

**As Passed by the Senate**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Am. Sub. H. B. No. 137**

**Representatives Gilb, Willamowski, Latta, Wagoner, McGregor, J., Fessler,**

**Aslanides, Book, Combs, DeGeeter, Domenick, Evans, C., Gibbs, Key,**

**Patton, T., Reidelbach, Seitz**

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**A B I L L**

To amend sections 2151.313, 2152.72, 2929.14, 1  
2929.19, 2930.13, 2967.28, 3301.0714, 3313.64, 2  
3313.662, 3314.03, 3323.01, and 4301.69; to amend, 3  
for the purpose of adopting a new section number 4  
as indicated in parentheses, section 2151.357 5  
(2151.362); to enact new sections 2151.357 and 6  
2151.358 and sections 2151.355, 2151.356, and 7  
2929.191; and to repeal section 2151.358 of the 8  
Revised Code to revise the procedure by which a 9  
juvenile court may seal records of alleged and 10  
adjudicated delinquent and unruly children and 11  
adjudicated juvenile traffic offenders, to make 12  
changes to the post-release control law, to amend 13  
the version of section 2929.14 of the Revised Code 14  
that is scheduled to take effect on August 3, 15  
2006, to continue the provisions of this act on 16  
and after that effective date, and to declare an 17  
emergency. 18

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

**Section 1.** That sections 2151.313, 2152.72, 2929.14, 2929.19, 19

2930.13, 2967.28, 3301.0714, 3313.64, 3313.662, 3314.03, 3323.01, 20  
and 4301.69 be amended; that section 2151.357 (2151.362) be 21  
amended for the purpose of adopting a new section number as 22  
indicated in parentheses; and that new sections 2151.357 and 23  
2151.358 and sections 2151.355, 2151.356, and 2919.191 of the 24  
Revised Code be enacted to read as follows: 25

**Sec. 2151.313.** (A)(1) Except as provided in division (A)(2) 26  
of this section and in sections 109.57, 109.60, and 109.61 of the 27  
Revised Code, no child shall be fingerprinted or photographed in 28  
the investigation of any violation of law without the consent of 29  
the juvenile judge. 30

(2) Subject to division (A)(3) of this section, a law 31  
enforcement officer may fingerprint and photograph a child without 32  
the consent of the juvenile judge when the child is arrested or 33  
otherwise taken into custody for the commission of an act that 34  
would be an offense, other than a traffic offense or a minor 35  
misdemeanor, if committed by an adult, and there is probable cause 36  
to believe that the child may have been involved in the commission 37  
of the act. A law enforcement officer who takes fingerprints or 38  
photographs of a child under division (A)(2) of this section 39  
immediately shall inform the juvenile court that the fingerprints 40  
or photographs were taken and shall provide the court with the 41  
identity of the child, the number of fingerprints and photographs 42  
taken, and the name and address of each person who has custody and 43  
control of the fingerprints or photographs or copies of the 44  
fingerprints or photographs. 45

(3) This section does not apply to a child to whom either of 46  
the following applies: 47

(a) The child has been arrested or otherwise taken into 48  
custody for committing, or has been adjudicated a delinquent child 49

for committing, an act that would be a felony if committed by an  
adult or has been convicted of or pleaded guilty to committing a  
felony.

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(b) There is probable cause to believe that the child may  
have committed an act that would be a felony if committed by an  
adult.

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(B)(1) Subject to divisions (B)(4), (5), and (6) of this  
section, all fingerprints and photographs of a child obtained or  
taken under division (A)(1) or (2) of this section, and any  
records of the arrest or custody of the child that was the basis  
for the taking of the fingerprints or photographs, initially may  
be retained only until the expiration of thirty days after the  
date taken, except that the court may limit the initial retention  
of fingerprints and photographs of a child obtained under division  
(A)(1) of this section to a shorter period of time and except  
that, if the child is adjudicated a delinquent child for the  
commission of an act described in division (B)(3) of this section  
or is convicted of or pleads guilty to a criminal offense for the  
commission of an act described in division (B)(3) of this section,  
the fingerprints and photographs, and the records of the arrest or  
custody of the child that was the basis for the taking of the  
fingerprints and photographs, shall be retained in accordance with  
division (B)(3) of this section. During the initial period of  
retention, the fingerprints and photographs of a child, copies of  
the fingerprints and photographs, and records of the arrest or  
custody of the child shall be used or released only in accordance  
with division (C) of this section. At the expiration of the  
initial period for which fingerprints and photographs of a child,  
copies of fingerprints and photographs of a child, and records of  
the arrest or custody of a child may be retained under this  
division, if no complaint, indictment, or information is pending  
against the child in relation to the act for which the

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fingerprints and photographs originally were obtained or taken and  
if the child has neither been adjudicated a delinquent child for  
the commission of that act nor been convicted of or pleaded guilty  
to a criminal offense based on that act subsequent to a transfer  
of the child's case for criminal prosecution pursuant to section  
2152.12 of the Revised Code, the fingerprints and photographs of  
the child, all copies of the fingerprints and photographs, and all  
records of the arrest or custody of the child that was the basis  
of the taking of the fingerprints and photographs shall be removed  
from the file and delivered to the juvenile court.

(2) If, at the expiration of the initial period of retention  
set forth in division (B)(1) of this section, a complaint,  
indictment, or information is pending ~~against~~ against the child in  
relation to the act for which the fingerprints and photographs  
originally were obtained or the child either has been adjudicated  
a delinquent child for the commission of an act other than an act  
described in division (B)(3) of this section or has been convicted  
of or pleaded guilty to a criminal offense for the commission of  
an act other than an act described in division (B)(3) of this  
section subsequent to transfer of the child's case, the  
fingerprints and photographs of the child, copies of the  
fingerprints and photographs, and the records of the arrest or  
custody of the child that was the basis of the taking of the  
fingerprints and photographs may further be retained, subject to  
division (B)(4) of this section, until the earlier of the  
expiration of two years after the date on which the fingerprints  
or photographs were taken or the child attains eighteen years of  
age, except that, if the child is adjudicated a delinquent child  
for the commission of an act described in division (B)(3) of this  
section or is convicted of or pleads guilty to a criminal offense  
for the commission of an act described in division (B)(3) of this  
section, the fingerprints and photographs, and the records of the

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arrest or custody of the child that was the basis for the taking 114  
of the fingerprints and photographs, shall be retained in 115  
accordance with division (B)(3) of this section. 116

Except as otherwise provided in division (B)(3) of this 117  
section, during this additional period of retention, the 118  
fingerprints and photographs of a child, copies of the 119  
fingerprints and photographs of a child, and records of the arrest 120  
or custody of a child shall be used or released only in accordance 121  
with division (C) of this section. At the expiration of the 122  
additional period, if no complaint, indictment, or information is 123  
pending against the child in relation to the act for which the 124  
fingerprints originally were obtained or taken or in relation to 125  
another act for which the fingerprints were used as authorized by 126  
division (C) of this section and that would be a felony if 127  
committed by an adult, the fingerprints of the child, all copies 128  
of the fingerprints, and all records of the arrest or custody of 129  
the child that was the basis of the taking of the fingerprints 130  
shall be removed from the file and delivered to the juvenile 131  
court, and, if no complaint, indictment, or information is pending 132  
against the child concerning the act for which the photographs 133  
originally were obtained or taken or concerning an act that would 134  
be a felony if committed by an adult, the photographs and all 135  
copies of the photographs, and, if no fingerprints were taken at 136  
the time the photographs were taken, all records of the arrest or 137  
custody that was the basis of the taking of the photographs shall 138  
be removed from the file and delivered to the juvenile court. In 139  
either case, if, at the expiration of the applicable additional 140  
period, such a complaint, indictment, or information is pending 141  
against the child, the photographs and copies of the photographs 142  
of the child, or the fingerprints and copies of the fingerprints 143  
of the child, whichever is applicable, and the records of the 144  
arrest or custody of the child may be retained, subject to 145  
division (B)(4) of this section, until final disposition of the 146

complaint, indictment, or information, and, upon final disposition 147  
of the complaint, indictment, or information, they shall be 148  
removed from the file and delivered to the juvenile court, except 149  
that, if the child is adjudicated a delinquent child for the 150  
commission of an act described in division (B)(3) of this section 151  
or is convicted of or pleads guilty to a criminal offense for the 152  
commission of an act described in division (B)(3) of this section, 153  
the fingerprints and photographs, and the records of the arrest or 154  
custody of the child that was the basis for the taking of the 155  
fingerprints and photographs, shall be retained in accordance with 156  
division (B)(3) of this section. 157

(3) If a child is adjudicated a delinquent child for 158  
violating section 2923.42 of the Revised Code or for committing an 159  
act that would be a misdemeanor offense of violence if committed 160  
by an adult, or is convicted of or pleads guilty to a violation of 161  
section 2923.42 of the Revised Code, a misdemeanor offense of 162  
violence, or a violation of an existing or former municipal 163  
ordinance or law of this state, another state, or the United 164  
States that is substantially equivalent to section 2923.42 of the 165  
Revised Code or any misdemeanor offense of violence, both of the 166  
following apply: 167

(a) Originals and copies of fingerprints and photographs of 168  
the child obtained or taken under division (A)(1) of this section, 169  
and any records of the arrest or custody that was the basis for 170  
the taking of the fingerprints or photographs, may be retained for 171  
the period of time specified by the juvenile judge in that judge's 172  
grant of consent for the taking of the fingerprints or 173  
photographs. Upon the expiration of the specified period, all 174  
originals and copies of the fingerprints, photographs, and records 175  
shall be delivered to the juvenile court or otherwise disposed of 176  
in accordance with any instructions specified by the juvenile 177  
judge in that judge's grant of consent. During the period of 178

retention of the photographs and records, all originals and copies 179  
of them shall be retained in a file separate and apart from all 180  
photographs taken of adults. During the period of retention of the 181  
fingerprints, all originals and copies of them may be maintained 182  
in the files of fingerprints taken of adults. If the juvenile 183  
judge who grants consent for the taking of fingerprints and 184  
photographs under division (A)(1) of this section does not specify 185  
a period of retention in that judge's grant of consent, originals 186  
and copies of the fingerprints, photographs, and records may be 187  
retained in accordance with this section as if the fingerprints 188  
and photographs had been taken under division (A)(2) of this 189  
section. 190

(b) Originals and copies of fingerprints and photographs 191  
taken under division (A)(2) of this section, and any records of 192  
the arrest or custody that was the basis for the taking of the 193  
fingerprints or photographs, may be retained for the period of 194  
time and in the manner specified in division (B)(3)(b) of this 195  
section. Prior to the child's attainment of eighteen years of age, 196  
all originals and copies of the photographs and records shall be 197  
retained and shall be kept in a file separate and apart from all 198  
photographs taken of adults. During the period of retention of the 199  
fingerprints, all originals and copies of them may be maintained 200  
in the files of fingerprints taken of adults. Upon the child's 201  
attainment of eighteen years of age, all originals and copies of 202  
the fingerprints, photographs, and records shall be disposed of as 203  
follows: 204

(i) If the juvenile judge issues or previously has issued an 205  
order that specifies a manner of disposition of the originals and 206  
copies of the fingerprints, photographs, and records, they shall 207  
be delivered to the juvenile court or otherwise disposed of in 208  
accordance with the order. 209

(ii) If the juvenile judge does not issue and has not 210

previously issued an order that specifies a manner of disposition  
of the originals and copies of the fingerprints not maintained in  
adult files, photographs, and records, the law enforcement agency,  
in its discretion, either shall remove all originals and copies of  
them from the file in which they had been maintained and transfer  
them to the files that are used for the retention of fingerprints  
and photographs taken of adults who are arrested for, otherwise  
taken into custody for, or under investigation for the commission  
of a criminal offense or shall remove them from the file in which  
they had been maintained and deliver them to the juvenile court.  
If the originals and copies of any fingerprints of a child who  
attains eighteen years of age are maintained in the files of  
fingerprints taken of adults or if pursuant to division  
(B)(3)(b)(ii) of this section the agency transfers the originals  
and copies of any fingerprints not maintained in adult files,  
photographs, or records to the files that are used for the  
retention of fingerprints and photographs taken of adults who are  
arrested for, otherwise taken into custody for, or under  
investigation for the commission of a criminal offense, the  
originals and copies of the fingerprints, photographs, and records  
may be maintained, used, and released after they are maintained in  
the adult files or after the transfer as if the fingerprints and  
photographs had been taken of, and as if the records pertained to,  
an adult who was arrested for, otherwise taken into custody for,  
or under investigation for the commission of a criminal offense.

(4) If a sealing or expungement order issued under ~~section~~  
sections 2151.356 to 2151.358 of the Revised Code requires the  
sealing or destruction of any fingerprints or photographs of a  
child obtained or taken under division (A)(1) or (2) of this  
section or of the records of an arrest or custody of a child that  
was the basis of the taking of the fingerprints or photographs  
prior to the expiration of any period for which they otherwise

could be retained under division (B)(1), (2), or (3) of this 243  
section, the fingerprints, photographs, and arrest or custody 244  
records that are subject to the order and all copies of the 245  
fingerprints, photographs, and arrest or custody records shall be 246  
sealed or destroyed in accordance with the order. 247

(5) All fingerprints of a child, photographs of a child, 248  
records of an arrest or custody of a child, and copies delivered 249  
to a juvenile court in accordance with division (B)(1), (2), or 250  
(3) of this section shall be destroyed by the court, provided 251  
that, if a complaint is filed against the child in relation to any 252  
act to which the records pertain, the court shall maintain all 253  
records of an arrest or custody of a child so delivered for at 254  
least three years after the final disposition of the case or after 255  
the case becomes inactive. 256

(6)(a) All photographs of a child and records of an arrest or 257  
custody of a child retained pursuant to division (B) of this 258  
section and not delivered to a juvenile court shall be kept in a 259  
file separate and apart from fingerprints, photographs, and 260  
records of an arrest or custody of an adult. All fingerprints of a 261  
child retained pursuant to division (B) of this section and not 262  
delivered to a juvenile court may be maintained in the files of 263  
fingerprints taken of adults. 264

(b) If a child who is the subject of photographs or 265  
fingerprints is adjudicated a delinquent child for the commission 266  
of an act that would be an offense, other than a traffic offense 267  
or a minor misdemeanor, if committed by an adult or is convicted 268  
of or pleads guilty to a criminal offense, other than a traffic 269  
offense or a minor misdemeanor, all fingerprints not maintained in 270  
the files of fingerprints taken of adults and all photographs of 271  
the child, and all records of the arrest or custody of the child 272  
that is the basis of the taking of the fingerprints or 273  
photographs, that are retained pursuant to division (B) of this 274

section and not delivered to a juvenile court shall be kept in a file separate and apart from fingerprints, photographs, and arrest and custody records of children who have not been adjudicated a delinquent child for the commission of an act that would be an offense, other than a traffic offense or a minor misdemeanor, if committed by an adult and have not been convicted of or pleaded guilty to a criminal offense other than a traffic offense or a minor misdemeanor.

(C) Until they are delivered to the juvenile court or sealed, transferred in accordance with division (B)(3)(b) of this section, or destroyed pursuant to a sealing or expungement order, the originals and copies of fingerprints and photographs of a child that are obtained or taken pursuant to division (A)(1) or (2) of this section, and the records of the arrest or custody of the child that was the basis of the taking of the fingerprints or photographs, shall be used or released only as follows:

(1) During the initial thirty-day period of retention, originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, shall be used, prior to the filing of a complaint or information against or the obtaining of an indictment of the child in relation to the act for which the fingerprints and photographs were originally obtained or taken, only for the investigation of that act and shall be released, prior to the filing of the complaint, only to a court that would have jurisdiction of the child's case under this chapter. Subsequent to the filing of a complaint or information or the obtaining of an indictment, originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, shall be used or released during the initial thirty-day period of retention only as provided in division (C)(2)(a), (b), or (c) of this section.

(2) Originals and copies of fingerprints and photographs of a

child, and records of the arrest or custody of a child, that are 307  
retained beyond the initial thirty-day period of retention 308  
subsequent to the filing of a complaint or information or the 309  
obtaining of an indictment, a delinquent child adjudication, or a 310  
conviction of or guilty plea to a criminal offense shall be used 311  
or released only as follows: 312

(a) Originals and copies of photographs of a child, and, if 313  
no fingerprints were taken at the time the photographs were taken, 314  
records of the arrest or custody of the child that was the basis 315  
of the taking of the photographs, may be used only as follows: 316

(i) They may be used for the investigation of the act for 317  
which they originally were obtained or taken; if the child who is 318  
the subject of the photographs is a suspect in the investigation, 319  
for the investigation of any act that would be an offense if 320  
committed by an adult; and for arresting or bringing the child 321  
into custody. 322

(ii) If the child who is the subject of the photographs is 323  
adjudicated a delinquent child for the commission of an act that 324  
would be a felony if committed by an adult or is convicted of or 325  
pleads guilty to a criminal offense that is a felony as a result 326  
of the arrest or custody that was the basis of the taking of the 327  
photographs, a law enforcement officer may use the photographs for 328  
a photo line-up conducted as part of the investigation of any act 329  
that would be a felony if committed by an adult, whether or not 330  
the child who is the subject of the photographs is a suspect in 331  
the investigation. 332

(b) Originals and copies of fingerprints of a child, and 333  
records of the arrest or custody of the child that was the basis 334  
of the taking of the fingerprints, may be used only for the 335  
investigation of the act for which they originally were obtained 336  
or taken; if a child is a suspect in the investigation, for the 337

investigation of another act that would be an offense if committed 338  
by an adult; and for arresting or bringing the child into custody. 339

(c) Originals and copies of fingerprints, photographs, and 340  
records of the arrest or custody that was the basis of the taking 341  
of the fingerprints or photographs shall be released only to the 342  
following: 343

(i) Law enforcement officers of this state or a political 344  
subdivision of this state, upon notification to the juvenile court 345  
of the name and address of the law enforcement officer or agency 346  
to whom or to which they will be released; 347

(ii) A court that has jurisdiction of the child's case under 348  
Chapters 2151. and 2152. of the Revised Code or subsequent to a 349  
transfer of the child's case for criminal prosecution pursuant to 350  
section 2152.12 of the Revised Code. 351

(D) No person shall knowingly do any of the following: 352

(1) Fingerprint or photograph a child in the investigation of 353  
any violation of law other than as provided in division (A)(1) or 354  
(2) of this section or in sections 109.57, 109.60, and 109.61 of 355  
the Revised Code; 356

(2) Retain fingerprints or photographs of a child obtained or 357  
taken under division (A)(1) or (2) of this section, copies of 358  
fingerprints or photographs of that nature, or records of the 359  
arrest or custody that was the basis of the taking of fingerprints 360  
or photographs of that nature other than in accordance with 361  
division (B) of this section; 362

(3) Use or release fingerprints or photographs of a child 363  
obtained or taken under division (A)(1) or (2) of this section, 364  
copies of fingerprints or photographs of that nature, or records 365  
of the arrest or custody that was the basis of the taking of 366  
fingerprints or photographs of that nature other than in 367

accordance with division (B) or (C) of this section.

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Sec. 2151.355. As used in sections 2151.356 to 2151.358 of the Revised Code:

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(A) "Expunge" means to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.

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(B) "Seal a record" means to remove a record from the main file of similar records and to secure it in a separate file that contains only sealed records accessible only to the juvenile court.

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Sec. 2151.356. (A) The records of a case in which a person was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code shall not be sealed under this section.

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(B)(1) The juvenile court shall promptly order the immediate sealing of records pertaining to a juvenile in any of the following circumstances:

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(a) If the court receives a record from a public office or agency under division (B)(2) of this section;

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(b) If a person was brought before or referred to the court for allegedly committing a delinquent or unruly act and the case was resolved without the filing of a complaint against the person with respect to that act pursuant to section 2151.27 of the Revised Code;

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(c) If a person was charged with violating division (E)(1) of section 4301.69 of the Revised Code and the person has successfully completed a diversion program under division (E)(2)(a) of section 4301.69 of the Revised Code with respect to that charge;

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(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender;

(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.

(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of the act. The records delivered to the court as required under this division shall not include fingerprints, DNA specimens, and DNA records described under division (A)(3) of section 2151.357 of the Revised Code.

