicted or pleaded guilty or the delinquent child was 1388
adjudicated, to register as a child-victim offender or sex 1389
offender until the offender's or delinquent child's death, and, on 1390
or after July 1, 1997, for offenders or January 1, 2002, for 1391
delinquent children the offender or delinquent child moves to and 1392
resides in this state or temporarily is domiciled in this state 1393
for more than five days or the offender is required under section 1394
2950.041 of the Revised Code to register a school, institution of 1395
higher education, or place of employment address in this state, 1396
unless a court of common pleas or juvenile court determines that 1397
the offender or delinquent child is not a child-victim predator 1398
pursuant to division (F) of section 2950.091 of the Revised Code. 1399

(W) "Residential premises" means the building in which a 1400
residential unit is located and the grounds upon which that 1401
building stands, extending to the perimeter of the property. 1402
"Residential premises" includes any type of structure in which a 1403
residential unit is located, including, but not limited to, 1404
multi-unit buildings and mobile and manufactured homes. 1405

(X) "Residential unit" means a dwelling unit for residential 1406
use and occupancy, and includes the structure or part of a 1407

structure that is used as a home, residence, or sleeping place by 1408
one person who maintains a household or two or more persons who 1409
maintain a common household. "Residential unit" does not include a 1410
halfway house or a community-based correctional facility. 1411

(Y) "Multi-unit building" means a building in which is 1412
located more than twelve residential units that have entry doors 1413
that open directly into the unit from a hallway that is shared 1414
with one or more other units. A residential unit is not considered 1415
located in a multi-unit building if the unit does not have an 1416
entry door that opens directly into the unit from a hallway that 1417
is shared with one or more other units or if the unit is in a 1418
building that is not a multi-unit building as described in this 1419
division. 1420

(Z) "Community control sanction" has the same meaning as in 1421
section 2929.01 of the Revised Code. 1422

(AA) "Halfway house" and "community-based correctional 1423
facility" have the same meanings as in section 2929.01 of the 1424
Revised Code. 1425

Sec. 2951.011. (A)(1) Chapter 2951. of the Revised Code, as 1426
it existed prior to July 1, 1996, applies to a person upon whom a 1427
court imposed a term of imprisonment prior to July 1, 1996, and a 1428
person upon whom a court, on or after July 1, 1996, and in 1429
accordance with law existing prior to July 1, 1996, imposed a term 1430
of imprisonment for an offense that was committed prior to July 1, 1431
1996. 1432

(2) Chapter 2951. of the Revised Code as it exists on and 1433
after July 1, 1996, applies to a person upon whom a court imposed 1434
a stated prison term for an offense committed on or after July 1, 1435
1996. 1436

(B)(1) Except as provided in division (A)(1) of this section, 1437

Chapter 2951. of the Revised Code, as it existed prior to January 1, 2004, applies to a person upon whom a court imposed a sentence for a misdemeanor offense prior to January 1, 2004, and a person upon whom a court, on or after January 1, 2004, and in accordance with law existing prior to January 1, 2004, imposed a sentence for a misdemeanor offense that was committed prior to January 1, 2004.

(2) Except as provided in division (A)(2) of this section, Chapter 2951. of the Revised Code as it exists on and after ~~July 1, 2003~~ January 1, 2004, applies to a person upon whom a court imposes a sentence for a misdemeanor offense committed on or after ~~July 1, 2003~~ January 1, 2004.

Sec. 2967.14. (A) The adult parole authority may require a parolee or releasee to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division (C) of this section during a part or for the entire period of the parolee's conditional release or of the releasee's term of post-release control. The court of common pleas that placed an offender under a sanction consisting of a term in a halfway house or in an alternative residential sanction may require the offender to reside in a halfway house or other suitable community residential center that is designated by the court and that has been licensed by the division pursuant to division (C) of this section during a part or for the entire period of the offender's residential sanction.

(B) The division of parole and community services may negotiate and enter into agreements with any public or private agency or a department or political subdivision of the state that operates a halfway house or community residential center that has been licensed by the division pursuant to division (C) of this section. An agreement under this division shall provide for the

purchase of beds, shall set limits of supervision and levels of 1469
occupancy, and shall determine the scope of services for all 1470
eligible offenders, including those subject to a residential 1471
sanction, as defined in rules adopted by the director of 1472
rehabilitation and correction in accordance with Chapter 119. of 1473
the Revised Code. The payments for beds and services shall be 1474
equal to the halfway house's or community residential center's 1475
average daily per capita costs with its facility at full 1476
occupancy. The payments for beds and services shall not exceed the 1477
total operating costs of the halfway house or community 1478
residential center during the term of an agreement. The director 1479
of rehabilitation and correction shall adopt rules in accordance 1480
with Chapter 119. of the Revised Code for determining includable 1481
and excludable costs and income to be used in computing the 1482
agency's average daily per capita costs with its facility at full 1483
occupancy. 1484

The department of rehabilitation and correction may use no 1485
more than ten per cent of the amount appropriated to the 1486
department each fiscal year for the halfway house and community 1487
residential center program to pay for contracts for nonresidential 1488
services for offenders under the supervision of the adult parole 1489
authority. The nonresidential services may include, but are not 1490
limited to, treatment for substance abuse, mental health 1491
counseling, and counseling for sex offenders. 1492

(C) The division of parole and community services may license 1493
a halfway house or community residential center as a suitable 1494
facility for the care and treatment of adult offenders, including 1495
offenders sentenced under section 2929.16 or 2929.26 of the 1496
Revised Code, only if the halfway house or community residential 1497
center complies with the standards that the division adopts in 1498
accordance with Chapter 119. of the Revised Code for the licensure 1499
of halfway houses and community residential centers. The division 1500

shall annually inspect each licensed halfway house and licensed 1501
community residential center to determine if it is in compliance 1502
with the licensure standards. 1503

Section 2. That existing sections 1905.033, 2913.07, 2917.04, 1504
2917.13, 2929.01, 2929.22, 2929.25, 2929.28, 2950.01, 2951.011, 1505
and 2967.14 of the Revised Code are hereby repealed. 1506

Section 3. The amendment by this act of section 2913.07 of 1507
the Revised Code is contingent upon Sub. H.B. 179 of the 125th 1508
General Assembly becoming law in the same form as it passed the 1509
Senate and was concurred in by the House of Representatives. 1510

Section 4. (A) Sections 2917.04 and 2917.13 of the Revised 1511
Code, as amended by this act, and section 2917.031 of the Revised 1512
Code, as enacted by this act, shall take effect ninety days after 1513
the effective date of this act. 1514

(B) Except as provided in division (A) of this section, 1515
Sections 1 and 2 of this act take effect January 1, 2004, or the 1516
earliest time permitted by law, whichever is later. 1517

Section 5. This act is hereby declared to be an emergency 1518
measure necessary for the immediate preservation of the public 1519
peace, health, and safety. The reason for such necessity is that 1520
Am. Sub. H.B. 490 of the 124th General Assembly, which made 1521
numerous changes to the law governing misdemeanor sentencing that 1522
are scheduled to take effect January 1, 2004, requires certain 1523
technical corrections and clarifications to ensure the proper 1524
administration of justice. Therefore, this act shall go into 1525
immediate effect. 1526