(C)(1) The juvenile court shall consider the sealing of records pertaining to a juvenile upon the court's own motion or upon the application of a person if the person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code, an unruly child, or a juvenile traffic offender and if, at the time of the motion or application, the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. The motion or application may be made at any time after two years

after the later of the following: 429

(a) The termination of any order made by the court in 430  
relation to the adjudication; 431

(b) The unconditional discharge of the person from the 432  
department of youth services with respect to a dispositional order 433  
made in relation to the adjudication or from an institution or 434  
facility to which the person was committed pursuant to a 435  
dispositional order made in relation to the adjudication. 436

(2) In making the determination whether to seal records 437  
pursuant to division (C)(1) of this section, all of the following 438  
apply: 439

(a) The court may require a person filing an application 440  
under division (C)(1) of this section to submit any relevant 441  
documentation to support the application. 442

(b) The court may cause an investigation to be made to 443  
determine if the person who is the subject of the proceedings has 444  
been rehabilitated to a satisfactory degree. 445

(c) The court shall promptly notify the prosecuting attorney 446  
of any proceedings to seal records initiated pursuant to division 447  
(C)(1) of this section. 448

(d)(i) The prosecuting attorney may file a response with the 449  
court within thirty days of receiving notice of the sealing 450  
proceedings. 451

(ii) If the prosecuting attorney does not file a response 452  
with the court or if the prosecuting attorney files a response but 453  
indicates that the prosecuting attorney does not object to the 454  
sealing of the records, the court may order the records of the 455  
person that are under consideration to be sealed without 456  
conducting a hearing on the motion or application. If the court 457  
decides in its discretion to conduct a hearing on the motion or 458

application, the court shall conduct the hearing within thirty 459  
days after making that decision and shall give notice, by regular 460  
mail, of the date, time, and location of the hearing to the 461  
prosecuting attorney and to the person who is the subject of the 462  
records under consideration. 463

(iii) If the prosecuting attorney files a response with the 464  
court that indicates that the prosecuting attorney objects to the 465  
sealing of the records, the court shall conduct a hearing on the 466  
motion or application within thirty days after the court receives 467  
the response. The court shall give notice, by regular mail, of the 468  
date, time, and location of the hearing to the prosecuting 469  
attorney and to the person who is the subject of the records under 470  
consideration. 471

(e) After conducting a hearing in accordance with division 472  
(C)(2)(d) of this section or after due consideration when a 473  
hearing is not conducted, except as provided in division (B)(1)(c) 474  
of this section, the court may order the records of the person 475  
that are the subject of the motion or application to be sealed if 476  
it finds that the person has been rehabilitated to a satisfactory 477  
degree. In determining whether the person has been rehabilitated 478  
to a satisfactory degree, the court may consider all of the 479  
following: 480

(i) The age of the person; 481

(ii) The nature of the case; 482

(iii) The cessation or continuation of delinquent, unruly, or 483  
criminal behavior; 484

(iv) The education and employment history of the person; 485

(v) Any other circumstances that may relate to the 486  
rehabilitation of the person who is the subject of the records 487  
under consideration. 488

(D)(1)(a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this section, if that person is present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means. 489  
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(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by regular mail to the person's last known address, if that person is not present in the court at the time the court issues a sealing order and if the court does not seal the person's record upon the court's own motion, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means. 496  
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(2) Upon final disposition of a case in which a person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code, an unruly child, or a juvenile traffic offender, the juvenile court shall provide written notice to the person that does all of the following: 505  
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(a) States that the person may apply to the court for an order to seal the record; 511  
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(b) Explains what sealing a record means; 513

(c) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code; 514  
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(d) Explains what expunging a record means. 517

(3) The department of youth services and any other 518

institution or facility that unconditionally discharges a person 519  
who has been adjudicated a delinquent child, an unruly child, or a 520  
juvenile traffic offender shall immediately give notice of the 521  
discharge to the court that committed the person. The court shall 522  
note the date of discharge on a separate record of discharges of 523  
those natures. 524

Sec. 2151.357. (A) If the court orders the records of a 525  
person sealed pursuant to section 2151.356 of the Revised Code, 526  
the person who is subject of the order properly may, and the court 527  
shall, reply that no record exists with respect to the person upon 528  
any inquiry in the matter, and the court, except as provided in 529  
division (D) of this section, shall do all of the following: 530

(1) Order that the proceedings in a case described in 531  
divisions (B) and (C) of section 2151.356 of the Revised Code be 532  
deemed never to have occurred; 533

(2) Except as provided in division (C) of this section, 534  
delete all index references to the case and the person so that the 535  
references are permanently irretrievable; 536

(3) Order that all original records of the case maintained by 537  
any public office or agency, except fingerprints held by a law 538  
enforcement agency, DNA specimens collected pursuant to section 539  
2152.74 of the Revised Code, and DNA records derived from DNA 540  
specimens pursuant to section 109.573 of the Revised Code, be 541  
delivered to the court; 542

(4) Order each public office or agency, upon the delivering 543  
of records to the court under division (A)(3) of this section, to 544  
expunge remaining records of the case that are the subject of the 545  
sealing order that are maintained by that public office or agency, 546  
except fingerprints, DNA specimens, and DNA records described 547  
under division (A)(3) of this section; 548

(5) Send notice of the order to seal to any public office or agency that the court has reason to believe may have a record of the sealed record; 549  
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(6) Seal all of the records delivered to the court under division (A)(3) of this section, in a separate file in which only sealed records are maintained. 552  
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(B) Except as provided in division (D) of this section, an order to seal under section 2151.356 of the Revised Code applies to every public office or agency that has a record relating to the case, regardless of whether it receives notice of the hearing on the sealing of the record or a copy of the order. Except as provided in division (D) of this section, upon the written request of a person whose record has been sealed and the presentation of a copy of the order and compliance with division (A)(3) of this section, a public office or agency shall expunge its record relating to the case, except a record of the adjudication or arrest or taking into custody that is maintained for compiling statistical data and that does not contain any reference to the person who is the subject of the order. 555  
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(C) The court that maintains sealed records pursuant to this section may maintain a manual or computerized index of the sealed records and shall make the index available only for the purposes set forth in division (E) of this section. 568  
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(1) Each entry regarding a sealed record in the index of sealed records shall contain all of the following: 572  
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(a) The name of the person who is the subject of the sealed record; 574  
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(b) An alphanumeric identifier relating to the person who is the subject of the sealed record; 576  
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(c) The word "sealed"; 578

(d) The name of the court that has custody of the sealed 579  
record. 580

(2) Any entry regarding a sealed record in the index of 581  
sealed records shall not contain either of the following: 582

(a) The social security number of the person who is subject 583  
of the sealed record; 584

(b) The name or a description of the act committed. 585

(D) Notwithstanding any provision of this section that 586  
requires otherwise, a board of education of a city, local, 587  
exempted village, or joint vocational school district that 588  
maintains records of an individual who has been permanently 589  
excluded under sections 3301.121 and 3313.662 of the Revised Code 590  
is permitted to maintain records regarding an adjudication that 591  
the individual is a delinquent child that was used as the basis 592  
for the individual's permanent exclusion, regardless of a court 593  
order to seal the record. An order issued under section 2151.356 594  
of the Revised Code to seal the record of an adjudication that an 595  
individual is a delinquent child does not revoke the adjudication 596  
order of the superintendent of public instruction to permanently 597  
exclude the individual who is the subject of the sealing order. An 598  
order to seal the record of an adjudication that an individual is 599  
a delinquent child may be presented to a district superintendent 600  
as evidence to support the contention that the superintendent 601  
should recommend that the permanent exclusion of the individual 602  
who is the subject of the sealing order be revoked. Except as 603  
otherwise authorized by this division and sections 3301.121 and 604  
3313.662 of the Revised Code, any school employee in possession of 605  
or having access to the sealed adjudication records of an 606  
individual that were the basis of a permanent exclusion of the 607  
individual is subject to division (F) of this section. 608

(E) Inspection of records that have been ordered sealed under 609

section 2151.356 of the Revised Code may be made only by the 610  
following persons or for the following purposes: 611

(1) By the court; 612

(2) If the records in question pertain to an act that would 613  
be an offense of violence that would be a felony if committed by 614  
an adult, by any law enforcement officer or any prosecutor, or the 615  
assistants of a law enforcement officer or prosecutor, for any 616  
valid law enforcement or prosecutorial purpose; 617

(3) Upon application by the person who is the subject of the 618  
sealed records, by the person that is named in that application; 619

(4) If the records in question pertain to an alleged 620  
violation of division (E)(1) of section 4301.69 of the Revised 621  
Code, by any law enforcement officer or any prosecutor, or the 622  
assistants of a law enforcement officer or prosecutor, for the 623  
purpose of determining whether the person is eligible for 624  
diversion under division (E)(2) of section 4301.69 of the Revised 625  
Code; 626

(5) At the request of a party in a civil action that is based 627  
on a case the records for which are the subject of a sealing order 628  
issued under section 2151.356 of the Revised Code, as needed for 629  
the civil action. The party also may copy the records as needed 630  
for the civil action. The sealed records shall be used solely in 631  
the civil action and are otherwise confidential and subject to the 632  
provisions of this section. 633

(F) No officer or employee of the state or any of its 634  
political subdivisions shall knowingly release, disseminate, or 635  
make available for any purpose involving employment, bonding, 636  
licensing, or education to any person or to any department, 637  
agency, or other instrumentality of the state or of any of its 638  
political subdivisions any information or other data concerning 639  
any arrest, taking into custody, complaint, indictment, 640

information, trial, hearing, adjudication, or correctional 641  
supervision, the records of which have been sealed pursuant to 642  
section 2151.356 of the Revised Code and the release, 643  
dissemination, or making available of which is not expressly 644  
permitted by this section. Whoever violates this division is 645  
guilty of divulging confidential information, a misdemeanor of the 646  
fourth degree. 647

(G) In any application for employment, license, or other 648  
right or privilege, any appearance as a witness, or any other 649  
inquiry, a person may not be questioned with respect to any arrest 650  
or taking into custody for which the records were sealed. If an 651  
inquiry is made in violation of this division, the person may 652  
respond as if the sealed arrest or taking into custody did not 653  
occur, and the person shall not be subject to any adverse action 654  
because of the arrest or taking into custody or the response. 655

(H) The judgment rendered by the court under this chapter 656  
shall not impose any of the civil disabilities ordinarily imposed 657  
by conviction of a crime in that the child is not a criminal by 658  
reason of the adjudication, and no child shall be charged with or 659  
convicted of a crime in any court except as provided by this 660  
chapter. The disposition of a child under the judgment rendered or 661  
any evidence given in court shall not operate to disqualify a 662  
child in any future civil service examination, appointment, or 663  
application. Evidence of a judgment rendered and the disposition 664  
of a child under the judgment is not admissible to impeach the 665  
credibility of the child in any action or proceeding. Otherwise, 666  
the disposition of a child under the judgment rendered or any 667  
evidence given in court is admissible as evidence for or against 668  
the child in any action or proceeding in any court in accordance 669  
with the Rules of Evidence and also may be considered by any court 670  
as to the matter of sentence or to the granting of probation, and 671  
a court may consider the judgment rendered and the disposition of 672

a child under that judgment for purposes of determining whether  
the child, for a future criminal conviction or guilty plea, is a  
repeat violent offender, as defined in section 2929.01 of the  
Revised Code. 673  
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Sec. 2151.358. (A) The juvenile court shall expunge all  
records sealed under section 2151.356 of the Revised Code five  
years after the court issues a sealing order or upon the  
twenty-third birthday of the person who is the subject of the  
sealing order, whichever date is earlier. 677  
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(B) Notwithstanding division (A) of this section, upon  
application by the person who has had a record sealed under  
section 2151.356 of the Revised Code, the juvenile court may  
expunge a record sealed under section 2151.356 of the Revised  
Code. In making the determination whether to expunge records, all  
of the following apply: 682  
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(1) The court may require a person filing an application for  
expungement to submit any relevant documentation to support the  
application. 688  
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(2) The court may cause an investigation to be made to  
determine if the person who is the subject of the proceedings has  
been rehabilitated to a satisfactory degree. 691  
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(3) The court shall promptly notify the prosecuting attorney  
of any proceedings to expunge records. 694  
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(4)(a) The prosecuting attorney may file a response with the  
court within thirty days of receiving notice of the expungement  
proceedings. 696  
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(b) If the prosecuting attorney does not file a response with  
the court or if the prosecuting attorney files a response but  
indicates that the prosecuting attorney does not object to the  
expungement of the records, the court may order the records of the 699  
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person that are under consideration to be expunged without 703  
conducting a hearing on the application. If the court decides in 704  
its discretion to conduct a hearing on the application, the court 705  
shall conduct the hearing within thirty days after making that 706  
decision and shall give notice, by regular mail, of the date, 707  
time, and location of the hearing to the prosecuting attorney and 708  
to the person who is the subject of the records under 709  
consideration. 710

(c) If the prosecuting attorney files a response with the 711  
court that indicates that the prosecuting attorney objects to the 712  
expungement of the records, the court shall conduct a hearing on 713  
the application within thirty days after the court receives the 714  
response. The court shall give notice, by regular mail, of the 715  
date, time, and location of the hearing to the prosecuting 716  
attorney and to the person who is the subject of the records under 717  
consideration. 718

(5) After conducting a hearing in accordance with division 719  
(B)(4) of this section or after due consideration when a hearing 720  
is not conducted, the court may order the records of the person 721  
that are the subject of the application to be expunged if it finds 722  
that the person has been rehabilitated to a satisfactory degree. 723  
In determining whether the person has been rehabilitated to a 724  
satisfactory degree, the court may consider all of the following: 725

(a) The age of the person; 726

(b) The nature of the case; 727

(c) The cessation or continuation of delinquent, unruly, or 728  
criminal behavior; 729

(d) The education and employment history of the person; 730

(e) Any other circumstances that may relate to the 731  
rehabilitation of the person who is the subject of the records 732

under consideration.

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(C) If the juvenile court is notified by any party in a civil action that a civil action has been filed based on a case the records for which are the subject of a sealing order, the juvenile court shall not expunge a record sealed under section 2151.356 of the Revised Code until the civil action has been resolved and is not subject to further appellate review, at which time the records shall be expunged pursuant to division (A) of this section.

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(D) After the records have been expunged, the person who is the subject of the expunged records properly may, and the court shall, reply that no record exists with respect to the person upon any inquiry in the matter.

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**Sec. ~~2151.357~~ 2151.362.** (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, the court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency, shall determine the school district that is to bear the cost of educating the child. The court shall make the determination a part of the order that provides for the child's placement or commitment. That school district shall bear the cost of educating the child unless and until the court modifies its order pursuant to division (A)(2) of this section.

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(2) If, while the child is in the custody of a person other than the child's parent or a government agency, the department of education notifies the court that the place of residence of the child's parent has changed since the court issued its initial order, the court may modify its order to name a different school district to bear the cost of educating the child. The department may submit the notice to the court upon receipt, from the school district initially ordered to bear the cost of educating the

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child, of evidence acceptable to the department that the residence 764  
of the child's parent has changed since the court issued its 765  
initial order. In the notice to the court, the department shall 766  
recommend to the court whether a different district should be 767  
ordered to bear the cost of educating the child and, if so, which 768  
district should be so ordered. The department shall recommend to 769  
the court the district in which the child's parent currently 770  
resides or, if the parent's residence is not known, the district 771  
in which the parent's last known residence is located. If the 772  
department cannot determine any Ohio district in which the parent 773  
currently resides or has resided, the school district designated 774  
in the initial court order shall continue to bear the cost of 775  
educating the child. 776

The court may consider the content of a notice by the 777  
department of education under division (A)(2) of this section as 778  
conclusive evidence as to which school district should bear the 779  
cost of educating the child and may amend its order accordingly. 780

(B) Whenever a child is placed in a detention facility 781  
established under section 2152.41 of the Revised Code or a 782  
juvenile facility established under section 2151.65 of the Revised 783  
Code, the child's school district as determined by the court shall 784  
pay the cost of educating the child based on the per capita cost 785  
of the educational facility within the detention home or juvenile 786  
facility. 787

(C) Whenever a child is placed by the court in a private 788  
institution, school, or residential treatment center or any other 789  
private facility, the state shall pay to the court a subsidy to 790  
help defray the expense of educating the child in an amount equal 791  
to the product of the daily per capita educational cost of the 792  
private facility, as determined pursuant to this section, and the 793  
number of days the child resides at the private facility, provided 794  
that the subsidy shall not exceed twenty-five hundred dollars per 795

year per child. The daily per capita educational cost of a private facility shall be determined by dividing the actual program cost of the private facility or twenty-five hundred dollars, whichever is less, by three hundred sixty-five days or by three hundred sixty-six days for years that include February twenty-ninth. The state shall pay seventy-five per cent of the total subsidy for each year quarterly to the court. The state may adjust the remaining twenty-five per cent of the total subsidy to be paid to the court for each year to an amount that is less than twenty-five per cent of the total subsidy for that year based upon the availability of funds appropriated to the department of education for the purpose of subsidizing courts that place a child in a private institution, school, or residential treatment center or any other private facility and shall pay that adjusted amount to the court at the end of the year.

**Sec. 2152.72.** (A) This section applies only to a child who is or previously has been adjudicated a delinquent child for an act to which any of the following applies:

(1) The act is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 of the Revised Code.

(2) The act is a violation of section 2923.01 of the Revised Code and involved an attempt to commit aggravated murder or murder.

(3) The act would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm during the commission of the act for which the child was adjudicated a delinquent child.

(4) The act would be an offense of violence that is a felony 827  
if committed by an adult, and the court determined that the child, 828  
if an adult, would be guilty of a specification found in section 829  
2941.1411 of the Revised Code or in another section of the Revised 830  
Code that relates to the wearing or carrying of body armor during 831  
the commission of the act for which the child was adjudicated a 832  
delinquent child. 833

(B)(1) Except as provided in division (E) of this section, a 834  
public children services agency, private child placing agency, 835  
private noncustodial agency, or court, the department of youth 836  
services, or another private or government entity shall not place 837  
a child in a certified foster home or for adoption until it 838  
provides the foster caregivers or prospective adoptive parents 839  
with all of the following: 840

(a) A written report describing the child's social history; 841

(b) A written report describing all the acts committed by the 842  
child the entity knows of that resulted in the child being 843  
adjudicated a delinquent child and the disposition made by the 844  
court, unless the records pertaining to the acts have been sealed 845  
pursuant to section ~~2151.358~~ 2151.356 of the Revised Code; 846

(c) A written report describing any other violent act 847  
committed by the child of which the entity is aware; 848

(d) The substantial and material conclusions and 849  
recommendations of any psychiatric or psychological examination 850  
conducted on the child or, if no psychological or psychiatric 851  
examination of the child is available, the substantial and 852  
material conclusions and recommendations of an examination to 853  
detect mental and emotional disorders conducted in compliance with 854  
the requirements of Chapter 4757. of the Revised Code by an 855  
independent social worker, social worker, professional clinical 856  
counselor, or professional counselor licensed under that chapter. 857

The entity shall not provide any part of a psychological, 858  
psychiatric, or mental and emotional disorder examination to the 859  
foster caregivers or prospective adoptive parents other than the 860  
substantial and material conclusions. 861

(2) Notwithstanding ~~section~~ sections 2151.356 to 2151.358 of 862  
the Revised Code, if records of an adjudication that a child is a 863  
delinquent child have been sealed pursuant to ~~that section~~ those 864  
sections and an entity knows the records have been sealed, the 865  
entity shall provide the foster caregivers or prospective adoptive 866  
parents a written statement that the records of a prior 867  
adjudication have been sealed. 868

(C)(1) The entity that places the child in a certified foster 869  
home or for adoption shall conduct a psychological examination of 870  
the child unless either of the following applies: 871

(a) An entity is not required to conduct the examination if 872  
an examination was conducted no more than one year prior to the 873  
child's placement, and division (C)(1)(b) of this section does not 874  
apply. 875

(b) An entity is not required to conduct the examination if a 876  
foster caregiver seeks to adopt the foster caregiver's foster 877  
child, and an examination was conducted no more than two years 878  
prior to the date the foster caregiver seeks to adopt the child. 879

(2) No later than sixty days after placing the child, the 880  
entity shall provide the foster caregiver or prospective adoptive 881  
parents a written report detailing the substantial and material 882  
conclusions and recommendations of the examination conducted 883  
pursuant to this division. 884

(D)(1) Except as provided in divisions (D)(2) and (3) of this 885  
section, the expenses of conducting the examinations and preparing 886  
the reports and assessment required by division (B) or (C) of this 887  
section shall be paid by the entity that places the child in the 888

certified foster home or for adoption. 889

(2) When a juvenile court grants temporary or permanent 890  
custody of a child pursuant to any section of the Revised Code, 891  
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 892  
Revised Code, to a public children services agency or private 893  
child placing agency, the court shall provide the agency the 894  
information described in division (B) of this section, pay the 895  
expenses of preparing that information, and, if a new examination 896  
is required to be conducted, pay the expenses of conducting the 897  
examination described in division (C) of this section. On receipt 898  
of the information described in division (B) of this section, the 899  
agency shall provide to the court written acknowledgment that the 900  
agency received the information. The court shall keep the 901  
acknowledgment and provide a copy to the agency. On the motion of 902  
the agency, the court may terminate the order granting temporary 903  
or permanent custody of the child to that agency, if the court 904  
does not provide the information described in division (B) of this 905  
section. 906

(3) If one of the following entities is placing a child in a 907  
certified foster home or for adoption with the assistance of or by 908  
contracting with a public children services agency, private child 909  
placing agency, or a private noncustodial agency, the entity shall 910  
provide the agency with the information described in division (B) 911  
of this section, pay the expenses of preparing that information, 912  
and, if a new examination is required to be conducted, pay the 913  
expenses of conducting the examination described in division (C) 914  
of this section: 915

(a) The department of youth services if the placement is 916  
pursuant to any section of the Revised Code including section 917  
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 918  
Code; 919

(b) A juvenile court with temporary or permanent custody of a child pursuant to section 2151.354 or 2152.19 of the Revised Code;

(c) A public children services agency or private child placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division (B) of this section shall provide the entity described in division (D)(3)(a) to (c) of this section that sent the information written acknowledgment that the agency received the information and provided it to the foster caregivers or prospective adoptive parents. The entity shall keep the acknowledgment and provide a copy to the agency. An entity that places a child in a certified foster home or for adoption with the assistance of or by contracting with an agency remains responsible to provide the information described in division (B) of this section to the foster caregivers or prospective adoptive parents unless the entity receives written acknowledgment that the agency provided the information.

(E) If a child is placed in a certified foster home as a result of an emergency removal of the child from home pursuant to division (D) of section 2151.31 of the Revised Code, an emergency change in the child's case plan pursuant to division (E)(3) of section 2151.412 of the Revised Code, or an emergency placement by the department of youth services pursuant to this chapter or Chapter 5139. of the Revised Code, the entity that places the child in the certified foster home shall provide the information described in division (B) of this section no later than ninety-six hours after the child is placed in the certified foster home.

(F) On receipt of the information described in divisions (B) and (C) of this section, the foster caregiver or prospective adoptive parents shall provide to the entity that places the child in the foster caregiver's or prospective adoptive parents' home a

written acknowledgment that the foster caregiver or prospective  
adoptive parents received the information. The entity shall keep  
the acknowledgment and provide a copy to the foster caregiver or  
prospective adoptive parents.

(G) No person employed by an entity subject to this section  
and made responsible by that entity for the child's placement in a  
certified foster home or for adoption shall fail to provide the  
foster caregivers or prospective adoptive parents with the  
information required by divisions (B) and (C) of this section.

(H) It is not a violation of any duty of confidentiality  
provided for in the Revised Code or a code of professional  
responsibility for a person or government entity to provide the  
substantial and material conclusions and recommendations of a  
psychiatric or psychological examination, or an examination to  
detect mental and emotional disorders, in accordance with division  
(B)(1)(d) or (C) of this section.

(I) As used in this section:

(1) "Body armor" has the same meaning as in section 2941.1411  
of the Revised Code.

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

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1),  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and  
except in relation to an offense for which a sentence of death or  
life imprisonment is to be imposed, if the court imposing a  
sentence upon an offender for a felony elects or is required to  
impose a prison term on the offender pursuant to this chapter, the  
court shall impose a definite prison term that shall be one of the  
following:

(1) For a felony of the first degree, the prison term shall

be three, four, five, six, seven, eight, nine, or ten years. 981

(2) For a felony of the second degree, the prison term shall 982  
be two, three, four, five, six, seven, or eight years. 983

(3) For a felony of the third degree, the prison term shall 984  
be one, two, three, four, or five years. 985

(4) For a felony of the fourth degree, the prison term shall 986  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 987  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 988

(5) For a felony of the fifth degree, the prison term shall 989  
be six, seven, eight, nine, ten, eleven, or twelve months. 990

(B) Except as provided in division (C), (D)(1), (D)(2), 991  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 992  
of the Revised Code, or in Chapter 2925. of the Revised Code, if 993  
the court imposing a sentence upon an offender for a felony elects 994  
or is required to impose a prison term on the offender, the court 995  
shall impose the shortest prison term authorized for the offense 996  
pursuant to division (A) of this section, unless one or more of 997  
the following applies: 998

(1) The offender was serving a prison term at the time of the 999  
offense, or the offender previously had served a prison term. 1000

(2) The court finds on the record that the shortest prison 1001  
term will demean the seriousness of the offender's conduct or will 1002  
not adequately protect the public from future crime by the 1003  
offender or others. 1004

(C) Except as provided in division (G) of this section or in 1005  
Chapter 2925. of the Revised Code, the court imposing a sentence 1006  
upon an offender for a felony may impose the longest prison term 1007  
authorized for the offense pursuant to division (A) of this 1008  
section only upon offenders who committed the worst forms of the 1009  
offense, upon offenders who pose the greatest likelihood of 1010

committing future crimes, upon certain major drug offenders under 1011  
division (D)(3) of this section, and upon certain repeat violent 1012  
offenders in accordance with division (D)(2) of this section. 1013

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1014  
section, if an offender who is convicted of or pleads guilty to a 1015  
felony also is convicted of or pleads guilty to a specification of 1016  
the type described in section 2941.141, 2941.144, or 2941.145 of 1017  
the Revised Code, the court shall impose on the offender one of 1018  
the following prison terms: 1019

(i) A prison term of six years if the specification is of the 1020  
type described in section 2941.144 of the Revised Code that 1021  
charges the offender with having a firearm that is an automatic 1022  
firearm or that was equipped with a firearm muffler or silencer on 1023  
or about the offender's person or under the offender's control 1024  
while committing the felony; 1025

(ii) A prison term of three years if the specification is of 1026  
the type described in section 2941.145 of the Revised Code that 1027  
charges the offender with having a firearm on or about the 1028  
offender's person or under the offender's control while committing 1029  
the offense and displaying the firearm, brandishing the firearm, 1030  
indicating that the offender possessed the firearm, or using it to 1031  
facilitate the offense; 1032

(iii) A prison term of one year if the specification is of 1033  
the type described in section 2941.141 of the Revised Code that 1034  
charges the offender with having a firearm on or about the 1035  
offender's person or under the offender's control while committing 1036  
the felony. 1037

(b) If a court imposes a prison term on an offender under 1038  
division (D)(1)(a) of this section, the prison term shall not be 1039  
reduced pursuant to section 2929.20, section 2967.193, or any 1040  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1041

Code. A court shall not impose more than one prison term on an  
offender under division (D)(1)(a) of this section for felonies  
committed as part of the same act or transaction.

(c) Except as provided in division (D)(1)(e) of this section,  
if an offender who is convicted of or pleads guilty to a violation  
of section 2923.161 of the Revised Code or to a felony that  
includes, as an essential element, purposely or knowingly causing  
or attempting to cause the death of or physical harm to another,  
also is convicted of or pleads guilty to a specification of the  
type described in section 2941.146 of the Revised Code that  
charges the offender with committing the offense by discharging a  
firearm from a motor vehicle other than a manufactured home, the  
court, after imposing a prison term on the offender for the  
violation of section 2923.161 of the Revised Code or for the other  
felony offense under division (A), (D)(2), or (D)(3) of this  
section, shall impose an additional prison term of five years upon  
the offender that shall not be reduced pursuant to section  
2929.20, section 2967.193, or any other provision of Chapter 2967.  
or Chapter 5120. of the Revised Code. A court shall not impose  
more than one additional prison term on an offender under division  
(D)(1)(c) of this section for felonies committed as part of the  
same act or transaction. If a court imposes an additional prison  
term on an offender under division (D)(1)(c) of this section  
relative to an offense, the court also shall impose a prison term  
under division (D)(1)(a) of this section relative to the same  
offense, provided the criteria specified in that division for  
imposing an additional prison term are satisfied relative to the  
offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an  
offense of violence that is a felony also is convicted of or  
pleads guilty to a specification of the type described in section  
2941.1411 of the Revised Code that charges the offender with

wearing or carrying body armor while committing the felony offense 1074  
of violence, the court shall impose on the offender a prison term 1075  
of two years. The prison term so imposed shall not be reduced 1076  
pursuant to section 2929.20, section 2967.193, or any other 1077  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1078  
court shall not impose more than one prison term on an offender 1079  
under division (D)(1)(d) of this section for felonies committed as 1080  
part of the same act or transaction. If a court imposes an 1081  
additional prison term under division (D)(1)(a) or (c) of this 1082  
section, the court is not precluded from imposing an additional 1083  
prison term under division (D)(1)(d) of this section. 1084

(e) The court shall not impose any of the prison terms 1085  
described in division (D)(1)(a) of this section or any of the 1086  
additional prison terms described in division (D)(1)(c) of this 1087  
section upon an offender for a violation of section 2923.12 or 1088  
2923.123 of the Revised Code. The court shall not impose any of 1089  
the prison terms described in division (D)(1)(a) of this section 1090  
or any of the additional prison terms described in division 1091  
(D)(1)(c) of this section upon an offender for a violation of 1092  
section 2923.13 of the Revised Code unless all of the following 1093  
apply: 1094

(i) The offender previously has been convicted of aggravated 1095  
murder, murder, or any felony of the first or second degree. 1096

(ii) Less than five years have passed since the offender was 1097  
released from prison or post-release control, whichever is later, 1098  
for the prior offense. 1099

(f) If an offender is convicted of or pleads guilty to a 1100  
felony that includes, as an essential element, causing or 1101  
attempting to cause the death of or physical harm to another and 1102  
also is convicted of or pleads guilty to a specification of the 1103  
type described in section 2941.1412 of the Revised Code that 1104

charges the offender with committing the offense by discharging a  
firearm at a peace officer as defined in section 2935.01 of the  
Revised Code or a corrections officer as defined in section  
2941.1412 of the Revised Code, the court, after imposing a prison  
term on the offender for the felony offense under division (A),  
(D)(2), or (D)(3) of this section, shall impose an additional  
prison term of seven years upon the offender that shall not be  
reduced pursuant to section 2929.20, section 2967.193, or any  
other provision of Chapter 2967. or Chapter 5120. of the Revised  
Code. A court shall not impose more than one additional prison  
term on an offender under division (D)(1)(f) of this section for  
felonies committed as part of the same act or transaction. If a  
court imposes an additional prison term on an offender under  
division (D)(1)(f) of this section relative to an offense, the  
court shall not impose a prison term under division (D)(1)(a) or  
(c) of this section relative to the same offense.

(2)(a) If an offender who is convicted of or pleads guilty to  
a felony also is convicted of or pleads guilty to a specification  
of the type described in section 2941.149 of the Revised Code that  
the offender is a repeat violent offender, the court shall impose  
a prison term from the range of terms authorized for the offense  
under division (A) of this section that may be the longest term in  
the range and that shall not be reduced pursuant to section  
2929.20, section 2967.193, or any other provision of Chapter 2967.  
or Chapter 5120. of the Revised Code. If the court finds that the  
repeat violent offender, in committing the offense, caused any  
physical harm that carried a substantial risk of death to a person  
or that involved substantial permanent incapacity or substantial  
permanent disfigurement of a person, the court shall impose the  
longest prison term from the range of terms authorized for the  
offense under division (A) of this section.

(b) If the court imposing a prison term on a repeat violent

offender imposes the longest prison term from the range of terms  
authorized for the offense under division (A) of this section, the  
court may impose on the offender an additional definite prison  
term of one, two, three, four, five, six, seven, eight, nine, or  
ten years if the court finds that both of the following apply with  
respect to the prison terms imposed on the offender pursuant to  
division (D)(2)(a) of this section and, if applicable, divisions  
(D)(1) and (3) of this section:

(i) The terms so imposed are inadequate to punish the  
offender and protect the public from future crime, because the  
applicable factors under section 2929.12 of the Revised Code  
indicating a greater likelihood of recidivism outweigh the  
applicable factors under that section indicating a lesser  
likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of  
the offense, because one or more of the factors under section  
2929.12 of the Revised Code indicating that the offender's conduct  
is more serious than conduct normally constituting the offense are  
present, and they outweigh the applicable factors under that  
section indicating that the offender's conduct is less serious  
than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for  
the violation is life imprisonment or commits a violation of  
section 2903.02 of the Revised Code, if the offender commits a  
violation of section 2925.03 or 2925.11 of the Revised Code and  
that section classifies the offender as a major drug offender and  
requires the imposition of a ten-year prison term on the offender,  
if the offender commits a felony violation of section 2925.02,  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161,  
4729.37, or 4729.61, division (C) or (D) of section 3719.172,  
division (C) of section 4729.51, or division (J) of section

4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison term of one, two, three, four, five, six, seven, eight, nine, or ten years, if the court, with respect to the term imposed under division (D)(3)(a) of this section and, if applicable, divisions (D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(b)(i) and (ii) of this section.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the

offender to a definite prison term of not less than six months and  
not more than thirty months, and if the offender is being  
sentenced for a third degree felony OVI offense, the sentencing  
court may sentence the offender to an additional prison term of  
any duration specified in division (A)(3) of this section. In  
either case, the additional prison term imposed shall be reduced  
by the sixty or one hundred twenty days imposed upon the offender  
as the mandatory prison term. The total of the additional prison  
term imposed under division (D)(4) of this section plus the sixty  
or one hundred twenty days imposed as the mandatory prison term  
shall equal a definite term in the range of six months to thirty  
months for a fourth degree felony OVI offense and shall equal one  
of the authorized prison terms specified in division (A)(3) of  
this section for a third degree felony OVI offense. If the court  
imposes an additional prison term under division (D)(4) of this  
section, the offender shall serve the additional prison term after  
the offender has served the mandatory prison term required for the  
offense. In addition to the mandatory prison term or mandatory and  
additional prison term imposed as described in division (D)(4) of  
this section, the court also may sentence the offender to a  
community control sanction under section 2929.16 or 2929.17 of the  
Revised Code, but the offender shall serve all of the prison terms  
so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony  
OVI offense under division (G)(1) of section 2929.13 of the  
Revised Code and the court imposes a mandatory term of local  
incarceration, the court may impose a prison term as described in  
division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1414 of the

Revised Code that charges that the victim of the offense is a  
peace officer, as defined in section 2935.01 of the Revised Code,  
the court shall impose on the offender a prison term of five  
years. If a court imposes a prison term on an offender under  
division (D)(5) of this section, the prison term shall not be  
reduced pursuant to section 2929.20, section 2967.193, or any  
other provision of Chapter 2967. or Chapter 5120. of the Revised  
Code. A court shall not impose more than one prison term on an  
offender under division (D)(5) of this section for felonies  
committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1415 of the  
Revised Code that charges that the offender previously has been  
convicted of or pleaded guilty to three or more violations of  
division (A) or (B) of section 4511.19 of the Revised Code or an  
equivalent offense, as defined in section 2941.1415 of the Revised  
Code, or three or more violations of any combination of those  
divisions and offenses, the court shall impose on the offender a  
prison term of three years. If a court imposes a prison term on an  
offender under division (D)(6) of this section, the prison term  
shall not be reduced pursuant to section 2929.20, section  
2967.193, or any other provision of Chapter 2967. or Chapter 5120.  
of the Revised Code. A court shall not impose more than one prison  
term on an offender under division (D)(6) of this section for  
felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a  
mandatory prison term is imposed upon an offender pursuant to  
division (D)(1)(a) of this section for having a firearm on or  
about the offender's person or under the offender's control while  
committing a felony, if a mandatory prison term is imposed upon an

offender pursuant to division (D)(1)(c) of this section for 1265  
committing a felony specified in that division by discharging a 1266  
firearm from a motor vehicle, or if both types of mandatory prison 1267  
terms are imposed, the offender shall serve any mandatory prison 1268  
term imposed under either division consecutively to any other 1269  
mandatory prison term imposed under either division or under 1270  
division (D)(1)(d) of this section, consecutively to and prior to 1271  
any prison term imposed for the underlying felony pursuant to 1272  
division (A), (D)(2), or (D)(3) of this section or any other 1273  
section of the Revised Code, and consecutively to any other prison 1274  
term or mandatory prison term previously or subsequently imposed 1275  
upon the offender. 1276

(b) If a mandatory prison term is imposed upon an offender 1277  
pursuant to division (D)(1)(d) of this section for wearing or 1278  
carrying body armor while committing an offense of violence that 1279  
is a felony, the offender shall serve the mandatory term so 1280  
imposed consecutively to any other mandatory prison term imposed 1281  
under that division or under division (D)(1)(a) or (c) of this 1282  
section, consecutively to and prior to any prison term imposed for 1283  
the underlying felony under division (A), (D)(2), or (D)(3) of 1284  
this section or any other section of the Revised Code, and 1285  
consecutively to any other prison term or mandatory prison term 1286  
previously or subsequently imposed upon the offender. 1287

(c) If a mandatory prison term is imposed upon an offender 1288  
pursuant to division (D)(1)(f) of this section, the offender shall 1289  
serve the mandatory prison term so imposed consecutively to and 1290  
prior to any prison term imposed for the underlying felony under 1291  
division (A), (D)(2), or (D)(3) of this section or any other 1292  
section of the Revised Code, and consecutively to any other prison 1293  
term or mandatory prison term previously or subsequently imposed 1294  
upon the offender. 1295

(2) If an offender who is an inmate in a jail, prison, or 1296

other residential detention facility violates section 2917.02, 1297  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1298  
who is under detention at a detention facility commits a felony 1299  
violation of section 2923.131 of the Revised Code, or if an 1300  
offender who is an inmate in a jail, prison, or other residential 1301  
detention facility or is under detention at a detention facility 1302  
commits another felony while the offender is an escapee in 1303  
violation of section 2921.34 of the Revised Code, any prison term 1304  
imposed upon the offender for one of those violations shall be 1305  
served by the offender consecutively to the prison term or term of 1306  
imprisonment the offender was serving when the offender committed 1307  
that offense and to any other prison term previously or 1308  
subsequently imposed upon the offender. 1309

(3) If a prison term is imposed for a violation of division 1310  
(B) of section 2911.01 of the Revised Code, a violation of 1311  
division (A) of section 2913.02 of the Revised Code in which the 1312  
stolen property is a firearm or dangerous ordnance, or a felony 1313  
violation of division (B) of section 2921.331 of the Revised Code, 1314  
the offender shall serve that prison term consecutively to any 1315  
other prison term or mandatory prison term previously or 1316  
subsequently imposed upon the offender. 1317

(4) If multiple prison terms are imposed on an offender for 1318  
convictions of multiple offenses, the court may require the 1319  
offender to serve the prison terms consecutively if the court 1320  
finds that the consecutive service is necessary to protect the 1321  
public from future crime or to punish the offender and that 1322  
consecutive sentences are not disproportionate to the seriousness 1323  
of the offender's conduct and to the danger the offender poses to 1324  
the public, and if the court also finds any of the following: 1325

(a) The offender committed one or more of the multiple 1326  
offenses while the offender was awaiting trial or sentencing, was 1327  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1328

2929.18 of the Revised Code, or was under post-release control for 1329  
a prior offense. 1330

(b) At least two of the multiple offenses were committed as 1331  
part of one or more courses of conduct, and the harm caused by two 1332  
or more of the multiple offenses so committed was so great or 1333  
unusual that no single prison term for any of the offenses 1334  
committed as part of any of the courses of conduct adequately 1335  
reflects the seriousness of the offender's conduct. 1336

(c) The offender's history of criminal conduct demonstrates 1337  
that consecutive sentences are necessary to protect the public 1338  
from future crime by the offender. 1339

(5) If a mandatory prison term is imposed upon an offender 1340  
pursuant to division (D)(5) or (6) of this section, the offender 1341  
shall serve the mandatory prison term consecutively to and prior 1342  
to any prison term imposed for the underlying violation of 1343  
division (A)(1) or (2) of section 2903.06 of the Revised Code 1344  
pursuant to division (A) of this section. If a mandatory prison 1345  
term is imposed upon an offender pursuant to division (D)(5) of 1346  
this section, and if a mandatory prison term also is imposed upon 1347  
the offender pursuant to division (D)(6) of this section in 1348  
relation to the same violation, the offender shall serve the 1349  
mandatory prison term imposed pursuant to division (D)(5) of this 1350  
section consecutively to and prior to the mandatory prison term 1351  
imposed pursuant to division (D)(6) of this section and 1352  
consecutively to and prior to any prison term imposed for the 1353  
underlying violation of division (A)(1) or (2) of section 2903.06 1354  
of the Revised Code pursuant to division (A) of this section. 1355

(6) When consecutive prison terms are imposed pursuant to 1356  
division (E)(1), (2), (3), (4), or (5) of this section, the term 1357  
to be served is the aggregate of all of the terms so imposed. 1358

(F)(1) If a court imposes a prison term ~~of a type described~~ 1359

~~in division (B) of section 2967.28 of the Revised Code for a~~ 1360  
~~felony of the first degree, for a felony of the second degree, for~~ 1361  
~~a felony sex offense, or for a felony of the third degree that is~~ 1362  
~~not a felony sex offense and in the commission of which the~~ 1363  
~~offender caused or threatened to cause physical harm to a person,~~ 1364  
it shall include in the sentence a requirement that the offender 1365  
be subject to a period of post-release control after the 1366  
offender's release from imprisonment, in accordance with that 1367  
division. If a court imposes a sentence including a prison term of 1368  
a type described in this division on or after the effective date 1369  
of this amendment, the failure of a court to include a 1370  
post-release control requirement in the sentence pursuant to this 1371  
division does not negate, limit, or otherwise affect the mandatory 1372  
period of post-release control that is required for the offender 1373  
under division (B) of section 2967.28 of the Revised Code. Section 1374  
2929.191 of the Revised Code applies if, prior to the effective 1375  
date of this amendment, a court imposed a sentence including a 1376  
prison term of a type described in this division and failed to 1377  
include in the sentence pursuant to this division a statement 1378  
regarding post-release control. 1379

~~(2) If a court imposes a prison term of a type described in~~ 1380  
~~division (C) of that section for a felony of the third, fourth, or~~ 1381  
~~fifth degree that is not subject to division (F)(1) of this~~ 1382  
~~section,~~ it shall include in the sentence a requirement that the 1383  
offender be subject to a period of post-release control after the 1384  
offender's release from imprisonment, in accordance with that 1385  
division, if the parole board determines that a period of 1386  
post-release control is necessary. Section 2929.191 of the Revised 1387  
Code applies if, prior to the effective date of this amendment, a 1388  
court imposed a sentence including a prison term of a type 1389  
described in this division and failed to include in the sentence 1390  
pursuant to this division a statement regarding post-release 1391  
control. 1392

(G) If a person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense and, in relation to that offense, the offender is adjudicated a sexually violent predator, the court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment.

(H) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(I) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(J) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and

prior to the prison term imposed for the underlying offense. 1425

(K) At the time of sentencing, the court may recommend the 1426  
offender for placement in a program of shock incarceration under 1427  
section 5120.031 of the Revised Code or for placement in an 1428  
intensive program prison under section 5120.032 of the Revised 1429  
Code, disapprove placement of the offender in a program of shock 1430  
incarceration or an intensive program prison of that nature, or 1431  
make no recommendation on placement of the offender. In no case 1432  
shall the department of rehabilitation and correction place the 1433  
offender in a program or prison of that nature unless the 1434  
department determines as specified in section 5120.031 or 5120.032 1435  
of the Revised Code, whichever is applicable, that the offender is 1436  
eligible for the placement. 1437

If the court disapproves placement of the offender in a 1438  
program or prison of that nature, the department of rehabilitation 1439  
and correction shall not place the offender in any program of 1440  
shock incarceration or intensive program prison. 1441

If the court recommends placement of the offender in a 1442  
program of shock incarceration or in an intensive program prison, 1443  
and if the offender is subsequently placed in the recommended 1444  
program or prison, the department shall notify the court of the 1445  
placement and shall include with the notice a brief description of 1446  
the placement. 1447

If the court recommends placement of the offender in a 1448  
program of shock incarceration or in an intensive program prison 1449  
and the department does not subsequently place the offender in the 1450  
recommended program or prison, the department shall send a notice 1451  
to the court indicating why the offender was not placed in the 1452  
recommended program or prison. 1453

If the court does not make a recommendation under this 1454  
division with respect to an offender and if the department 1455

determines as specified in section 5120.031 or 5120.032 of the  
Revised Code, whichever is applicable, that the offender is  
eligible for placement in a program or prison of that nature, the  
department shall screen the offender and determine if there is an  
available program of shock incarceration or an intensive program  
prison for which the offender is suited. If there is an available  
program of shock incarceration or an intensive program prison for  
which the offender is suited, the department shall notify the  
court of the proposed placement of the offender as specified in  
section 5120.031 or 5120.032 of the Revised Code and shall include  
with the notice a brief description of the placement. The court  
shall have ten days from receipt of the notice to disapprove the  
placement.

**Sec. 2929.19.** (A)(1) The court shall hold a sentencing  
hearing before imposing a sentence under this chapter upon an  
offender who was convicted of or pleaded guilty to a felony and  
before resentencing an offender who was convicted of or pleaded  
guilty to a felony and whose case was remanded pursuant to section  
2953.07 or 2953.08 of the Revised Code. At the hearing, the  
offender, the prosecuting attorney, the victim or the victim's  
representative in accordance with section 2930.14 of the Revised  
Code, and, with the approval of the court, any other person may  
present information relevant to the imposition of sentence in the  
case. The court shall inform the offender of the verdict of the  
jury or finding of the court and ask the offender whether the  
offender has anything to say as to why sentence should not be  
imposed upon the offender.

(2) Except as otherwise provided in this division, before  
imposing sentence on an offender who is being sentenced on or  
after January 1, 1997, for a sexually oriented offense that is not  
a registration-exempt sexually oriented offense and who is in any

category of offender described in division (B)(1)(a)(i), (ii), or 1487  
(iii) of section 2950.09 of the Revised Code, the court shall 1488  
conduct a hearing in accordance with division (B) of section 1489  
2950.09 of the Revised Code to determine whether the offender is a 1490  
sexual predator. The court shall not conduct a hearing under that 1491  
division if the offender is being sentenced for a violent sex 1492  
offense or a designated homicide, assault, or kidnapping offense 1493  
and, in relation to that offense, the offender was adjudicated a 1494  
sexually violent predator. Before imposing sentence on an offender 1495  
who is being sentenced for a sexually oriented offense that is not 1496  
a registration-exempt sexually oriented offense, the court also 1497  
shall comply with division (E) of section 2950.09 of the Revised 1498  
Code. 1499

Before imposing sentence on or after July 31, 2003, on an 1500  
offender who is being sentenced for a child-victim oriented 1501  
offense, regardless of when the offense was committed, the court 1502  
shall conduct a hearing in accordance with division (B) of section 1503  
2950.091 of the Revised Code to determine whether the offender is 1504  
a child-victim predator. Before imposing sentence on an offender 1505  
who is being sentenced for a child-victim oriented offense, the 1506  
court also shall comply with division (E) of section 2950.091 of 1507  
the Revised Code. 1508

(B)(1) At the sentencing hearing, the court, before imposing 1509  
sentence, shall consider the record, any information presented at 1510  
the hearing by any person pursuant to division (A) of this 1511  
section, and, if one was prepared, the presentence investigation 1512  
report made pursuant to section 2951.03 of the Revised Code or 1513  
Criminal Rule 32.2, and any victim impact statement made pursuant 1514  
to section 2947.051 of the Revised Code. 1515

(2) The court shall impose a sentence and shall make a 1516  
finding that gives its reasons for selecting the sentence imposed 1517  
in any of the following circumstances: 1518

(a) Unless the offense is a violent sex offense or designated homicide, assault, or kidnapping offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and the basis of the findings it made under divisions (D)(1) and (2) of section 2929.13 of the Revised Code.

(c) If it imposes consecutive sentences under section 2929.14 of the Revised Code, its reasons for imposing the consecutive sentences;

(d) If the sentence is for one offense and it imposes a prison term for the offense that is the maximum prison term allowed for that offense by division (A) of section 2929.14 of the Revised Code, its reasons for imposing the maximum prison term;

(e) If the sentence is for two or more offenses arising out of a single incident and it imposes a prison term for those

offenses that is the maximum prison term allowed for the offense 1550  
of the highest degree by division (A) of section 2929.14 of the 1551  
Revised Code, its reasons for imposing the maximum prison term. 1552

(3) Subject to division (B)(4) of this section, if the 1553  
sentencing court determines at the sentencing hearing that a 1554  
prison term is necessary or required, the court shall do all of 1555  
the following: 1556

(a) Impose a stated prison term; 1557

(b) Notify the offender that, as part of the sentence, the 1558  
parole board may extend the stated prison term for certain 1559  
violations of prison rules for up to one-half of the stated prison 1560  
term; 1561

(c) Notify the offender that the offender will be supervised 1562  
under section 2967.28 of the Revised Code after the offender 1563  
leaves prison if the offender is being sentenced for a felony of 1564  
the first degree or second degree, for a felony sex offense, or 1565  
for a felony of the third degree that is not a felony sex offense 1566  
and in the commission of which the offender caused or threatened 1567  
to cause physical harm to a person~~+~~. If a court imposes a sentence 1568  
including a prison term of a type described in division (B)(3)(c) 1569  
of this section on or after the effective date of this amendment, 1570  
the failure of a court to notify the offender pursuant to division 1571  
(B)(3)(c) of this section that the offender will be supervised 1572  
under section 2967.28 of the Revised Code after the offender 1573  
leaves prison or to include in the judgment of conviction entered 1574  
on the journal a statement to that effect does not negate, limit, 1575  
or otherwise affect the mandatory period of supervision that is 1576  
required for the offender under division (B) of section 2967.28 of 1577  
the Revised Code. Section 2929.191 of the Revised Code applies if, 1578  
prior to the effective date of this amendment, a court imposed a 1579  
sentence including a prison term of a type described in division 1580

(B)(3)(c) of this section and failed to notify the offender 1581  
pursuant to division (B)(3)(c) of this section regarding 1582  
post-release control or to include in the judgment of conviction 1583  
entered on the journal or in the sentence a statement regarding 1584  
post-release control. 1585

(d) Notify the offender that the offender may be supervised 1586  
under section 2967.28 of the Revised Code after the offender 1587  
leaves prison if the offender is being sentenced for a felony of 1588  
the third, fourth, or fifth degree that is not subject to division 1589  
(B)(3)(c) of this section~~†~~. Section 2929.191 of the Revised Code 1590  
applies if, prior to the effective date of this amendment, a court 1591  
imposed a sentence including a prison term of a type described in 1592  
division (B)(3)(d) of this section and failed to notify the 1593  
offender pursuant to division (B)(3)(d) of this section regarding 1594  
post-release control or to include in the judgment of conviction 1595  
entered on the journal or in the sentence a statement regarding 1596  
post-release control. 1597

(e) Notify the offender that, if a period of supervision is 1598  
imposed following the offender's release from prison, as described 1599  
in division (B)(3)(c) or (d) of this section, and if the offender 1600  
violates that supervision or a condition of post-release control 1601  
imposed under division (B) of section 2967.131 of the Revised 1602  
Code, the parole board may impose a prison term, as part of the 1603  
sentence, of up to one-half of the stated prison term originally 1604  
imposed upon the offender~~†~~. If a court imposes a sentence 1605  
including a prison term on or after the effective date of this 1606  
amendment, the failure of a court to notify the offender pursuant 1607  
to division (B)(3)(e) of this section that the parole board may 1608  
impose a prison term as described in division (B)(3)(e) of this 1609  
section for a violation of that supervision or a condition of 1610  
post-release control imposed under division (B) of section 1611  
2967.131 of the Revised Code or to include in the judgment of 1612

conviction entered on the journal a statement to that effect does 1613  
not negate, limit, or otherwise affect the authority of the parole 1614  
board to so impose a prison term for a violation of that nature 1615  
if, pursuant to division (D)(1) of section 2967.28 of the Revised 1616  
Code, the parole board notifies the offender prior to the 1617  
offender's release of the board's authority to so impose a prison 1618  
term. Section 2929.191 of the Revised Code applies if, prior to 1619  
the effective date of this amendment, a court imposed a sentence 1620  
including a prison term and failed to notify the offender pursuant 1621  
to division (B)(3)(e) of this section regarding the possibility of 1622  
the parole board imposing a prison term for a violation of 1623  
supervision or a condition of post-release control. 1624

(f) Require that the offender not ingest or be injected with 1625  
a drug of abuse and submit to random drug testing as provided in 1626  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 1627  
is applicable to the offender who is serving a prison term, and 1628  
require that the results of the drug test administered under any 1629  
of those sections indicate that the offender did not ingest or was 1630  
not injected with a drug of abuse. 1631

(4) If the offender is being sentenced for a violent sex 1632  
offense or designated homicide, assault, or kidnapping offense 1633  
that the offender committed on or after January 1, 1997, and the 1634  
offender is adjudicated a sexually violent predator in relation to 1635  
that offense, if the offender is being sentenced for a sexually 1636  
oriented offense that is not a registration-exempt sexually 1637  
oriented offense and that the offender committed on or after 1638  
January 1, 1997, and the court imposing the sentence has 1639  
determined pursuant to division (B) of section 2950.09 of the 1640  
Revised Code that the offender is a sexual predator, if the 1641  
offender is being sentenced on or after July 31, 2003, for a 1642  
child-victim oriented offense and the court imposing the sentence 1643  
has determined pursuant to division (B) of section 2950.091 of the 1644

Revised Code that the offender is a child-victim predator, or if  
the offender is being sentenced for an aggravated sexually  
oriented offense as defined in section 2950.01 of the Revised  
Code, the court shall include in the offender's sentence a  
statement that the offender has been adjudicated a sexual  
predator, has been adjudicated a child victim predator, or has  
been convicted of or pleaded guilty to an aggravated sexually  
oriented offense, whichever is applicable, and shall comply with  
the requirements of section 2950.03 of the Revised Code.  
Additionally, in the circumstances described in division (G) of  
section 2929.14 of the Revised Code, the court shall impose  
sentence on the offender as described in that division.

(5) If the sentencing court determines at the sentencing  
hearing that a community control sanction should be imposed and  
the court is not prohibited from imposing a community control  
sanction, the court shall impose a community control sanction. The  
court shall notify the offender that, if the conditions of the  
sanction are violated, if the offender commits a violation of any  
law, or if the offender leaves this state without the permission  
of the court or the offender's probation officer, the court may  
impose a longer time under the same sanction, may impose a more  
restrictive sanction, or may impose a prison term on the offender  
and shall indicate the specific prison term that may be imposed as  
a sanction for the violation, as selected by the court from the  
range of prison terms for the offense pursuant to section 2929.14  
of the Revised Code.

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

(7) If the sentencing court sentences the offender to a  
sanction of confinement pursuant to section 2929.14 or 2929.16 of

the Revised Code that is to be served in a local detention facility, as defined in section 2929.36 of the Revised Code, and if the local detention facility is covered by a policy adopted pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, both of the following apply:

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

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

(ii) If the offender does not dispute the bill described in division (B)(7)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section.

(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(7)(a)(ii) of this section.

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

(A)(1) of section 2929.13 of the Revised Code. 1708

(2) If the offender is being sentenced for a third or fourth 1709  
degree felony OVI offense under division (G)(2) of section 2929.13 1710  
of the Revised Code, the court shall impose the mandatory prison 1711  
term in accordance with that division, shall impose a mandatory 1712  
fine in accordance with division (B)(3) of section 2929.18 of the 1713  
Revised Code, and, in addition, may impose an additional prison 1714  
term as specified in section 2929.14 of the Revised Code. In 1715  
addition to the mandatory prison term or mandatory prison term and 1716  
additional prison term the court imposes, the court also may 1717  
impose a community control sanction on the offender, but the 1718  
offender shall serve all of the prison terms so imposed prior to 1719  
serving the community control sanction. 1720

(D) The sentencing court, pursuant to division (K) of section 1721  
2929.14 of the Revised Code, may recommend placement of the 1722  
offender in a program of shock incarceration under section 1723  
5120.031 of the Revised Code or an intensive program prison under 1724  
section 5120.032 of the Revised Code, disapprove placement of the 1725  
offender in a program or prison of that nature, or make no 1726  
recommendation. If the court recommends or disapproves placement, 1727  
it shall make a finding that gives its reasons for its 1728  
recommendation or disapproval. 1729

Sec. 2929.191. (A)(1) If, prior to the effective date of this 1730  
section, a court imposed a sentence including a prison term of a 1731  
type described in division (B)(3)(c) of section 2929.19 of the 1732  
Revised Code and failed to notify the offender pursuant to that 1733  
division that the offender will be supervised under section 1734  
2967.28 of the Revised Code after the offender leaves prison or to 1735  
include a statement to that effect in the judgment of conviction 1736  
entered on the journal or in the sentence pursuant to division 1737  
(F)(1) of section 2929.14 of the Revised Code, at any time before 1738

the offender is released from imprisonment under that term and at 1739  
a hearing conducted in accordance with division (C) of this 1740  
section, the court may prepare and issue a correction to the 1741  
judgment of conviction that includes in the judgment of conviction 1742  
the statement that the offender will be supervised under section 1743  
2967.28 of the Revised Code after the offender leaves prison. 1744

If, prior to the effective date of this section, a court 1745  
imposed a sentence including a prison term of a type described in 1746  
division (B)(3)(d) of section 2929.19 of the Revised Code and 1747  
failed to notify the offender pursuant to that division that the 1748  
offender may be supervised under section 2967.28 of the Revised 1749  
Code after the offender leaves prison or to include a statement to 1750  
that effect in the judgment of conviction entered on the journal 1751  
or in the sentence pursuant to division (F)(2) of section 2929.14 1752  
of the Revised Code, at any time before the offender is released 1753  
from imprisonment under that term and at a hearing conducted in 1754  
accordance with division (C) of this section, the court may 1755  
prepare and issue a correction to the judgment of conviction that 1756  
includes in the judgment of conviction the statement that the 1757  
offender may be supervised under section 2967.28 of the Revised 1758  
Code after the offender leaves prison. 1759

(2) If a court prepares and issues a correction to a judgment 1760  
of conviction as described in division (A)(1) of this section 1761  
before the offender is released from imprisonment under the prison 1762  
term the court imposed prior to the effective date of this 1763  
section, the court shall place upon the journal of the court an 1764  
entry nunc pro tunc to record the correction to the judgment of 1765  
conviction and shall provide a copy of the entry to the offender 1766  
or, if the offender is not physically present at the hearing, 1767  
shall send a copy of the entry to the department of rehabilitation 1768  
and correction for delivery to the offender. If the court sends a 1769

copy of the entry to the department, the department promptly shall 1770  
deliver a copy of the entry to the offender. The court's placement 1771  
upon the journal of the entry nunc pro tunc before the offender is 1772  
released from imprisonment under the term shall be considered, and 1773  
shall have the same effect, as if the court at the time of 1774  
original sentencing had included the statement in the sentence and 1775  
the judgment of conviction entered on the journal and had notified 1776  
the offender that the offender will be so supervised regarding a 1777  
sentence including a prison term of a type described in division 1778  
(B)(3)(c) of section 2929.19 of the Revised Code or that the 1779  
offender may be so supervised regarding a sentence including a 1780  
prison term of a type described in division (B)(3)(d) of that 1781  
section. 1782

(B)(1) If, prior to the effective date of this section, a 1783  
court imposed a sentence including a prison term and failed to 1784  
notify the offender pursuant to division (B)(3)(e) of section 1785  
2929.19 of the Revised Code regarding the possibility of the 1786  
parole board imposing a prison term for a violation of supervision 1787  
or a condition of post-release control or to include in the 1788  
judgment of conviction entered on the journal a statement to that 1789  
effect, at any time before the offender is released from 1790  
imprisonment under that term and at a hearing conducted in 1791  
accordance with division (C) of this section, the court may 1792  
prepare and issue a correction to the judgment of conviction that 1793  
includes in the judgment of conviction the statement that if a 1794  
period of supervision is imposed following the offender's release 1795  
from prison, as described in division (B)(3)(c) or (d) of section 1796  
2929.19 of the Revised Code, and if the offender violates that 1797  
supervision or a condition of post-release control imposed under 1798  
division (B) of section 2967.131 of the Revised Code the parole 1799  
board may impose as part of the sentence a prison term of up to 1800  
one-half of the stated prison term originally imposed upon the 1801

offender. 1802

(2) If the court prepares and issues a correction to a 1803  
judgment of conviction as described in division (B)(1) of this 1804  
section before the offender is released from imprisonment under 1805  
the term, the court shall place upon the journal of the court an 1806  
entry nunc pro tunc to record the correction to the judgment of 1807  
conviction and shall provide a copy of the entry to the offender 1808  
or, if the offender is not physically present at the hearing, 1809  
shall send a copy of the entry to the department of rehabilitation 1810  
and correction for delivery to the offender. If the court sends a 1811  
copy of the entry to the department, the department promptly shall 1812  
deliver a copy of the entry to the offender. The court's placement 1813  
upon the journal of the entry nunc pro tunc before the offender is 1814  
released from imprisonment under the term shall be considered, and 1815  
shall have the same effect, as if the court at the time of 1816  
original sentencing had included the statement in the judgment of 1817  
conviction entered on the journal and had notified the offender 1818  
pursuant to division (B)(3)(e) of section 2929.19 of the Revised 1819  
Code regarding the possibility of the parole board imposing a 1820  
prison term for a violation of supervision or a condition of 1821  
post-release control. 1822

(C) On and after the effective date of this section, a court 1823  
that wishes to prepare and issue a correction to a judgment of 1824  
conviction of a type described in division (A)(1) or (B)(1) of 1825  
this section shall not issue the correction until after the court 1826  
has conducted a hearing in accordance with this division. Before a 1827  
court holds a hearing pursuant to this division, the court shall 1828  
provide notice of the date, time, place, and purpose of the 1829  
hearing to the offender who is the subject of the hearing, the 1830  
prosecuting attorney of the county, and the department of 1831  
rehabilitation and correction. The offender has the right to be 1832  
physically present at the hearing, except that, upon the court's 1833

own motion or the motion of the offender or the prosecuting attorney, the court may permit the offender to appear at the hearing by video conferencing equipment if available and compatible. An appearance by video conferencing equipment pursuant to this division has the same force and effect as if the offender were physically present at the hearing. At the hearing, the offender and the prosecuting attorney may make a statement as to whether the court should issue a correction to the judgment of conviction.

**Sec. 2930.13.** (A) If the court orders the preparation of a victim impact statement pursuant to division (D)(1) of section 2152.19 or section 2947.051 of the Revised Code, the victim in the case may make a written or oral statement regarding the impact of the crime or specified delinquent act to the person whom the court orders to prepare the victim impact statement. A statement made by the victim under this section shall be included in the victim impact statement.

(B) If a probation officer or other person is preparing a presentence investigation report pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2, or a disposition investigation report pursuant to section ~~2151.355~~ 2152.18 of the Revised Code, concerning the defendant or alleged juvenile offender in the case, the victim may make a written or oral statement regarding the impact of the crime or specified delinquent act to the probation officer or other person. The probation officer or other person shall use the statement in preparing the presentence investigation report or disposition investigation report and, upon the victim's request, shall include a written statement submitted by the victim in the presentence investigation report or disposition investigation report.

(C) A statement made by the victim under division (A) or (B)

of this section may include the following: 1865

(1) An explanation of the nature and extent of any physical, 1866  
psychological, or emotional harm suffered by the victim as a 1867  
result of the crime or specified delinquent act that is the basis 1868  
of the case; 1869

(2) An explanation of the extent of any property damage or 1870  
other economic loss suffered by the victim as a result of that 1871  
crime or specified delinquent act; 1872

(3) An opinion regarding the extent to which, if any, the 1873  
victim needs restitution for harm caused by the defendant or 1874  
alleged juvenile offender as a result of that crime or specified 1875  
delinquent act and information about whether the victim has 1876  
applied for or received any compensation for loss or damage caused 1877  
by that crime or specified delinquent act; 1878

(4) The victim's recommendation for an appropriate sanction 1879  
or disposition for the defendant or alleged juvenile offender 1880  
regarding that crime or specified delinquent act. 1881

(D) If a statement made by a victim under division (A) of 1882  
this section is included in a victim impact statement, the 1883  
provision, receipt, and retention of copies of, the use of, and 1884  
the confidentiality, nonpublic record character, and sealing of 1885  
the victim impact statement is governed by division ~~(H)~~(B)(2) of 1886  
section ~~2151.355~~ 2152.20 or by division (C) of section 2947.051 of 1887  
the Revised Code, as appropriate. If a statement made by a victim 1888  
under division (B) of this section is included in a presentence 1889  
investigation report prepared pursuant to section 2947.06 or 1890  
2951.03 of the Revised Code or Criminal Rule 32.2 or in a 1891  
disposition investigation report pursuant to division (C)(1) of 1892  
section 2152.18 of the Revised Code, the provision, receipt, and 1893  
retention of copies of, the use of, and the confidentiality, 1894  
nonpublic record character, and sealing of the presentence 1895

investigation report or disposition investigation report that 1896  
contains the victim's statement is governed by section 2951.03 of 1897  
the Revised Code. 1898

**Sec. 2967.28.** (A) As used in this section: 1899

(1) "Monitored time" means the monitored time sanction 1900  
specified in section 2929.17 of the Revised Code. 1901

(2) "Deadly weapon" and "dangerous ordnance" have the same 1902  
meanings as in section 2923.11 of the Revised Code. 1903

(3) "Felony sex offense" means a violation of a section 1904  
contained in Chapter 2907. of the Revised Code that is a felony. 1905

(B) Each sentence to a prison term for a felony of the first 1906  
degree, for a felony of the second degree, for a felony sex 1907  
offense, or for a felony of the third degree that is not a felony 1908  
sex offense and in the commission of which the offender caused or 1909  
threatened to cause physical harm to a person shall include a 1910  
requirement that the offender be subject to a period of 1911  
post-release control imposed by the parole board after the 1912  
offender's release from imprisonment. If a court imposes a 1913  
sentence including a prison term of a type described in this 1914  
division on or after the effective date of this amendment, the 1915  
failure of a sentencing court to notify the offender pursuant to 1916  
division (B)(3)(c) of section 2929.19 of the Revised Code of this 1917  
requirement or to include in the judgment of conviction entered on 1918  
the journal a statement that the offender's sentence includes this 1919  
requirement does not negate, limit, or otherwise affect the 1920  
mandatory period of supervision that is required for the offender 1921  
under this division. Section 2929.191 of the Revised Code applies 1922  
if, prior to the effective date of this amendment, a court imposed 1923  
a sentence including a prison term of a type described in this 1924  
division and failed to notify the offender pursuant to division 1925  
(B)(3)(c) of section 2929.19 of the Revised Code regarding 1926

post-release control or to include in the judgment of conviction 1927  
entered on the journal or in the sentence pursuant to division 1928  
(F)(1) of section 2929.14 of the Revised Code a statement 1929  
regarding post-release control. Unless reduced by the parole board 1930  
pursuant to division (D) of this section when authorized under 1931  
that division, a period of post-release control required by this 1932  
division for an offender shall be of one of the following periods: 1933

(1) For a felony of the first degree or for a felony sex 1934  
offense, five years; 1935

(2) For a felony of the second degree that is not a felony 1936  
sex offense, three years; 1937

(3) For a felony of the third degree that is not a felony sex 1938  
offense and in the commission of which the offender caused or 1939  
threatened physical harm to a person, three years. 1940

(C) Any sentence to a prison term for a felony of the third, 1941  
fourth, or fifth degree that is not subject to division (B)(1) or 1942  
(3) of this section shall include a requirement that the offender 1943  
be subject to a period of post-release control of up to three 1944  
years after the offender's release from imprisonment, if the 1945  
parole board, in accordance with division (D) of this section, 1946  
determines that a period of post-release control is necessary for 1947  
that offender. Section 2929.191 of the Revised Code applies if, 1948  
prior to the effective date of this amendment, a court imposed a 1949  
sentence including a prison term of a type described in this 1950  
division and failed to notify the offender pursuant to division 1951  
(B)(3)(d) of section 2929.19 of the Revised Code regarding 1952  
post-release control or to include in the judgment of conviction 1953  
entered on the journal or in the sentence pursuant to division 1954  
(F)(2) of section 2929.14 of the Revised Code a statement 1955  
regarding post-release control. 1956

(D)(1) Before the prisoner is released from imprisonment, the 1957

parole board shall impose upon a prisoner described in division 1958  
(B) of this section, may impose upon a prisoner described in 1959  
division (C) of this section, and shall impose upon a prisoner 1960  
described in division (B)(2)(b) of section 5120.031 or in division 1961  
(B)(1) of section 5120.032 of the Revised Code, one or more 1962  
post-release control sanctions to apply during the prisoner's 1963  
period of post-release control. Whenever the board imposes one or 1964  
more post-release control sanctions upon a prisoner, the board, in 1965  
addition to imposing the sanctions, also shall include as a 1966  
condition of the post-release control that the individual or felon 1967  
not leave the state without permission of the court or the 1968  
individual's or felon's parole or probation officer and that the 1969  
individual or felon abide by the law. The board may impose any 1970  
other conditions of release under a post-release control sanction 1971  
that the board considers appropriate, and the conditions of 1972  
release may include any community residential sanction, community 1973  
nonresidential sanction, or financial sanction that the sentencing 1974  
court was authorized to impose pursuant to sections 2929.16, 1975  
2929.17, and 2929.18 of the Revised Code. Prior to the release of 1976  
a prisoner for whom it will impose one or more post-release 1977  
control sanctions under this division, the parole board shall 1978  
review the prisoner's criminal history, all juvenile court 1979  
adjudications finding the prisoner, while a juvenile, to be a 1980  
delinquent child, and the record of the prisoner's conduct while 1981  
imprisoned. The parole board shall consider any recommendation 1982  
regarding post-release control sanctions for the prisoner made by 1983  
the office of victims' services. After considering those 1984  
materials, the board shall determine, for a prisoner described in 1985  
division (B) of this section, division (B)(2)(b) of section 1986  
5120.031, or division (B)(1) of section 5120.032 of the Revised 1987  
Code, which post-release control sanction or combination of 1988  
post-release control sanctions is reasonable under the 1989  
circumstances or, for a prisoner described in division (C) of this 1990

section, whether a post-release control sanction is necessary and, if so, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances. In the case of a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, the board shall presume that monitored time is the appropriate post-release control sanction unless the board determines that a more restrictive sanction is warranted. A post-release control sanction imposed under this division takes effect upon the prisoner's release from imprisonment.

Regardless of whether the prisoner was sentenced to the prison term prior to, on, or after the effective date of this amendment, prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board shall notify the prisoner that, if the prisoner violates any sanction so imposed or any condition of post-release control described in division (B) of section 2967.131 of the Revised Code that is imposed on the prisoner, the parole board may impose a prison term of up to one-half of the stated prison term originally imposed upon the prisoner.

(2) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority may determine, based upon the review and in accordance with the standards established under division (E) of this section, that a more restrictive or a less restrictive sanction is appropriate and may impose a different sanction. Unless the period of post-release control was imposed for an offense described in division (B)(1) of this section, the authority also may recommend that the parole board reduce the duration of the period of post-release control

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imposed by the court. If the authority recommends that the board  
reduce the duration of control for an offense described in  
division (B)(2), (B)(3), or (C) of this section, the board shall  
review the releasee's behavior and may reduce the duration of the  
period of control imposed by the court. In no case shall the board  
reduce the duration of the period of control imposed by the court  
for an offense described in division (B)(1) of this section, and  
in no case shall the board permit the releasee to leave the state  
without permission of the court or the releasee's parole or  
probation officer.

(E) The department of rehabilitation and correction, in  
accordance with Chapter 119. of the Revised Code, shall adopt  
rules that do all of the following:

(1) Establish standards for the imposition by the parole  
board of post-release control sanctions under this section that  
are consistent with the overriding purposes and sentencing  
principles set forth in section 2929.11 of the Revised Code and  
that are appropriate to the needs of releasees;

(2) Establish standards by which the parole board can  
determine which prisoners described in division (C) of this  
section should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in  
reducing the duration of the period of post-release control  
imposed by the court when authorized under division (D) of this  
section, in imposing a more restrictive post-release control  
sanction than monitored time upon a prisoner convicted of a felony  
of the fourth or fifth degree other than a felony sex offense, or  
in imposing a less restrictive control sanction upon a releasee  
based on the releasee's activities including, but not limited to,  
remaining free from criminal activity and from the abuse of  
alcohol or other drugs, successfully participating in approved

rehabilitation programs, maintaining employment, and paying 2054  
restitution to the victim or meeting the terms of other financial 2055  
sanctions; 2056

(4) Establish standards to be used by the adult parole 2057  
authority in modifying a releasee's post-release control sanctions 2058  
pursuant to division (D)(2) of this section; 2059

(5) Establish standards to be used by the adult parole 2060  
authority or parole board in imposing further sanctions under 2061  
division (F) of this section on releasees who violate post-release 2062  
control sanctions, including standards that do the following: 2063

(a) Classify violations according to the degree of 2064  
seriousness; 2065

(b) Define the circumstances under which formal action by the 2066  
parole board is warranted; 2067

(c) Govern the use of evidence at violation hearings; 2068

(d) Ensure procedural due process to an alleged violator; 2069

(e) Prescribe nonresidential community control sanctions for 2070  
most misdemeanor and technical violations; 2071

(f) Provide procedures for the return of a releasee to 2072  
imprisonment for violations of post-release control. 2073

(F)(1) ~~If a post-release control sanction is imposed~~ Whenever 2074  
the parole board imposes one or more post-release control 2075  
sanctions upon an offender under this section, the offender upon 2076  
release from imprisonment shall be under the general jurisdiction 2077  
of the adult parole authority and generally shall be supervised by 2078  
the field services section through its staff of parole and field 2079  
officers as described in section 5149.04 of the Revised Code, as 2080  
if the offender had been placed on parole. If the offender upon 2081  
release from imprisonment violates the post-release control 2082  
sanction or any conditions described in division (A) of section 2083

2967.131 of the Revised Code that are imposed on the offender, the 2084  
public or private person or entity that operates or administers 2085  
the sanction or the program or activity that comprises the 2086  
sanction shall report the violation directly to the adult parole 2087  
authority or to the officer of the authority who supervises the 2088  
offender. The authority's officers may treat the offender as if 2089  
the offender were on parole and in violation of the parole, and 2090  
otherwise shall comply with this section. 2091

(2) If the adult parole authority determines that a releasee 2092  
has violated a post-release control sanction or any conditions 2093  
described in division (A) of section 2967.131 of the Revised Code 2094  
imposed upon the releasee and that a more restrictive sanction is 2095  
appropriate, the authority may impose a more restrictive sanction 2096  
upon the releasee, in accordance with the standards established 2097  
under division (E) of this section, or may report the violation to 2098  
the parole board for a hearing pursuant to division (F)(3) of this 2099  
section. The authority may not, pursuant to this division, 2100  
increase the duration of the releasee's post-release control or 2101  
impose as a post-release control sanction a residential sanction 2102  
that includes a prison term, but the authority may impose on the 2103  
releasee any other residential sanction, nonresidential sanction, 2104  
or financial sanction that the sentencing court was authorized to 2105  
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 2106  
Revised Code. 2107

(3) The parole board may hold a hearing on any alleged 2108  
violation by a releasee of a post-release control sanction or any 2109  
conditions described in division (A) of section 2967.131 of the 2110  
Revised Code that are imposed upon the releasee. If after the 2111  
hearing the board finds that the releasee violated the sanction or 2112  
condition, the board may increase the duration of the releasee's 2113  
post-release control up to the maximum duration authorized by 2114  
division (B) or (C) of this section or impose a more restrictive 2115

post-release control sanction. When appropriate, the board may  
impose as a post-release control sanction a residential sanction  
that includes a prison term. The board shall consider a prison  
term as a post-release control sanction imposed for a violation of  
post-release control when the violation involves a deadly weapon  
or dangerous ordnance, physical harm or attempted serious physical  
harm to a person, or sexual misconduct, or when the releasee  
committed repeated violations of post-release control sanctions.  
The period of a prison term that is imposed as a post-release  
control sanction under this division shall not exceed nine months,  
and the maximum cumulative prison term for all violations under  
this division shall not exceed one-half of the stated prison term  
originally imposed upon the offender as part of this sentence. The  
period of a prison term that is imposed as a post-release control  
sanction under this division shall not count as, or be credited  
toward, the remaining period of post-release control.

If an offender is imprisoned for a felony committed while  
under post-release control supervision and is again released on  
post-release control for a period of time determined by division  
(F)(4)(d) of this section, the maximum cumulative prison term for  
all violations under this division shall not exceed one-half of  
the total stated prison terms of the earlier felony, reduced by  
any prison term administratively imposed by the parole board, plus  
one-half of the total stated prison term of the new felony.

(4) Any period of post-release control shall commence upon an  
offender's actual release from prison. If an offender is serving  
an indefinite prison term or a life sentence in addition to a  
stated prison term, the offender shall serve the period of  
post-release control in the following manner:

(a) If a period of post-release control is imposed upon the  
offender and if the offender also is subject to a period of parole  
under a life sentence or an indefinite sentence, and if the period

of post-release control ends prior to the period of parole, the  
offender shall be supervised on parole. The offender shall receive  
credit for post-release control supervision during the period of  
parole. The offender is not eligible for final release under  
section 2967.16 of the Revised Code until the post-release control  
period otherwise would have ended.

(b) If a period of post-release control is imposed upon the  
offender and if the offender also is subject to a period of parole  
under an indefinite sentence, and if the period of parole ends  
prior to the period of post-release control, the offender shall be  
supervised on post-release control. The requirements of parole  
supervision shall be satisfied during the post-release control  
period.

(c) If an offender is subject to more than one period of  
post-release control, the period of post-release control for all  
of the sentences shall be the period of post-release control that  
expires last, as determined by the parole board. Periods of  
post-release control shall be served concurrently and shall not be  
imposed consecutively to each other.

(d) The period of post-release control for a releasee who  
commits a felony while under post-release control for an earlier  
felony shall be the longer of the period of post-release control  
specified for the new felony under division (B) or (C) of this  
section or the time remaining under the period of post-release  
control imposed for the earlier felony as determined by the parole  
board.

**Sec. 3301.0714.** (A) The state board of education shall adopt  
rules for a statewide education management information system. The  
rules shall require the state board to establish guidelines for  
the establishment and maintenance of the system in accordance with  
this section and the rules adopted under this section. The

guidelines shall include:	2179
(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	2180 2181 2182
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	2183 2184 2185
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	2186 2187
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	2188 2189
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	2190 2191 2192
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	2193 2194 2195
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of	2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209

instructional services required by the guidelines under this	2210
division shall be the same as the categories of instructional	2211
services used in determining cost units pursuant to division	2212
(C)(3) of this section.	2213
(b) The numbers of students receiving support or	2214
extracurricular services for each of the support services or	2215
extracurricular programs offered by the school district, such as	2216
counseling services, health services, and extracurricular sports	2217
and fine arts programs. The categories of services required by the	2218
guidelines under this division shall be the same as the categories	2219
of services used in determining cost units pursuant to division	2220
(C)(4)(a) of this section.	2221
(c) Average student grades in each subject in grades nine	2222
through twelve;	2223
(d) Academic achievement levels as assessed by the testing of	2224
student achievement under sections 3301.0710 and 3301.0711 of the	2225
Revised Code;	2226
(e) The number of students designated as having a	2227
handicapping condition pursuant to division (C)(1) of section	2228
3301.0711 of the Revised Code;	2229
(f) The numbers of students reported to the state board	2230
pursuant to division (C)(2) of section 3301.0711 of the Revised	2231
Code;	2232
(g) Attendance rates and the average daily attendance for the	2233
year. For purposes of this division, a student shall be counted as	2234
present for any field trip that is approved by the school	2235
administration.	2236
(h) Expulsion rates;	2237
(i) Suspension rates;	2238
(j) The percentage of students receiving corporal punishment;	2239

(k) Dropout rates;	2240
(l) Rates of retention in grade;	2241
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	2242 2243 2244
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	2245 2246 2247 2248 2249
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	2250 2251 2252 2253 2254 2255 2256
(2) Personnel and classroom enrollment data for each school district, including:	2257 2258
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	2259 2260 2261 2262 2263 2264 2265 2266 2267 2268
(b) The total number of employees and the number of full-time	2269

equivalent employees providing each category of service used 2270  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 2271  
total numbers of licensed employees and nonlicensed employees and 2272  
the numbers of full-time equivalent licensed employees and 2273  
nonlicensed employees providing each category used pursuant to 2274  
division (C)(4)(c) of this section. The guidelines adopted under 2275  
this section shall require these categories of data to be 2276  
maintained for the school district as a whole and, wherever 2277  
applicable, for each grade in the school district as a whole, for 2278  
each school building as a whole, and for each grade in each school 2279  
building. 2280

(c) The total number of regular classroom teachers teaching 2281  
classes of regular education and the average number of pupils 2282  
enrolled in each such class, in each of grades kindergarten 2283  
through five in the district as a whole and in each school 2284  
building in the school district. 2285

(d) The number of master teachers employed by each school 2286  
district and each school building, once a definition of master 2287  
teacher has been developed by the educator standards board 2288  
pursuant to section 3319.61 of the Revised Code. 2289

(3)(a) Student demographic data for each school district, 2290  
including information regarding the gender ratio of the school 2291  
district's pupils, the racial make-up of the school district's 2292  
pupils, the number of limited English proficient students in the 2293  
district, and an appropriate measure of the number of the school 2294  
district's pupils who reside in economically disadvantaged 2295  
households. The demographic data shall be collected in a manner to 2296  
allow correlation with data collected under division (B)(1) of 2297  
this section. Categories for data collected pursuant to division 2298  
(B)(3) of this section shall conform, where appropriate, to 2299  
standard practices of agencies of the federal government. 2300

(b) With respect to each student entering kindergarten, 2301  
whether the student previously participated in a public preschool 2302  
program, a private preschool program, or a head start program, and 2303  
the number of years the student participated in each of these 2304  
programs. 2305

(4) Any data required to be collected pursuant to federal 2306  
law. 2307

(C) The education management information system shall include 2308  
cost accounting data for each district as a whole and for each 2309  
school building in each school district. The guidelines adopted 2310  
under this section shall require the cost data for each school 2311  
district to be maintained in a system of mutually exclusive cost 2312  
units and shall require all of the costs of each school district 2313  
to be divided among the cost units. The guidelines shall require 2314  
the system of mutually exclusive cost units to include at least 2315  
the following: 2316

(1) Administrative costs for the school district as a whole. 2317  
The guidelines shall require the cost units under this division 2318  
(C)(1) to be designed so that each of them may be compiled and 2319  
reported in terms of average expenditure per pupil in formula ADM 2320  
in the school district, as determined pursuant to section 3317.03 2321  
of the Revised Code. 2322

(2) Administrative costs for each school building in the 2323  
school district. The guidelines shall require the cost units under 2324  
this division (C)(2) to be designed so that each of them may be 2325  
compiled and reported in terms of average expenditure per 2326  
full-time equivalent pupil receiving instructional or support 2327  
services in each building. 2328

(3) Instructional services costs for each category of 2329  
instructional service provided directly to students and required 2330  
by guidelines adopted pursuant to division (B)(1)(a) of this 2331

section. The guidelines shall require the cost units under 2332  
division (C)(3) of this section to be designed so that each of 2333  
them may be compiled and reported in terms of average expenditure 2334  
per pupil receiving the service in the school district as a whole 2335  
and average expenditure per pupil receiving the service in each 2336  
building in the school district and in terms of a total cost for 2337  
each category of service and, as a breakdown of the total cost, a 2338  
cost for each of the following components: 2339

(a) The cost of each instructional services category required 2340  
by guidelines adopted under division (B)(1)(a) of this section 2341  
that is provided directly to students by a classroom teacher; 2342

(b) The cost of the instructional support services, such as 2343  
services provided by a speech-language pathologist, classroom 2344  
aide, multimedia aide, or librarian, provided directly to students 2345  
in conjunction with each instructional services category; 2346

(c) The cost of the administrative support services related 2347  
to each instructional services category, such as the cost of 2348  
personnel that develop the curriculum for the instructional 2349  
services category and the cost of personnel supervising or 2350  
coordinating the delivery of the instructional services category. 2351

(4) Support or extracurricular services costs for each 2352  
category of service directly provided to students and required by 2353  
guidelines adopted pursuant to division (B)(1)(b) of this section. 2354  
The guidelines shall require the cost units under division (C)(4) 2355  
of this section to be designed so that each of them may be 2356  
compiled and reported in terms of average expenditure per pupil 2357  
receiving the service in the school district as a whole and 2358  
average expenditure per pupil receiving the service in each 2359  
building in the school district and in terms of a total cost for 2360  
each category of service and, as a breakdown of the total cost, a 2361  
cost for each of the following components: 2362

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the

school district or the data acquisition site operated under 2395  
section 3301.075 of the Revised Code and is authorized by the 2396  
district or acquisition site to have access to such information or 2397  
is employed by an entity with which the department contracts for 2398  
the scoring of tests administered under section 3301.0711 or 2399  
3301.0712 of the Revised Code. The guidelines may require school 2400  
districts to provide the social security numbers of individual 2401  
staff members. 2402

(2) The guidelines shall provide for each school district or 2403  
community school to assign a data verification code that is unique 2404  
on a statewide basis over time to each student whose initial Ohio 2405  
enrollment is in that district or school and to report all 2406  
required individual student data for that student utilizing such 2407  
code. The guidelines shall also provide for assigning data 2408  
verification codes to all students enrolled in districts or 2409  
community schools on the effective date of the guidelines 2410  
established under this section. 2411

Individual student data shall be reported to the department 2412  
through the data acquisition sites utilizing the code but, except 2413  
as provided in section 3310.11 of the Revised Code, at no time 2414  
shall the state board or the department have access to information 2415  
that would enable any data verification code to be matched to 2416  
personally identifiable student data. 2417

Each school district shall ensure that the data verification 2418  
code is included in the student's records reported to any 2419  
subsequent school district or community school in which the 2420  
student enrolls. Any such subsequent district or school shall 2421  
utilize the same identifier in its reporting of data under this 2422  
section. 2423

(E) The guidelines adopted under this section may require 2424  
school districts to collect and report data, information, or 2425

reports other than that described in divisions (A), (B), and (C) 2426  
of this section for the purpose of complying with other reporting 2427  
requirements established in the Revised Code. The other data, 2428  
information, or reports may be maintained in the education 2429  
management information system but are not required to be compiled 2430  
as part of the profile formats required under division (G) of this 2431  
section or the annual statewide report required under division (H) 2432  
of this section. 2433

(F) Beginning with the school year that begins July 1, 1991, 2434  
the board of education of each school district shall annually 2435  
collect and report to the state board, in accordance with the 2436  
guidelines established by the board, the data required pursuant to 2437  
this section. A school district may collect and report these data 2438  
notwithstanding section ~~2151.358~~ 2151.357 or 3319.321 of the 2439  
Revised Code. 2440

(G) The state board shall, in accordance with the procedures 2441  
it adopts, annually compile the data reported by each school 2442  
district pursuant to division (D) of this section. The state board 2443  
shall design formats for profiling each school district as a whole 2444  
and each school building within each district and shall compile 2445  
the data in accordance with these formats. These profile formats 2446  
shall: 2447

(1) Include all of the data gathered under this section in a 2448  
manner that facilitates comparison among school districts and 2449  
among school buildings within each school district; 2450

(2) Present the data on academic achievement levels as 2451  
assessed by the testing of student achievement maintained pursuant 2452  
to division (B)(1)(d) of this section. 2453

(H)(1) The state board shall, in accordance with the 2454  
procedures it adopts, annually prepare a statewide report for all 2455  
school districts and the general public that includes the profile 2456

of each of the school districts developed pursuant to division (G) 2457  
of this section. Copies of the report shall be sent to each school 2458  
district. 2459

(2) The state board shall, in accordance with the procedures 2460  
it adopts, annually prepare an individual report for each school 2461  
district and the general public that includes the profiles of each 2462  
of the school buildings in that school district developed pursuant 2463  
to division (G) of this section. Copies of the report shall be 2464  
sent to the superintendent of the district and to each member of 2465  
the district board of education. 2466

(3) Copies of the reports received from the state board under 2467  
divisions (H)(1) and (2) of this section shall be made available 2468  
to the general public at each school district's offices. Each 2469  
district board of education shall make copies of each report 2470  
available to any person upon request and payment of a reasonable 2471  
fee for the cost of reproducing the report. The board shall 2472  
annually publish in a newspaper of general circulation in the 2473  
school district, at least twice during the two weeks prior to the 2474  
week in which the reports will first be available, a notice 2475  
containing the address where the reports are available and the 2476  
date on which the reports will be available. 2477

(I) Any data that is collected or maintained pursuant to this 2478  
section and that identifies an individual pupil is not a public 2479  
record for the purposes of section 149.43 of the Revised Code. 2480

(J) As used in this section: 2481

(1) "School district" means any city, local, exempted 2482  
village, or joint vocational school district. 2483

(2) "Cost" means any expenditure for operating expenses made 2484  
by a school district excluding any expenditures for debt 2485  
retirement except for payments made to any commercial lending 2486  
institution for any loan approved pursuant to section 3313.483 of 2487

the Revised Code. 2488

(K) Any person who removes data from the information system 2489  
established under this section for the purpose of releasing it to 2490  
any person not entitled under law to have access to such 2491  
information is subject to section 2913.42 of the Revised Code 2492  
prohibiting tampering with data. 2493

(L) Any time the department of education determines that a 2494  
school district has taken any of the actions described under 2495  
division (L)(1), (2), or (3) of this section, it shall make a 2496  
report of the actions of the district, send a copy of the report 2497  
to the superintendent of such school district, and maintain a copy 2498  
of the report in its files: 2499

(1) The school district fails to meet any deadline 2500  
established pursuant to this section for the reporting of any data 2501  
to the education management information system; 2502

(2) The school district fails to meet any deadline 2503  
established pursuant to this section for the correction of any 2504  
data reported to the education management information system; 2505

(3) The school district reports data to the education 2506  
management information system in a condition, as determined by the 2507  
department, that indicates that the district did not make a good 2508  
faith effort in reporting the data to the system. 2509

Any report made under this division shall include 2510  
recommendations for corrective action by the school district. 2511

Upon making a report for the first time in a fiscal year, the 2512  
department shall withhold ten per cent of the total amount due 2513  
during that fiscal year under Chapter 3317. of the Revised Code to 2514  
the school district to which the report applies. Upon making a 2515  
second report in a fiscal year, the department shall withhold an 2516  
additional twenty per cent of such total amount due during that 2517

fiscal year to the school district to which the report applies. 2518  
The department shall not release such funds unless it determines 2519  
that the district has taken corrective action. However, no such 2520  
release of funds shall occur if the district fails to take 2521  
corrective action within forty-five days of the date upon which 2522  
the report was made by the department. 2523

(M) No data acquisition site or school district shall 2524  
acquire, change, or update its student administration software 2525  
package to manage and report data required to be reported to the 2526  
department unless it converts to a student software package that 2527  
is certified by the department. 2528

(N) The state board of education, in accordance with sections 2529  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 2530  
license as defined under division (A) of section 3319.31 of the 2531  
Revised Code that has been issued to any school district employee 2532  
found to have willfully reported erroneous, inaccurate, or 2533  
incomplete data to the education management information system. 2534

(O) No person shall release or maintain any information about 2535  
any student in violation of this section. Whoever violates this 2536  
division is guilty of a misdemeanor of the fourth degree. 2537

(P) The department shall disaggregate the data collected 2538  
under division (B)(1)(o) of this section according to the race and 2539  
socioeconomic status of the students assessed. No data collected 2540  
under that division shall be included on the report cards required 2541  
by section 3302.03 of the Revised Code. 2542

(Q) If the department cannot compile any of the information 2543  
required by division (C)(5) of section 3302.03 of the Revised Code 2544  
based upon the data collected under this section, the department 2545  
shall develop a plan and a reasonable timeline for the collection 2546  
of any data necessary to comply with that division. 2547

Sec. 3313.64. (A) As used in this section and in section 2548  
3313.65 of the Revised Code: 2549

(1)(a) Except as provided in division (A)(1)(b) of this 2550  
section, "parent" means either parent, unless the parents are 2551  
separated or divorced or their marriage has been dissolved or 2552  
annulled, in which case "parent" means the parent who is the 2553  
residential parent and legal custodian of the child. When a child 2554  
is in the legal custody of a government agency or a person other 2555  
than the child's natural or adoptive parent, "parent" means the 2556  
parent with residual parental rights, privileges, and 2557  
responsibilities. When a child is in the permanent custody of a 2558  
government agency or a person other than the child's natural or 2559  
adoptive parent, "parent" means the parent who was divested of 2560  
parental rights and responsibilities for the care of the child and 2561  
the right to have the child live with the parent and be the legal 2562  
custodian of the child and all residual parental rights, 2563  
privileges, and responsibilities. 2564

(b) When a child is the subject of a power of attorney 2565  
executed under sections 3109.51 to 3109.62 of the Revised Code, 2566  
"parent" means the grandparent designated as attorney in fact 2567  
under the power of attorney. When a child is the subject of a 2568  
caretaker authorization affidavit executed under sections 3109.64 2569  
to 3109.73 of the Revised Code, "parent" means the grandparent 2570  
that executed the affidavit. 2571

(2) "Legal custody," "permanent custody," and "residual 2572  
parental rights, privileges, and responsibilities" have the same 2573  
meanings as in section 2151.011 of the Revised Code. 2574

(3) "School district" or "district" means a city, local, or 2575  
exempted village school district and excludes any school operated 2576  
in an institution maintained by the department of youth services. 2577

(4) Except as used in division (C)(2) of this section, "home"	2578
means a home, institution, foster home, group home, or other	2579
residential facility in this state that receives and cares for	2580
children, to which any of the following applies:	2581
(a) The home is licensed, certified, or approved for such	2582
purpose by the state or is maintained by the department of youth	2583
services.	2584
(b) The home is operated by a person who is licensed,	2585
certified, or approved by the state to operate the home for such	2586
purpose.	2587
(c) The home accepted the child through a placement by a	2588
person licensed, certified, or approved to place a child in such a	2589
home by the state.	2590
(d) The home is a children's home created under section	2591
5153.21 or 5153.36 of the Revised Code.	2592
(5) "Agency" means all of the following:	2593
(a) A public children services agency;	2594
(b) An organization that holds a certificate issued by the	2595
Ohio department of job and family services in accordance with the	2596
requirements of section 5103.03 of the Revised Code and assumes	2597
temporary or permanent custody of children through commitment,	2598
agreement, or surrender, and places children in family homes for	2599
the purpose of adoption;	2600
(c) Comparable agencies of other states or countries that	2601
have complied with applicable requirements of section 2151.39, or	2602
sections 5103.20 to 5103.28 of the Revised Code.	2603
(6) A child is placed for adoption if either of the following	2604
occurs:	2605
(a) An agency to which the child has been permanently	2606
committed or surrendered enters into an agreement with a person	2607

pursuant to section 5103.16 of the Revised Code for the care and  
adoption of the child. 2608  
2609

(b) The child's natural parent places the child pursuant to 2610  
section 5103.16 of the Revised Code with a person who will care 2611  
for and adopt the child. 2612

(7) "Handicapped preschool child" means a handicapped child, 2613  
as defined by division (A) of section 3323.01 of the Revised Code, 2614  
who is at least three years of age but is not of compulsory school 2615  
age, as defined in section 3321.01 of the Revised Code, and who is 2616  
not currently enrolled in kindergarten. 2617

(8) "Child," unless otherwise indicated, includes handicapped 2618  
preschool children. 2619

(9) "Active duty" means active duty pursuant to an executive 2620  
order of the president of the United States, an act of the 2621  
congress of the United States, or section 5919.29 or 5923.21 of 2622  
the Revised Code. 2623

(B) Except as otherwise provided in section 3321.01 of the 2624  
Revised Code for admittance to kindergarten and first grade, a 2625  
child who is at least five but under twenty-two years of age and 2626  
any handicapped preschool child shall be admitted to school as 2627  
provided in this division. 2628

(1) A child shall be admitted to the schools of the school 2629  
district in which the child's parent resides. 2630

(2) A child who does not reside in the district where the 2631  
child's parent resides shall be admitted to the schools of the 2632  
district in which the child resides if any of the following 2633  
applies: 2634

(a) The child is in the legal or permanent custody of a 2635  
government agency or a person other than the child's natural or 2636  
adoptive parent. 2637

(b) The child resides in a home. 2638

(c) The child requires special education. 2639

(3) A child who is not entitled under division (B)(2) of this 2640  
section to be admitted to the schools of the district where the 2641  
child resides and who is residing with a resident of this state 2642  
with whom the child has been placed for adoption shall be admitted 2643  
to the schools of the district where the child resides unless 2644  
either of the following applies: 2645

(a) The placement for adoption has been terminated. 2646

(b) Another school district is required to admit the child 2647  
under division (B)(1) of this section. 2648

Division (B) of this section does not prohibit the board of 2649  
education of a school district from placing a handicapped child 2650  
who resides in the district in a special education program outside 2651  
of the district or its schools in compliance with Chapter 3323. of 2652  
the Revised Code. 2653

(C) A district shall not charge tuition for children admitted 2654  
under division (B)(1) or (3) of this section. If the district 2655  
admits a child under division (B)(2) of this section, tuition 2656  
shall be paid to the district that admits the child as follows: 2657

(1) If the child receives special education in accordance 2658  
with Chapter 3323. of the Revised Code, the school district of 2659  
residence, as defined in section 3323.01 of the Revised Code, 2660  
shall pay tuition for the child in accordance with section 2661  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 2662  
regardless of who has custody of the child or whether the child 2663  
resides in a home. 2664

(2) For a child that does not receive special education in 2665  
accordance with Chapter 3323. of the Revised Code, except as 2666  
otherwise provided in division (C)(2)(d) of this section, if the 2667

child is in the permanent or legal custody of a government agency 2668  
or person other than the child's parent, tuition shall be paid by: 2669

(a) The district in which the child's parent resided at the 2670  
time the court removed the child from home or at the time the 2671  
court vested legal or permanent custody of the child in the person 2672  
or government agency, whichever occurred first; 2673

(b) If the parent's residence at the time the court removed 2674  
the child from home or placed the child in the legal or permanent 2675  
custody of the person or government agency is unknown, tuition 2676  
shall be paid by the district in which the child resided at the 2677  
time the child was removed from home or placed in legal or 2678  
permanent custody, whichever occurred first; 2679

(c) If a school district cannot be established under division 2680  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 2681  
district determined as required by section ~~2151.357~~ 2151.362 of 2682  
the Revised Code by the court at the time it vests custody of the 2683  
child in the person or government agency; 2684

(d) If at the time the court removed the child from home or 2685  
vested legal or permanent custody of the child in the person or 2686  
government agency, whichever occurred first, one parent was in a 2687  
residential or correctional facility or a juvenile residential 2688  
placement and the other parent, if living and not in such a 2689  
facility or placement, was not known to reside in this state, 2690  
tuition shall be paid by the district determined under division 2691  
(D) of section 3313.65 of the Revised Code as the district 2692  
required to pay any tuition while the parent was in such facility 2693  
or placement; 2694

(e) If the court has modified its order as to which district 2695  
is responsible to bear the cost of educating the child pursuant to 2696  
division (A)(2) of section ~~2151.357~~ 2151.362 of the Revised Code, 2697  
the district determined to be responsible for that cost in the 2698

order so modified. 2699

(3) If the child is not in the permanent or legal custody of 2700  
a government agency or person other than the child's parent and 2701  
the child resides in a home, tuition shall be paid by one of the 2702  
following: 2703

(a) The school district in which the child's parent resides; 2704

(b) If the child's parent is not a resident of this state, 2705  
the home in which the child resides. 2706

(D) Tuition required to be paid under divisions (C)(2) and 2707  
(3)(a) of this section shall be computed in accordance with 2708  
section 3317.08 of the Revised Code. Tuition required to be paid 2709  
under division (C)(3)(b) of this section shall be computed in 2710  
accordance with section 3317.081 of the Revised Code. If a home 2711  
fails to pay the tuition required by division (C)(3)(b) of this 2712  
section, the board of education providing the education may 2713  
recover in a civil action the tuition and the expenses incurred in 2714  
prosecuting the action, including court costs and reasonable 2715  
attorney's fees. If the prosecuting attorney or city director of 2716  
law represents the board in such action, costs and reasonable 2717  
attorney's fees awarded by the court, based upon the prosecuting 2718  
attorney's, director's, or one of their designee's time spent 2719  
preparing and presenting the case, shall be deposited in the 2720  
county or city general fund. 2721

(E) A board of education may enroll a child free of any 2722  
tuition obligation for a period not to exceed sixty days, on the 2723  
sworn statement of an adult resident of the district that the 2724  
resident has initiated legal proceedings for custody of the child. 2725

(F) In the case of any individual entitled to attend school 2726  
under this division, no tuition shall be charged by the school 2727  
district of attendance and no other school district shall be 2728  
required to pay tuition for the individual's attendance. 2729

Notwithstanding division (B), (C), or (E) of this section:	2730
(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.	2731 2732 2733 2734 2735 2736 2737
(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.	2738 2739
(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.	2740 2741 2742 2743 2744 2745 2746 2747 2748
(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:	2749 2750 2751 2752 2753 2754
(a) That the parent is serving outside of the state in the armed services of the United States;	2755 2756
(b) That the parent intends to reside in the district upon returning to this state;	2757 2758
(c) The name and address of the person with whom the child is	2759

living while the parent is outside the state. 2760

(5) Any child under the age of twenty-two years who, after 2761  
the death of a parent, resides in a school district other than the 2762  
district in which the child attended school at the time of the 2763  
parent's death is entitled to continue to attend school in the 2764  
district in which the child attended school at the time of the 2765  
parent's death for the remainder of the school year, subject to 2766  
approval of that district board. 2767

(6) A child under the age of twenty-two years who resides 2768  
with a parent who is having a new house built in a school district 2769  
outside the district where the parent is residing is entitled to 2770  
attend school for a period of time in the district where the new 2771  
house is being built. In order to be entitled to such attendance, 2772  
the parent shall provide the district superintendent with the 2773  
following: 2774

(a) A sworn statement explaining the situation, revealing the 2775  
location of the house being built, and stating the parent's 2776  
intention to reside there upon its completion; 2777

(b) A statement from the builder confirming that a new house 2778  
is being built for the parent and that the house is at the 2779  
location indicated in the parent's statement. 2780

(7) A child under the age of twenty-two years residing with a 2781  
parent who has a contract to purchase a house in a school district 2782  
outside the district where the parent is residing and who is 2783  
waiting upon the date of closing of the mortgage loan for the 2784  
purchase of such house is entitled to attend school for a period 2785  
of time in the district where the house is being purchased. In 2786  
order to be entitled to such attendance, the parent shall provide 2787  
the district superintendent with the following: 2788

(a) A sworn statement explaining the situation, revealing the 2789  
location of the house being purchased, and stating the parent's 2790

intent to reside there; 2791

(b) A statement from a real estate broker or bank officer 2792  
confirming that the parent has a contract to purchase the house, 2793  
that the parent is waiting upon the date of closing of the 2794  
mortgage loan, and that the house is at the location indicated in 2795  
the parent's statement. 2796

The district superintendent shall establish a period of time 2797  
not to exceed ninety days during which the child entitled to 2798  
attend school under division (F)(6) or (7) of this section may 2799  
attend without tuition obligation. A student attending a school 2800  
under division (F)(6) or (7) of this section shall be eligible to 2801  
participate in interscholastic athletics under the auspices of 2802  
that school, provided the board of education of the school 2803  
district where the student's parent resides, by a formal action, 2804  
releases the student to participate in interscholastic athletics 2805  
at the school where the student is attending, and provided the 2806  
student receives any authorization required by a public agency or 2807  
private organization of which the school district is a member 2808  
exercising authority over interscholastic sports. 2809

(8) A child whose parent is a full-time employee of a city, 2810  
local, or exempted village school district, or of an educational 2811  
service center, may be admitted to the schools of the district 2812  
where the child's parent is employed, or in the case of a child 2813  
whose parent is employed by an educational service center, in the 2814  
district that serves the location where the parent's job is 2815  
primarily located, provided the district board of education 2816  
establishes such an admission policy by resolution adopted by a 2817  
majority of its members. Any such policy shall take effect on the 2818  
first day of the school year and the effective date of any 2819  
amendment or repeal may not be prior to the first day of the 2820  
subsequent school year. The policy shall be uniformly applied to 2821  
all such children and shall provide for the admission of any such 2822

child upon request of the parent. No child may be admitted under 2823  
this policy after the first day of classes of any school year. 2824

(9) A child who is with the child's parent under the care of 2825  
a shelter for victims of domestic violence, as defined in section 2826  
3113.33 of the Revised Code, is entitled to attend school free in 2827  
the district in which the child is with the child's parent, and no 2828  
other school district shall be required to pay tuition for the 2829  
child's attendance in that school district. 2830

The enrollment of a child in a school district under this 2831  
division shall not be denied due to a delay in the school 2832  
district's receipt of any records required under section 3313.672 2833  
of the Revised Code or any other records required for enrollment. 2834  
Any days of attendance and any credits earned by a child while 2835  
enrolled in a school district under this division shall be 2836  
transferred to and accepted by any school district in which the 2837  
child subsequently enrolls. The state board of education shall 2838  
adopt rules to ensure compliance with this division. 2839

(10) Any child under the age of twenty-two years whose parent 2840  
has moved out of the school district after the commencement of 2841  
classes in the child's senior year of high school is entitled, 2842  
subject to the approval of that district board, to attend school 2843  
in the district in which the child attended school at the time of 2844  
the parental move for the remainder of the school year and for one 2845  
additional semester or equivalent term. A district board may also 2846  
adopt a policy specifying extenuating circumstances under which a 2847  
student may continue to attend school under division (F)(10) of 2848  
this section for an additional period of time in order to 2849  
successfully complete the high school curriculum for the 2850  
individualized education program developed for the student by the 2851  
high school pursuant to section 3323.08 of the Revised Code. 2852

(11) As used in this division, "grandparent" means a parent 2853

of a parent of a child. A child under the age of twenty-two years  
who is in the custody of the child's parent, resides with a  
grandparent, and does not require special education is entitled to  
attend the schools of the district in which the child's  
grandparent resides, provided that, prior to such attendance in  
any school year, the board of education of the school district in  
which the child's grandparent resides and the board of education  
of the school district in which the child's parent resides enter  
into a written agreement specifying that good cause exists for  
such attendance, describing the nature of this good cause, and  
consenting to such attendance.

In lieu of a consent form signed by a parent, a board of  
education may request the grandparent of a child attending school  
in the district in which the grandparent resides pursuant to  
division (F)(11) of this section to complete any consent form  
required by the district, including any authorization required by  
sections 3313.712, 3313.713, and 3313.716 of the Revised Code.  
Upon request, the grandparent shall complete any consent form  
required by the district. A school district shall not incur any  
liability solely because of its receipt of a consent form from a  
grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall  
not be construed as creating, a new cause of action or substantive  
legal right against a school district, a member of a board of  
education, or an employee of a school district. This section does  
not affect, and shall not be construed as affecting, any  
immunities from defenses to tort liability created or recognized  
by Chapter 2744. of the Revised Code for a school district,  
member, or employee.

(12) A child under the age of twenty-two years is entitled to  
attend school in a school district other than the district in  
which the child is entitled to attend school under division (B),

(C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless

person, as defined in 42 U.S.C.A. 11481(5), or when a child who is  
such a homeless person changes temporary living arrangements, the  
child's parent or guardian shall have the option of enrolling the  
child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A.  
11432(g)(3)(C);

(b) The school that is operated by the school district in  
which the shelter where the child currently resides is located and  
that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides  
with a person other than the child's parent is entitled to attend  
school in the school district in which that person resides if both  
of the following apply:

(a) That person has been appointed, through a military power  
of attorney executed under section 574(a) of the "National Defense  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10  
U.S.C. 1044b, or through a comparable document necessary to  
complete a family care plan, as the parent's agent for the care,  
custody, and control of the child while the parent is on active  
duty as a member of the national guard or a reserve unit of the  
armed forces of the United States or because the parent is a  
member of the armed forces of the United States and is on a duty  
assignment away from the parent's residence.

(b) The military power of attorney or comparable document  
includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the  
parent's agent under the military power of attorney or comparable  
document resides applies until the end of the school year in which  
the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may

waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or

child's parent has relocated each has adopted a policy to enroll 2978  
children described in division (I)(1) of this section. 2979

(b) The child's parent provides written notification of the 2980  
relocation outside of the school district to the superintendent of 2981  
each of the two school districts. 2982

(2) At the beginning of the school year following the school 2983  
year in which the child or the child's parent relocated outside of 2984  
the school district as described in division (I)(1) of this 2985  
section, the child is not entitled to attend school in the school 2986  
district under that division. 2987

(3) Any person or entity owing tuition to the school district 2988  
on behalf of the child at the end of the first full week in 2989  
October, as provided in division (C) of this section, shall 2990  
continue to owe such tuition to the district for the child's 2991  
attendance under division (I)(1) of this section for the lesser of 2992  
the balance of the school year or the balance of the time that the 2993  
child attends school in the district under division (I)(1) of this 2994  
section. 2995

(4) A pupil who may attend school in the district under 2996  
division (I)(1) of this section shall be entitled to 2997  
transportation services pursuant to an agreement between the 2998  
district and the district in which the child or child's parent has 2999  
relocated unless the districts have not entered into such 3000  
agreement, in which case the child shall be entitled to 3001  
transportation services in the same manner as a pupil attending 3002  
school in the district under interdistrict open enrollment as 3003  
described in division (H) of section 3313.981 of the Revised Code, 3004  
regardless of whether the district has adopted an open enrollment 3005  
policy as described in division (B)(1)(b) or (c) of section 3006  
3313.98 of the Revised Code. 3007

(J) This division does not apply to a child receiving special 3008

education. 3009

A school district required to pay tuition pursuant to 3010  
division (C)(2) or (3) of this section or section 3313.65 of the 3011  
Revised Code shall have an amount deducted under division (F) of 3012  
section 3317.023 of the Revised Code equal to its own tuition rate 3013  
for the same period of attendance. A school district entitled to 3014  
receive tuition pursuant to division (C)(2) or (3) of this section 3015  
or section 3313.65 of the Revised Code shall have an amount 3016  
credited under division (F) of section 3317.023 of the Revised 3017  
Code equal to its own tuition rate for the same period of 3018  
attendance. If the tuition rate credited to the district of 3019  
attendance exceeds the rate deducted from the district required to 3020  
pay tuition, the department of education shall pay the district of 3021  
attendance the difference from amounts deducted from all 3022  
districts' payments under division (F) of section 3317.023 of the 3023  
Revised Code but not credited to other school districts under such 3024  
division and from appropriations made for such purpose. The 3025  
treasurer of each school district shall, by the fifteenth day of 3026  
January and July, furnish the superintendent of public instruction 3027  
a report of the names of each child who attended the district's 3028  
schools under divisions (C)(2) and (3) of this section or section 3029  
3313.65 of the Revised Code during the preceding six calendar 3030  
months, the duration of the attendance of those children, the 3031  
school district responsible for tuition on behalf of the child, 3032  
and any other information that the superintendent requires. 3033

Upon receipt of the report the superintendent, pursuant to 3034  
division (F) of section 3317.023 of the Revised Code, shall deduct 3035  
each district's tuition obligations under divisions (C)(2) and (3) 3036  
of this section or section 3313.65 of the Revised Code and pay to 3037  
the district of attendance that amount plus any amount required to 3038  
be paid by the state. 3039

(K) In the event of a disagreement, the superintendent of 3040

public instruction shall determine the school district in which 3041  
the parent resides. 3042

(L) Nothing in this section requires or authorizes, or shall 3043  
be construed to require or authorize, the admission to a public 3044  
school in this state of a pupil who has been permanently excluded 3045  
from public school attendance by the superintendent of public 3046  
instruction pursuant to sections 3301.121 and 3313.662 of the 3047  
Revised Code. 3048

(M) In accordance with division (B)(1) of this section, a 3049  
child whose parent is a member of the national guard or a reserve 3050  
unit of the armed forces of the United States and is called to 3051  
active duty, or a child whose parent is a member of the armed 3052  
forces of the United States and is ordered to a temporary duty 3053  
assignment outside of the district, may continue to attend school 3054  
in the district in which the child's parent lived before being 3055  
called to active duty or ordered to a temporary duty assignment 3056  
outside of the district, as long as the child's parent continues 3057  
to be a resident of that district, and regardless of where the 3058  
child lives as a result of the parent's active duty status or 3059  
temporary duty assignment. However, the district is not 3060  
responsible for providing transportation for the child if the 3061  
child lives outside of the district as a result of the parent's 3062  
active duty status or temporary duty assignment. 3063

**Sec. 3313.662.** (A) The superintendent of public instruction, 3064  
pursuant to this section and the adjudication procedures of 3065  
section 3301.121 of the Revised Code, may issue an adjudication 3066  
order that permanently excludes a pupil from attending any of the 3067  
public schools of this state if the pupil is convicted of, or 3068  
adjudicated a delinquent child for, committing, when the pupil was 3069  
sixteen years of age or older, an act that would be a criminal 3070  
offense if committed by an adult and if the act is any of the 3071

following:	3072
(1) A violation of section 2923.122 of the Revised Code;	3073
(2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;	3074 3075 3076 3077 3078 3079
(3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;	3080 3081 3082 3083 3084 3085
(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;	3086 3087 3088 3089 3090 3091 3092
(5) Complicity in any violation described in division (A)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (A)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.	3093 3094 3095 3096 3097 3098 3099 3100
(B) A pupil may be suspended or expelled in accordance with section 3313.66 of the Revised Code prior to being permanently	3101 3102

excluded from public school attendance under this section and 3103  
section 3301.121 of the Revised Code. 3104

(C)(1) If the superintendent of a city, local, exempted 3105  
village, or joint vocational school district in which a pupil 3106  
attends school obtains or receives proof that the pupil has been 3107  
convicted of committing when the pupil was sixteen years of age or 3108  
older a violation listed in division (A) of this section or 3109  
adjudicated a delinquent child for the commission when the pupil 3110  
was sixteen years of age or older of a violation listed in 3111  
division (A) of this section, the superintendent may issue to the 3112  
board of education of the school district a request that the pupil 3113  
be permanently excluded from public school attendance, if both of 3114  
the following apply: 3115

(a) After obtaining or receiving proof of the conviction or 3116  
adjudication, the superintendent or the superintendent's designee 3117  
determines that the pupil's continued attendance in school may 3118  
endanger the health and safety of other pupils or school employees 3119  
and gives the pupil and the pupil's parent, guardian, or custodian 3120  
written notice that the superintendent intends to recommend to the 3121  
board of education that the board adopt a resolution requesting 3122  
the superintendent of public instruction to permanently exclude 3123  
the pupil from public school attendance. 3124

(b) The superintendent or the superintendent's designee 3125  
forwards to the board of education the superintendent's written 3126  
recommendation that includes the determinations the superintendent 3127  
or designee made pursuant to division (C)(1)(a) of this section 3128  
and a copy of the proof the superintendent received showing that 3129  
the pupil has been convicted of or adjudicated a delinquent child 3130  
for a violation listed in division (A) of this section that was 3131  
committed when the pupil was sixteen years of age or older. 3132

(2) Within fourteen days after receipt of a recommendation 3133

from the superintendent pursuant to division (C)(1)(b) of this 3134  
section that a pupil be permanently excluded from public school 3135  
attendance, the board of education of a city, local, exempted 3136  
village, or joint vocational school district, after review and 3137  
consideration of all of the following available information, may 3138  
adopt a resolution requesting the superintendent of public 3139  
instruction to permanently exclude the pupil who is the subject of 3140  
the recommendation from public school attendance: 3141

(a) The academic record of the pupil and a record of any 3142  
extracurricular activities in which the pupil previously was 3143  
involved; 3144

(b) The disciplinary record of the pupil and any available 3145  
records of the pupil's prior behavioral problems other than the 3146  
behavioral problems contained in the disciplinary record; 3147

(c) The social history of the pupil; 3148

(d) The pupil's response to the imposition of prior 3149  
discipline and sanctions imposed for behavioral problems; 3150

(e) Evidence regarding the seriousness of and any aggravating 3151  
factors related to the offense that is the basis of the resolution 3152  
seeking permanent exclusion; 3153

(f) Any mitigating circumstances surrounding the offense that 3154  
gave rise to the request for permanent exclusion; 3155

(g) Evidence regarding the probable danger posed to the 3156  
health and safety of other pupils or of school employees by the 3157  
continued presence of the pupil in a public school setting; 3158

(h) Evidence regarding the probable disruption of the 3159  
teaching of any school district's graded course of study by the 3160  
continued presence of the pupil in a public school setting; 3161

(i) Evidence regarding the availability of alternative 3162  
sanctions of a less serious nature than permanent exclusion that 3163

would enable the pupil to remain in a public school setting 3164  
without posing a significant danger to the health and safety of 3165  
other pupils or of school employees and without posing a threat of 3166  
the disruption of the teaching of any district's graded course of 3167  
study. 3168

(3) If the board does not adopt a resolution requesting the 3169  
superintendent of public instruction to permanently exclude the 3170  
pupil, it immediately shall send written notice of that fact to 3171  
the superintendent who sought the resolution, to the pupil who was 3172  
the subject of the proposed resolution, and to that pupil's 3173  
parent, guardian, or custodian. 3174

(D)(1) Upon adoption of a resolution under division (C) of 3175  
this section, the board of education immediately shall forward to 3176  
the superintendent of public instruction the written resolution, 3177  
proof of the conviction or adjudication that is the basis of the 3178  
resolution, a copy of the pupil's entire school record, and any 3179  
other relevant information and shall forward a copy of the 3180  
resolution to the pupil who is the subject of the recommendation 3181  
and to that pupil's parent, guardian, or custodian. 3182

(2) The board of education that adopted and forwarded the 3183  
resolution requesting the permanent exclusion of the pupil to the 3184  
superintendent of public instruction promptly shall designate a 3185  
representative of the school district to present the case for 3186  
permanent exclusion to the superintendent or the referee appointed 3187  
by the superintendent. The representative of the school district 3188  
may be an attorney admitted to the practice of law in this state. 3189  
At the adjudication hearing held pursuant to section 3301.121 of 3190  
the Revised Code, the representative of the school district shall 3191  
present evidence in support of the requested permanent exclusion. 3192

(3) Upon receipt of a board of education's resolution 3193  
requesting the permanent exclusion of a pupil from public school 3194

attendance, the superintendent of public instruction, in 3195  
accordance with the adjudication procedures of section 3301.121 of 3196  
the Revised Code, promptly shall issue an adjudication order that 3197  
either permanently excludes the pupil from attending any of the 3198  
public schools of this state or that rejects the resolution of the 3199  
board of education. 3200

(E) Notwithstanding any provision of section 3313.64 of the 3201  
Revised Code or an order of any court of this state that otherwise 3202  
requires the admission of the pupil to a school, no school 3203  
official in a city, local, exempted village, or joint vocational 3204  
school district knowingly shall admit to any school in the school 3205  
district a pupil who has been permanently excluded from public 3206  
school attendance by the superintendent of public instruction. 3207

(F)(1)(a) Upon determining that the school attendance of a 3208  
pupil who has been permanently excluded from public school 3209  
attendance no longer will endanger the health and safety of other 3210  
students or school employees, the superintendent of any city, 3211  
local, exempted village, or joint vocational school district in 3212  
which the pupil desires to attend school may issue to the board of 3213  
education of the school district a recommendation, including the 3214  
reasons for the recommendation, that the permanent exclusion of a 3215  
pupil be revoked and the pupil be allowed to return to the public 3216  
schools of the state. 3217

If any violation which in whole or in part gave rise to the 3218  
permanent exclusion of any pupil involved the pupil's bringing a 3219  
firearm to a school operated by the board of education of a school 3220  
district or onto any other property owned or operated by such a 3221  
board, no superintendent shall recommend under this division an 3222  
effective date for the revocation of the pupil's permanent 3223  
exclusion that is less than one year after the date on which the 3224  
last such firearm incident occurred. However, on a case-by-case 3225  
basis, a superintendent may recommend an earlier effective date 3226

for such a revocation for any of the reasons for which the 3227  
superintendent may reduce the one-year expulsion requirement in 3228  
division (B)(2) of section 3313.66 of the Revised Code. 3229

(b) Upon receipt of the recommendation of the superintendent 3230  
that a permanent exclusion of a pupil be revoked, the board of 3231  
education of a city, local, exempted village, or joint vocational 3232  
school district may adopt a resolution by a majority vote of its 3233  
members requesting the superintendent of public instruction to 3234  
revoke the permanent exclusion of the pupil. Upon adoption of the 3235  
resolution, the board of education shall forward a copy of the 3236  
resolution, the reasons for the resolution, and any other relevant 3237  
information to the superintendent of public instruction. 3238

(c) Upon receipt of a resolution of a board of education 3239  
requesting the revocation of a permanent exclusion of a pupil, the 3240  
superintendent of public instruction, in accordance with the 3241  
adjudication procedures of Chapter 119. of the Revised Code, shall 3242  
issue an adjudication order that revokes the permanent exclusion 3243  
of the pupil from public school attendance or that rejects the 3244  
resolution of the board of education. 3245

(2)(a) A pupil who has been permanently excluded pursuant to 3246  
this section and section 3301.121 of the Revised Code may request 3247  
the superintendent of any city, local, exempted village, or joint 3248  
vocational school district in which the pupil desires to attend 3249  
school to admit the pupil on a probationary basis for a period not 3250  
to exceed ninety school days. Upon receiving the request, the 3251  
superintendent may enter into discussions with the pupil and with 3252  
the pupil's parent, guardian, or custodian or a person designated 3253  
by the pupil's parent, guardian, or custodian to develop a 3254  
probationary admission plan designed to assist the pupil's 3255  
probationary admission to the school. The plan may include a 3256  
treatment program, a behavioral modification program, or any other 3257  
program reasonably designed to meet the educational needs of the 3258

child and the disciplinary requirements of the school. 3259

If any violation which in whole or in part gave rise to the 3260  
permanent exclusion of the pupil involved the pupil's bringing a 3261  
firearm to a school operated by the board of education of any 3262  
school district or onto any other property owned or operated by 3263  
such a board, no plan developed under this division for the pupil 3264  
shall include an effective date for the probationary admission of 3265  
the pupil that is less than one year after the date on which the 3266  
last such firearm incident occurred except that on a case-by-case 3267  
basis, a plan may include an earlier effective date for such an 3268  
admission for any of the reasons for which the superintendent of 3269  
the district may reduce the one-year expulsion requirement in 3270  
division (B)(2) of section 3313.66 of the Revised Code. 3271

(b) If the superintendent of a school district, a pupil, and 3272  
the pupil's parent, guardian, or custodian or a person designated 3273  
by the pupil's parent, guardian, or custodian agree upon a 3274  
probationary admission plan prepared pursuant to division 3275  
(F)(2)(a) of this section, the superintendent of the school 3276  
district shall issue to the board of education of the school 3277  
district a recommendation that the pupil be allowed to attend 3278  
school within the school district under probationary admission, 3279  
the reasons for the recommendation, and a copy of the agreed upon 3280  
probationary admission plan. Within fourteen days after the board 3281  
of education receives the recommendation, reasons, and plan, the 3282  
board may adopt the recommendation by a majority vote of its 3283  
members. If the board adopts the recommendation, the pupil may 3284  
attend school under probationary admission within that school 3285  
district for a period not to exceed ninety days or any additional 3286  
probationary period permitted under divisions (F)(2)(d) and (e) of 3287  
this section in accordance with the probationary admission plan 3288  
prepared pursuant to division (F)(2)(a) of this section. 3289

(c) If a pupil who is permitted to attend school under 3290

probationary admission pursuant to division (F)(2)(b) of this 3291  
section fails to comply with the probationary admission plan 3292  
prepared pursuant to division (F)(2)(a) of this section, the 3293  
superintendent of the school district immediately may remove the 3294  
pupil from the school and issue to the board of education of the 3295  
school district a recommendation that the probationary admission 3296  
be revoked. Within five days after the board of education receives 3297  
the recommendation, the board may adopt the recommendation to 3298  
revoke the pupil's probationary admission by a majority vote of 3299  
its members. If a majority of the board does not adopt the 3300  
recommendation to revoke the pupil's probationary admission, the 3301  
pupil shall continue to attend school in compliance with the 3302  
pupil's probationary admission plan. 3303

(d) If a pupil who is permitted to attend school under 3304  
probationary admission pursuant to division (F)(2)(b) of this 3305  
section complies with the probationary admission plan prepared 3306  
pursuant to division (F)(2)(a) of this section, the pupil or the 3307  
pupil's parent, guardian, or custodian, at any time before the 3308  
expiration of the ninety-day probationary admission period, may 3309  
request the superintendent of the school district to extend the 3310  
terms and period of the pupil's probationary admission for a 3311  
period not to exceed ninety days or to issue a recommendation 3312  
pursuant to division (F)(1) of this section that the pupil's 3313  
permanent exclusion be revoked and the pupil be allowed to return 3314  
to the public schools of this state. 3315

(e) If a pupil is granted an extension of the pupil's 3316  
probationary admission pursuant to division (F)(2)(d) of this 3317  
section, the pupil or the pupil's parent, guardian, or custodian, 3318  
in the manner described in that division, may request, and the 3319  
superintendent and board, in the manner described in that 3320  
division, may recommend and grant, subsequent probationary 3321  
admission periods not to exceed ninety days each. If a pupil who 3322

is permitted to attend school under an extension of a probationary admission plan complies with the probationary admission plan prepared pursuant to the extension, the pupil or the pupil's parent, guardian, or custodian may request a revocation of the pupil's permanent exclusion in the manner described in division (F)(2)(d) of this section.

(f) Any extension of a probationary admission requested by a pupil or a pupil's parent, guardian, or custodian pursuant to divisions (F)(2)(d) or (e) of this section shall be subject to the adoption and approval of a probationary admission plan in the manner described in divisions (F)(2)(a) and (b) of this section and may be terminated as provided in division (F)(2)(c) of this section.

(g) If the pupil has complied with any probationary admission plan and the superintendent issues a recommendation that seeks revocation of the pupil's permanent exclusion pursuant to division (F)(1) of this section, the pupil's compliance with any probationary admission plan may be considered along with other relevant factors in any determination or adjudication conducted pursuant to division (F)(1) of this section.

(G)(1) Except as provided in division (G)(2) of this section, any information regarding the permanent exclusion of a pupil shall be included in the pupil's official records and shall be included in any records sent to any school district that requests the pupil's records.

(2) When a pupil who has been permanently excluded from public school attendance reaches the age of twenty-two or when the permanent exclusion of a pupil has been revoked, all school districts that maintain records regarding the pupil's permanent exclusion shall remove all references to the exclusion from the pupil's file and shall destroy them.

A pupil who has reached the age of twenty-two or whose permanent exclusion has been revoked may send a written notice to the superintendent of any school district maintaining records of the pupil's permanent exclusion requesting the superintendent to ensure that the records are removed from the pupil's file and destroyed. Upon receipt of the request and a determination that the pupil is twenty-two years of age or older or that the pupil's permanent exclusion has been revoked, the superintendent shall ensure that the records are removed from the pupil's file and destroyed.

(H)(1) This section does not apply to any of the following:

(a) An institution that is a residential facility, that receives and cares for children, that is maintained by the department of youth services, and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code;

(b) Any on-premises school operated by an out-of-home care entity, other than a school district, that is chartered by the state board of education under section 3301.16 of the Revised Code;

(c) Any school operated in connection with an out-of-home care entity or a nonresidential youth treatment program that enters into a contract or agreement with a school district for the provision of educational services in a setting other than a setting that is a building or structure owned or controlled by the board of education of the school district during normal school hours.

(2) This section does not prohibit any person who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code from seeking a certificate of high school equivalence. A person who has been permanently excluded may be

permitted to participate in a course of study in preparation for 3385  
the tests of general educational development, except that the 3386  
person shall not participate during normal school hours in that 3387  
course of study in any building or structure owned or controlled 3388  
by the board of education of a school district. 3389

(3) This section does not relieve any school district from 3390  
any requirement under section ~~2151.357~~ 2151.362 or 3313.64 of the 3391  
Revised Code to pay for the cost of educating any child who has 3392  
been permanently excluded pursuant to this section and section 3393  
3301.121 of the Revised Code. 3394

(I) As used in this section: 3395

(1) "Permanently exclude" means to forever prohibit an 3396  
individual from attending any public school in this state that is 3397  
operated by a city, local, exempted village, or joint vocational 3398  
school district. 3399

(2) "Permanent exclusion" means the prohibition of a pupil 3400  
forever from attending any public school in this state that is 3401  
operated by a city, local, exempted village, or joint vocational 3402  
school district. 3403

(3) "Out-of-home care" has the same meaning as in section 3404  
2151.011 of the Revised Code. 3405

(4) "Certificate of high school equivalence" has the same 3406  
meaning as in section 4109.06 of the Revised Code. 3407

(5) "Nonresidential youth treatment program" means a program 3408  
designed to provide services to persons under the age of eighteen 3409  
in a setting that does not regularly provide long-term overnight 3410  
care, including settlement houses, diversion and prevention 3411  
programs, run-away centers, and alternative education programs. 3412

(6) "Firearm" has the same meaning as provided pursuant to 3413  
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 3414

8001(a)(2).	3415
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	3416 3417
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.	3418 3419 3420
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	3421 3422 3423
(1) That the school shall be established as either of the following:	3424 3425
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	3426 3427
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	3428 3429
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	3430 3431 3432 3433
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	3434 3435 3436
(4) Performance standards by which the success of the school will be evaluated by the sponsor. If the sponsor will evaluate the school in accordance with division (D) of section 3314.36 of the Revised Code, the contract shall specify the number of school years that the school will be evaluated under that division.	3437 3438 3439 3440 3441
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	3442 3443

(6)(a) Dismissal procedures;	3444
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	3445 3446 3447 3448 3449 3450
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	3451 3452
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	3453 3454 3455 3456 3457 3458
(9) The facilities to be used and their locations;	3459
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	3460 3461 3462 3463 3464 3465
(11) That the school will comply with the following requirements:	3466 3467
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	3468 3469 3470
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	3471 3472 3473

(c) The school will be nonsectarian in its programs, 3474  
admission policies, employment practices, and all other 3475  
operations, and will not be operated by a sectarian school or 3476  
religious institution; 3477

(d) The school will comply with sections 9.90, 9.91, 109.65, 3478  
121.22, 149.43, ~~2151.358~~ 2151.357, 2151.421, 2313.18, 3301.0710, 3479  
3301.0711, 3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3480  
3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3481  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3482  
3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3483  
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 3484  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 3485  
4123., 4141., and 4167. of the Revised Code as if it were a school 3486  
district and will comply with section 3301.0714 of the Revised 3487  
Code in the manner specified in section 3314.17 of the Revised 3488  
Code; 3489

(e) The school shall comply with Chapter 102. and section 3490  
2921.42 of the Revised Code; 3491

(f) The school will comply with sections 3313.61, 3313.611, 3492  
and 3313.614 of the Revised Code, except that the requirement in 3493  
sections 3313.61 and 3313.611 of the Revised Code that a person 3494  
must successfully complete the curriculum in any high school prior 3495  
to receiving a high school diploma may be met by completing the 3496  
curriculum adopted by the governing authority of the community 3497  
school rather than the curriculum specified in Title XXXIII of the 3498  
Revised Code or any rules of the state board of education; 3499

(g) The school governing authority will submit within four 3500  
months after the end of each school year a report of its 3501  
activities and progress in meeting the goals and standards of 3502  
divisions (A)(3) and (4) of this section and its financial status 3503  
to the sponsor, the parents of all students enrolled in the 3504

school, and the legislative office of education oversight. The 3505  
school will collect and provide any data that the legislative 3506  
office of education oversight requests in furtherance of any study 3507  
or research that the general assembly requires the office to 3508  
conduct, including the studies required under Section 50.39 of Am. 3509  
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 3510  
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 3511

(12) Arrangements for providing health and other benefits to 3512  
employees; 3513

(13) The length of the contract, which shall begin at the 3514  
beginning of an academic year. No contract shall exceed five years 3515  
unless such contract has been renewed pursuant to division (E) of 3516  
this section. 3517

(14) The governing authority of the school, which shall be 3518  
responsible for carrying out the provisions of the contract; 3519

(15) A financial plan detailing an estimated school budget 3520  
for each year of the period of the contract and specifying the 3521  
total estimated per pupil expenditure amount for each such year. 3522  
The plan shall specify for each year the base formula amount that 3523  
will be used for purposes of funding calculations under section 3524  
3314.08 of the Revised Code. This base formula amount for any year 3525  
shall not exceed the formula amount defined under section 3317.02 3526  
of the Revised Code. The plan may also specify for any year a 3527  
percentage figure to be used for reducing the per pupil amount of 3528  
the subsidy calculated pursuant to section 3317.029 of the Revised 3529  
Code the school is to receive that year under section 3314.08 of 3530  
the Revised Code. 3531

(16) Requirements and procedures regarding the disposition of 3532  
employees of the school in the event the contract is terminated or 3533  
not renewed pursuant to section 3314.07 of the Revised Code; 3534

(17) Whether the school is to be created by converting all or 3535

part of an existing public school or is to be a new start-up 3536  
school, and if it is a converted public school, specification of 3537  
any duties or responsibilities of an employer that the board of 3538  
education that operated the school before conversion is delegating 3539  
to the governing board of the community school with respect to all 3540  
or any specified group of employees provided the delegation is not 3541  
prohibited by a collective bargaining agreement applicable to such 3542  
employees; 3543

(18) Provisions establishing procedures for resolving 3544  
disputes or differences of opinion between the sponsor and the 3545  
governing authority of the community school; 3546

(19) A provision requiring the governing authority to adopt a 3547  
policy regarding the admission of students who reside outside the 3548  
district in which the school is located. That policy shall comply 3549  
with the admissions procedures specified in sections 3314.06 and 3550  
3314.061 of the Revised Code and, at the sole discretion of the 3551  
authority, shall do one of the following: 3552

(a) Prohibit the enrollment of students who reside outside 3553  
the district in which the school is located; 3554

(b) Permit the enrollment of students who reside in districts 3555  
adjacent to the district in which the school is located; 3556

(c) Permit the enrollment of students who reside in any other 3557  
district in the state. 3558

(20) A provision recognizing the authority of the department 3559  
of education to take over the sponsorship of the school in 3560  
accordance with the provisions of division (C) of section 3314.015 3561  
of the Revised Code; 3562

(21) A provision recognizing the sponsor's authority to 3563  
assume the operation of a school under the conditions specified in 3564  
division (B) of section 3314.073 of the Revised Code; 3565

(22) A provision recognizing both of the following: 3566

(a) The authority of public health and safety officials to 3567  
inspect the facilities of the school and to order the facilities 3568  
closed if those officials find that the facilities are not in 3569  
compliance with health and safety laws and regulations; 3570

(b) The authority of the department of education as the 3571  
community school oversight body to suspend the operation of the 3572  
school under section 3314.072 of the Revised Code if the 3573  
department has evidence of conditions or violations of law at the 3574  
school that pose an imminent danger to the health and safety of 3575  
the school's students and employees and the sponsor refuses to 3576  
take such action; 3577

(23) A description of the learning opportunities that will be 3578  
offered to students including both classroom-based and 3579  
non-classroom-based learning opportunities that is in compliance 3580  
with criteria for student participation established by the 3581  
department under division (L)(2) of section 3314.08 of the Revised 3582  
Code; 3583

(24) The school will comply with section 3302.04 of the 3584  
Revised Code, including division (E) of that section to the extent 3585  
possible, except that any action required to be taken by a school 3586  
district pursuant to that section shall be taken by the sponsor of 3587  
the school. However, the sponsor shall not be required to take any 3588  
action described in division (F) of that section. 3589

(25) Beginning in the 2006-2007 school year, the school will 3590  
open for operation not later than the thirtieth day of September 3591  
each school year, unless the mission of the school as specified 3592  
under division (A)(2) of this section is solely to serve dropouts. 3593  
In its initial year of operation, if the school fails to open by 3594  
the thirtieth day of September, or within one year after the 3595  
adoption of the contract pursuant to division (D) of section 3596

3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws

applicable to the school and with the terms of the contract; 3627

(2) Monitor and evaluate the academic and fiscal performance 3628  
and the organization and operation of the community school on at 3629  
least an annual basis; 3630

(3) Report on an annual basis the results of the evaluation 3631  
conducted under division (D)(2) of this section to the department 3632  
of education and to the parents of students enrolled in the 3633  
community school; 3634

(4) Provide technical assistance to the community school in 3635  
complying with laws applicable to the school and terms of the 3636  
contract; 3637

(5) Take steps to intervene in the school's operation to 3638  
correct problems in the school's overall performance, declare the 3639  
school to be on probationary status pursuant to section 3314.073 3640  
of the Revised Code, suspend the operation of the school pursuant 3641  
to section 3314.072 of the Revised Code, or terminate the contract 3642  
of the school pursuant to section 3314.07 of the Revised Code as 3643  
determined necessary by the sponsor; 3644

(6) Have in place a plan of action to be undertaken in the 3645  
event the community school experiences financial difficulties or 3646  
closes prior to the end of a school year. 3647

(E) Upon the expiration of a contract entered into under this 3648  
section, the sponsor of a community school may, with the approval 3649  
of the governing authority of the school, renew that contract for 3650  
a period of time determined by the sponsor, but not ending earlier 3651  
than the end of any school year, if the sponsor finds that the 3652  
school's compliance with applicable laws and terms of the contract 3653  
and the school's progress in meeting the academic goals prescribed 3654  
in the contract have been satisfactory. Any contract that is 3655  
renewed under this division remains subject to the provisions of 3656  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 3657

(F) If a community school fails to open for operation within 3658  
one year after the contract entered into under this section is 3659  
adopted pursuant to division (D) of section 3314.02 of the Revised 3660  
Code or permanently closes prior to the expiration of the 3661  
contract, the contract shall be void and the school shall not 3662  
enter into a contract with any other sponsor. A school shall not 3663  
be considered permanently closed because the operations of the 3664  
school have been suspended pursuant to section 3314.072 of the 3665  
Revised Code. Any contract that becomes void under this division 3666  
shall not count toward any statewide limit on the number of such 3667  
contracts prescribed by section 3314.013 of the Revised Code. 3668

**Sec. 3323.01.** As used in this chapter and Chapter 3321. of 3669  
the Revised Code: 3670

(A) "Handicapped child" means a person under twenty-two years 3671  
of age who is developmentally handicapped, hearing handicapped, 3672  
speech handicapped, visually disabled, severe behavior 3673  
handicapped, orthopedically handicapped, multihandicapped, other 3674  
health handicapped, specific learning disabled, autistic, or 3675  
traumatic brain injured, and by reason thereof requires special 3676  
education. 3677

(B) "Special education program" means the required related 3678  
services and instruction specifically designed to meet the unique 3679  
needs of a handicapped child, including classroom instruction, 3680  
home instruction, and instruction in hospitals and institutions 3681  
and in other settings. 3682

(C) "Related services" means transportation, and such 3683  
developmental, corrective, and other supportive services as may be 3684  
required to assist a handicapped child to benefit from special 3685  
education, including the early identification and assessment of 3686  
handicapped conditions in children, speech pathology and 3687  
audiology, psychological services, occupational and physical 3688

therapy, physical education, recreation, counseling services 3689  
including rehabilitative counseling, and medical services, except 3690  
that such medical services shall be for diagnostic and evaluation 3691  
purposes only. 3692

(D) "Appropriate public education" means special education 3693  
and related services that: 3694

(1) Are provided at public expense and under public 3695  
supervision; 3696

(2) Meet the standards of the state board of education; 3697

(3) Include an appropriate preschool, elementary, or 3698  
secondary education; 3699

(4) Are provided in conformity with the individualized 3700  
education program required under this chapter. 3701

(E) "Individualized education program" means a written 3702  
statement for each handicapped child designed to meet the unique 3703  
needs of a handicapped child, which statement shall include: 3704

(1) A statement of the present levels of educational 3705  
performance of such child; 3706

(2) A statement of annual goals, including short-term 3707  
instructional objectives; 3708

(3) A statement of the specific educational services to be 3709  
provided to such child, and the extent to which such child will be 3710  
able to participate in regular educational programs; 3711

(4) A statement of the transition services needed for such 3712  
child beginning no later than age sixteen and annually thereafter 3713  
(and, when determined appropriate for such child, beginning at age 3714  
fourteen or younger), including, when appropriate, a statement of 3715  
the interagency responsibilities and linkages before the student 3716  
leaves the school setting; 3717

(5) The projected date for initiation and anticipated duration of such services;	3718 3719
(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved, and whether current placement is appropriate.	3720 3721 3722 3723
(F) "Other educational agency" means a department, bureau, office, institution, board, commission, committee, authority, or other state or local agency, other than a school district or an agency administered by the department of mental retardation and developmental disabilities, that provides or seeks to provide special education or related services to handicapped children.	3724 3725 3726 3727 3728 3729 3730
(G) "School district" means a city, local, or exempted village school district.	3731 3732
(H) "Parents" means either parent. If the parents are separated or divorced, "parent" means the parent who is the residential parent and legal custodian of the handicapped child. Except as used in division (I) of this section and in sections 3323.09 and 3323.141 of the Revised Code, "parents" includes a child's guardian or custodian. This definition does not apply to Chapter 3321. of the Revised Code.	3733 3734 3735 3736 3737 3738 3739
(I) As used in sections 3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, "school district of residence" means:	3740 3741
(1) The school district in which the child's parents reside;	3742
(2) If the school district specified in division (I)(1) of this section cannot be determined, the last school district in which the child's parents are known to have resided if the parents' whereabouts are unknown;	3743 3744 3745 3746
(3) If the school district specified in division (I)(2) of	3747

this section cannot be determined, the school district determined 3748  
by the court under section ~~2151.357~~ 2151.362 of the Revised Code, 3749  
or if no district has been so determined, the school district as 3750  
determined by the probate court of the county in which the child 3751  
resides. The school district of residence that had been 3752  
established under this section on December 12, 1983, shall remain 3753  
the child's school district of residence unless a district of 3754  
residence can be determined under division (I)(1) or (2) of this 3755  
section. 3756

(4) Notwithstanding divisions (I)(1) to (3) of this section, 3757  
if a school district is required by section 3313.65 of the Revised 3758  
Code to pay tuition for a child, that district shall be the 3759  
child's school district of residence. 3760

(J) "County MR/DD board" means a county board of mental 3761  
retardation and developmental disabilities. 3762

(K) "Handicapped preschool child" means a handicapped child 3763  
who is at least three years of age but is not of compulsory school 3764  
age, as defined under section 3321.01 of the Revised Code, and who 3765  
is not currently enrolled in kindergarten. 3766

(L) "Transition services" means a coordinated set of 3767  
activities for a student, designed within an outcome-oriented 3768  
process, that: 3769

(1) Promotes movement from school to post-school activities, 3770  
including post-secondary education; vocational training; 3771  
integrated employment, including supported employment; continuing 3772  
and adult education; adult services; independent living; and 3773  
community participation; 3774

(2) Is based upon the individual student's needs, including 3775  
taking into account the student's preferences and interests; 3776

(3) Includes instruction, community experiences, the 3777

development of employment and other post-school adult living 3778  
objectives, and, when appropriate, acquisition of daily living 3779  
skills and functional vocational evaluation. 3780

(M) "Visual disability" for any individual means that one of 3781  
the following applies to the individual: 3782

(1) The individual has a visual acuity of 20/200 or less in 3783  
the better eye with correcting lenses or has a limited field of 3784  
vision in the better eye such that the widest diameter subtends an 3785  
angular distance of no greater than twenty degrees. 3786

(2) The individual has a medically indicated expectation of 3787  
meeting the requirements of division (M)(1) of this section over a 3788  
period of time. 3789

(3) The individual has a medically diagnosed and medically 3790  
uncorrectable limitation in visual functioning that adversely 3791  
affects the individual's ability to read and write standard print 3792  
at levels expected of the individual's peers of comparable ability 3793  
and grade level. 3794

(N) "Student with a visual disability" means any person under 3795  
twenty-two years of age who has a visual disability. 3796

(O) "Instruction in braille reading and writing" means the 3797  
teaching of the system of reading and writing through touch 3798  
commonly known as standard English braille. 3799

**Sec. 4301.69.** (A) Except as otherwise provided in this 3800  
chapter, no person shall sell beer or intoxicating liquor to an 3801  
underage person, shall buy beer or intoxicating liquor for an 3802  
underage person, or shall furnish it to an underage person, unless 3803  
given by a physician in the regular line of the physician's 3804  
practice or given for established religious purposes or unless the 3805  
underage person is accompanied by a parent, spouse who is not an 3806  
underage person, or legal guardian. 3807

In proceedings before the liquor control commission, no 3808  
permit holder, or the employee or agent of a permit holder, 3809  
charged with a violation of this division shall be charged, for 3810  
the same offense, with a violation of division (A)(1) of section 3811  
4301.22 of the Revised Code. 3812

(B) No person who is the owner or occupant of any public or 3813  
private place shall knowingly allow any underage person to remain 3814  
in or on the place while possessing or consuming beer or 3815  
intoxicating liquor, unless the intoxicating liquor or beer is 3816  
given to the person possessing or consuming it by that person's 3817  
parent, spouse who is not an underage person, or legal guardian 3818  
and the parent, spouse who is not an underage person, or legal 3819  
guardian is present at the time of the person's possession or 3820  
consumption of the beer or intoxicating liquor. 3821

An owner of a public or private place is not liable for acts 3822  
or omissions in violation of this division that are committed by a 3823  
lessee of that place, unless the owner authorizes or acquiesces in 3824  
the lessee's acts or omissions. 3825

(C) No person shall engage or use accommodations at a hotel, 3826  
inn, cabin, campground, or restaurant when the person knows or has 3827  
reason to know either of the following: 3828

(1) That beer or intoxicating liquor will be consumed by an 3829  
underage person on the premises of the accommodations that the 3830  
person engages or uses, unless the person engaging or using the 3831  
accommodations is the spouse of the underage person and who is not 3832  
an underage person, or is the parent or legal guardian of all of 3833  
the underage persons, who consume beer or intoxicating liquor on 3834  
the premises and that person is on the premises at all times when 3835  
beer or intoxicating liquor is being consumed by an underage 3836  
person; 3837

(2) That a drug of abuse will be consumed on the premises of 3838

the accommodations by any person, except a person who obtained the  
drug of abuse pursuant to a prescription issued by a licensed  
health professional authorized to prescribe drugs and has the drug  
of abuse in the original container in which it was dispensed to  
the person.

(D)(1) No person is required to permit the engagement of  
accommodations at any hotel, inn, cabin, or campground by an  
underage person or for an underage person, if the person engaging  
the accommodations knows or has reason to know that the underage  
person is intoxicated, or that the underage person possesses any  
beer or intoxicating liquor and is not accompanied by a parent,  
spouse who is not an underage person, or legal guardian who is or  
will be present at all times when the beer or intoxicating liquor  
is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to  
engage accommodations at any hotel, inn, cabin, or campground by  
presenting identification that falsely indicates that the underage  
person is twenty-one years of age or older for the purpose of  
violating this section.

(E)(1) No underage person shall knowingly order, pay for,  
share the cost of, attempt to purchase, possess, or consume any  
beer or intoxicating liquor in any public or private place. No  
underage person shall knowingly be under the influence of any beer  
or intoxicating liquor in any public place. The prohibitions set  
forth in division (E)(1) of this section against an underage  
person knowingly possessing, consuming, or being under the  
influence of any beer or intoxicating liquor shall not apply if  
the underage person is accompanied by a parent, spouse who is not  
an underage person, or legal guardian, or the beer or intoxicating  
liquor is given by a physician in the regular line of the  
physician's practice or given for established religious purposes.

(2)(a) If a person is charged with violating division (E)(1) 3870  
of this section in a complaint filed under section 2151.27 of the 3871  
Revised Code, the court may order the child into a diversion 3872  
program specified by the court and hold the complaint in abeyance 3873  
pending successful completion of the diversion program. A child is 3874  
ineligible to enter into a diversion program under division 3875  
(E)(2)(a) of this section if the child previously has been 3876  
diverted pursuant to division (E)(2)(a) of this section. If the 3877  
child completes the diversion program to the satisfaction of the 3878  
court, the court shall dismiss the complaint and order the child's 3879  
record in the case sealed under ~~division (D)(3) of section~~ 3880  
sections 2151.356 to 2151.358 of the Revised Code. If the child 3881  
fails to satisfactorily complete the diversion program, the court 3882  
shall proceed with the complaint. 3883

(b) If a person is charged in a criminal complaint with 3884  
violating division (E)(1) of this section, section 2935.36 of the 3885  
Revised Code shall apply to the offense, except that a person is 3886  
ineligible for diversion under that section if the person 3887  
previously has been diverted pursuant to division (E)(2)(a) or (b) 3888  
of this section. If the person completes the diversion program to 3889  
the satisfaction of the court, the court shall dismiss the 3890  
complaint and order the record in the case sealed under section 3891  
2953.52 of the Revised Code. If the person fails to satisfactorily 3892  
complete the diversion program, the court shall proceed with the 3893  
complaint. 3894

(F) No parent, spouse who is not an underage person, or legal 3895  
guardian of a minor shall knowingly permit the minor to violate 3896  
this section or section 4301.63, 4301.633, or 4301.634 of the 3897  
Revised Code. 3898

(G) The operator of any hotel, inn, cabin, or campground 3899  
shall make the provisions of this section available in writing to 3900  
any person engaging or using accommodations at the hotel, inn, 3901

cabin, or campground.	3902
(H) As used in this section:	3903
(1) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.	3904 3905
(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.	3906 3907
(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	3908 3909 3910
(4) "Minor" means a person under the age of eighteen years.	3911
(5) "Underage person" means a person under the age of twenty-one years.	3912 3913
<b>Section 2.</b> That existing sections 2151.313, 2151.357, 2152.72, 2929.14, 2929.19, 2930.13, 2967.28, 3301.0714, 3313.64, 3313.662, 3314.03, 3323.01, and 4301.69 and section 2151.358 of the Revised Code are hereby repealed.	3914 3915 3916 3917
<b>Section 3.</b> That the version of section 2929.14 of the Revised Code that is scheduled to take effect August 3, 2006, be amended to read as follows:	3918 3919 3920
<b>Sec. 2929.14.</b> (A) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:	3921 3922 3923 3924 3925 3926 3927 3928
(1) For a felony of the first degree, the prison term shall	3929

be three, four, five, six, seven, eight, nine, or ten years. 3930

(2) For a felony of the second degree, the prison term shall 3931  
be two, three, four, five, six, seven, or eight years. 3932

(3) For a felony of the third degree, the prison term shall 3933  
be one, two, three, four, or five years. 3934

(4) For a felony of the fourth degree, the prison term shall 3935  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3936  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3937

(5) For a felony of the fifth degree, the prison term shall 3938  
be six, seven, eight, nine, ten, eleven, or twelve months. 3939

(B) Except as provided in division (C), (D)(1), (D)(2), 3940  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 3941  
or 2907.05 of the Revised Code, or in Chapter 2925. of the Revised 3942  
Code, if the court imposing a sentence upon an offender for a 3943  
felony elects or is required to impose a prison term on the 3944  
offender, the court shall impose the shortest prison term 3945  
authorized for the offense pursuant to division (A) of this 3946  
section, unless one or more of the following applies: 3947

(1) The offender was serving a prison term at the time of the 3948  
offense, or the offender previously had served a prison term. 3949

(2) The court finds on the record that the shortest prison 3950  
term will demean the seriousness of the offender's conduct or will 3951  
not adequately protect the public from future crime by the 3952  
offender or others. 3953

(C) Except as provided in division (G) of this section or in 3954  
Chapter 2925. of the Revised Code, the court imposing a sentence 3955  
upon an offender for a felony may impose the longest prison term 3956  
authorized for the offense pursuant to division (A) of this 3957  
section only upon offenders who committed the worst forms of the 3958  
offense, upon offenders who pose the greatest likelihood of 3959

committing future crimes, upon certain major drug offenders under 3960  
division (D)(3) of this section, and upon certain repeat violent 3961  
offenders in accordance with division (D)(2) of this section. 3962

(D)(1)(a) Except as provided in division (D)(1)(e) of this 3963  
section, if an offender who is convicted of or pleads guilty to a 3964  
felony also is convicted of or pleads guilty to a specification of 3965  
the type described in section 2941.141, 2941.144, or 2941.145 of 3966  
the Revised Code, the court shall impose on the offender one of 3967  
the following prison terms: 3968

(i) A prison term of six years if the specification is of the 3969  
type described in section 2941.144 of the Revised Code that 3970  
charges the offender with having a firearm that is an automatic 3971  
firearm or that was equipped with a firearm muffler or silencer on 3972  
or about the offender's person or under the offender's control 3973  
while committing the felony; 3974

(ii) A prison term of three years if the specification is of 3975  
the type described in section 2941.145 of the Revised Code that 3976  
charges the offender with having a firearm on or about the 3977  
offender's person or under the offender's control while committing 3978  
the offense and displaying the firearm, brandishing the firearm, 3979  
indicating that the offender possessed the firearm, or using it to 3980  
facilitate the offense; 3981

(iii) A prison term of one year if the specification is of 3982  
the type described in section 2941.141 of the Revised Code that 3983  
charges the offender with having a firearm on or about the 3984  
offender's person or under the offender's control while committing 3985  
the felony. 3986

(b) If a court imposes a prison term on an offender under 3987  
division (D)(1)(a) of this section, the prison term shall not be 3988  
reduced pursuant to section 2929.20, section 2967.193, or any 3989  
other provision of Chapter 2967. or Chapter 5120. of the Revised 3990

Code. A court shall not impose more than one prison term on an 3991  
offender under division (D)(1)(a) of this section for felonies 3992  
committed as part of the same act or transaction. 3993

(c) Except as provided in division (D)(1)(e) of this section, 3994  
if an offender who is convicted of or pleads guilty to a violation 3995  
of section 2923.161 of the Revised Code or to a felony that 3996  
includes, as an essential element, purposely or knowingly causing 3997  
or attempting to cause the death of or physical harm to another, 3998  
also is convicted of or pleads guilty to a specification of the 3999  
type described in section 2941.146 of the Revised Code that 4000  
charges the offender with committing the offense by discharging a 4001  
firearm from a motor vehicle other than a manufactured home, the 4002  
court, after imposing a prison term on the offender for the 4003  
violation of section 2923.161 of the Revised Code or for the other 4004  
felony offense under division (A), (D)(2), or (D)(3) of this 4005  
section, shall impose an additional prison term of five years upon 4006  
the offender that shall not be reduced pursuant to section 4007  
2929.20, section 2967.193, or any other provision of Chapter 2967. 4008  
or Chapter 5120. of the Revised Code. A court shall not impose 4009  
more than one additional prison term on an offender under division 4010  
(D)(1)(c) of this section for felonies committed as part of the 4011  
same act or transaction. If a court imposes an additional prison 4012  
term on an offender under division (D)(1)(c) of this section 4013  
relative to an offense, the court also shall impose a prison term 4014  
under division (D)(1)(a) of this section relative to the same 4015  
offense, provided the criteria specified in that division for 4016  
imposing an additional prison term are satisfied relative to the 4017  
offender and the offense. 4018

(d) If an offender who is convicted of or pleads guilty to an 4019  
offense of violence that is a felony also is convicted of or 4020  
pleads guilty to a specification of the type described in section 4021  
2941.1411 of the Revised Code that charges the offender with 4022

wearing or carrying body armor while committing the felony offense 4023  
of violence, the court shall impose on the offender a prison term 4024  
of two years. The prison term so imposed shall not be reduced 4025  
pursuant to section 2929.20, section 2967.193, or any other 4026  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 4027  
court shall not impose more than one prison term on an offender 4028  
under division (D)(1)(d) of this section for felonies committed as 4029  
part of the same act or transaction. If a court imposes an 4030  
additional prison term under division (D)(1)(a) or (c) of this 4031  
section, the court is not precluded from imposing an additional 4032  
prison term under division (D)(1)(d) of this section. 4033

(e) The court shall not impose any of the prison terms 4034  
described in division (D)(1)(a) of this section or any of the 4035  
additional prison terms described in division (D)(1)(c) of this 4036  
section upon an offender for a violation of section 2923.12 or 4037  
2923.123 of the Revised Code. The court shall not impose any of 4038  
the prison terms described in division (D)(1)(a) of this section 4039  
or any of the additional prison terms described in division 4040  
(D)(1)(c) of this section upon an offender for a violation of 4041  
section 2923.13 of the Revised Code unless all of the following 4042  
apply: 4043

(i) The offender previously has been convicted of aggravated 4044  
murder, murder, or any felony of the first or second degree. 4045

(ii) Less than five years have passed since the offender was 4046  
released from prison or post-release control, whichever is later, 4047  
for the prior offense. 4048

(f) If an offender is convicted of or pleads guilty to a 4049  
felony that includes, as an essential element, causing or 4050  
attempting to cause the death of or physical harm to another and 4051  
also is convicted of or pleads guilty to a specification of the 4052  
type described in section 2941.1412 of the Revised Code that 4053

charges the offender with committing the offense by discharging a  
firearm at a peace officer as defined in section 2935.01 of the  
Revised Code or a corrections officer as defined in section  
2941.1412 of the Revised Code, the court, after imposing a prison  
term on the offender for the felony offense under division (A),  
(D)(2), or (D)(3) of this section, shall impose an additional  
prison term of seven years upon the offender that shall not be  
reduced pursuant to section 2929.20, section 2967.193, or any  
other provision of Chapter 2967. or Chapter 5120. of the Revised  
Code. A court shall not impose more than one additional prison  
term on an offender under division (D)(1)(f) of this section for  
felonies committed as part of the same act or transaction. If a  
court imposes an additional prison term on an offender under  
division (D)(1)(f) of this section relative to an offense, the  
court shall not impose a prison term under division (D)(1)(a) or  
(c) of this section relative to the same offense.

(2)(a) If division (D)(2)(b) of this section does not apply,  
the court may impose on an offender, in addition to the longest  
prison term authorized or required for the offense, an additional  
definite prison term of one, two, three, four, five, six, seven,  
eight, nine, or ten years if all of the following criteria are  
met:

(i) The offender is convicted of or pleads guilty to a  
specification of the type described in section 2941.149 of the  
Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted  
or to which the offender currently pleads guilty is aggravated  
murder and the court does not impose a sentence of death or life  
imprisonment without parole, murder, terrorism and the court does  
not impose a sentence of life imprisonment without parole, any  
felony of the first degree that is an offense of violence and the  
court does not impose a sentence of life imprisonment without

parole, or any felony of the second degree that is an offense of  
violence and the trier of fact finds that the offense involved an  
attempt to cause or a threat to cause serious physical harm to a  
person or resulted in serious physical harm to a person.

(iii) The court imposes the longest prison term for the  
offense that is not life imprisonment without parole.

(iv) The court finds that the prison terms imposed pursuant  
to division (D)(2)(a)(iii) of this section and, if applicable,  
division (D)(1) or (3) of this section are inadequate to punish  
the offender and protect the public from future crime, because the  
applicable factors under section 2929.12 of the Revised Code  
indicating a greater likelihood of recidivism outweigh the  
applicable factors under that section indicating a lesser  
likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to  
division (D)(2)(a)(iii) of this section and, if applicable,  
division (D)(1) or (3) of this section are demeaning to the  
seriousness of the offense, because one or more of the factors  
under section 2929.12 of the Revised Code indicating that the  
offender's conduct is more serious than conduct normally  
constituting the offense are present, and they outweigh the  
applicable factors under that section indicating that the  
offender's conduct is less serious than conduct normally  
constituting the offense.

(b) The court shall impose on an offender the longest prison  
term authorized or required for the offense and shall impose on  
the offender an additional definite prison term of one, two,  
three, four, five, six, seven, eight, nine, or ten years if all of  
the following criteria are met:

(i) The offender is convicted of or pleads guilty to a  
specification of the type described in section 2941.149 of the

Revised Code that the offender is a repeat violent offender. 4117

(ii) The offender within the preceding twenty years has been 4118  
convicted of or pleaded guilty to three or more offenses described 4119  
in division (DD)(1) of section 2929.01 of the Revised Code, 4120  
including all offenses described in that division of which the 4121  
offender is convicted or to which the offender pleads guilty in 4122  
the current prosecution and all offenses described in that 4123  
division of which the offender previously has been convicted or to 4124  
which the offender previously pleaded guilty, whether prosecuted 4125  
together or separately. 4126

(iii) The offense or offenses of which the offender currently 4127  
is convicted or to which the offender currently pleads guilty is 4128  
aggravated murder and the court does not impose a sentence of 4129  
death or life imprisonment without parole, murder, terrorism and 4130  
the court does not impose a sentence of life imprisonment without 4131  
parole, any felony of the first degree that is an offense of 4132  
violence and the court does not impose a sentence of life 4133  
imprisonment without parole, or any felony of the second degree 4134  
that is an offense of violence and the trier of fact finds that 4135  
the offense involved an attempt to cause or a threat to cause 4136  
serious physical harm to a person or resulted in serious physical 4137  
harm to a person. 4138

(c) For purposes of division (D)(2)(b) of this section, two 4139  
or more offenses committed at the same time or as part of the same 4140  
act or event shall be considered one offense, and that one offense 4141  
shall be the offense with the greatest penalty. 4142

(d) A sentence imposed under division (D)(2)(a) or (b) of 4143  
this section shall not be reduced pursuant to section 2929.20 or 4144  
section 2967.193, or any other provision of Chapter 2967. or 4145  
Chapter 5120. of the Revised Code. The offender shall serve an 4146  
additional prison term imposed under this section consecutively to 4147

and prior to the prison term imposed for the underlying offense. 4148

(e) When imposing a sentence pursuant to division (D)(2)(a) 4149  
or (b) of this section, the court shall state its findings 4150  
explaining the imposed sentence. 4151

(3)(a) Except when an offender commits a violation of section 4152  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 4153  
the violation is life imprisonment or commits a violation of 4154  
section 2903.02 of the Revised Code, if the offender commits a 4155  
violation of section 2925.03 or 2925.11 of the Revised Code and 4156  
that section classifies the offender as a major drug offender and 4157  
requires the imposition of a ten-year prison term on the offender, 4158  
if the offender commits a felony violation of section 2925.02, 4159  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4160  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 4161  
division (C) of section 4729.51, or division (J) of section 4162  
4729.54 of the Revised Code that includes the sale, offer to sell, 4163  
or possession of a schedule I or II controlled substance, with the 4164  
exception of marihuana, and the court imposing sentence upon the 4165  
offender finds that the offender is guilty of a specification of 4166  
the type described in section 2941.1410 of the Revised Code 4167  
charging that the offender is a major drug offender, if the court 4168  
imposing sentence upon an offender for a felony finds that the 4169  
offender is guilty of corrupt activity with the most serious 4170  
offense in the pattern of corrupt activity being a felony of the 4171  
first degree, or if the offender is guilty of an attempted 4172  
violation of section 2907.02 of the Revised Code and, had the 4173  
offender completed the violation of section 2907.02 of the Revised 4174  
Code that was attempted, the offender would have been subject to a 4175  
sentence of life imprisonment or life imprisonment without parole 4176  
for the violation of section 2907.02 of the Revised Code, the 4177  
court shall impose upon the offender for the felony violation a 4178  
ten-year prison term that cannot be reduced pursuant to section 4179

2929.20 or Chapter 2967. or 5120. of the Revised Code.

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(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison term of one, two, three, four, five, six, seven, eight, nine, or ten years, if the court, with respect to the term imposed under division (D)(3)(a) of this section and, if applicable, divisions (D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(a)(iv) and (v) of this section.

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(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A)(4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the

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offense. In addition to the mandatory prison term or mandatory and  
additional prison term imposed as described in division (D)(4) of  
this section, the court also may sentence the offender to a  
community control sanction under section 2929.16 or 2929.17 of the  
Revised Code, but the offender shall serve all of the prison terms  
so imposed prior to serving the community control sanction.

If the offender is being sentenced for a fourth degree felony  
OVI offense under division (G)(1) of section 2929.13 of the  
Revised Code and the court imposes a mandatory term of local  
incarceration, the court may impose a prison term as described in  
division (A)(1) of that section.

(5) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1414 of the  
Revised Code that charges that the victim of the offense is a  
peace officer, as defined in section 2935.01 of the Revised Code,  
the court shall impose on the offender a prison term of five  
years. If a court imposes a prison term on an offender under  
division (D)(5) of this section, the prison term shall not be  
reduced pursuant to section 2929.20, section 2967.193, or any  
other provision of Chapter 2967. or Chapter 5120. of the Revised  
Code. A court shall not impose more than one prison term on an  
offender under division (D)(5) of this section for felonies  
committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1415 of the  
Revised Code that charges that the offender previously has been  
convicted of or pleaded guilty to three or more violations of  
division (A) or (B) of section 4511.19 of the Revised Code or an

equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (D)(6) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(6) of this section for felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (D)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed

under that division or under division (D)(1)(a) or (c) of this 4276  
section, consecutively to and prior to any prison term imposed for 4277  
the underlying felony under division (A), (D)(2), or (D)(3) of 4278  
this section or any other section of the Revised Code, and 4279  
consecutively to any other prison term or mandatory prison term 4280  
previously or subsequently imposed upon the offender. 4281

(c) If a mandatory prison term is imposed upon an offender 4282  
pursuant to division (D)(1)(f) of this section, the offender shall 4283  
serve the mandatory prison term so imposed consecutively to and 4284  
prior to any prison term imposed for the underlying felony under 4285  
division (A), (D)(2), or (D)(3) of this section or any other 4286  
section of the Revised Code, and consecutively to any other prison 4287  
term or mandatory prison term previously or subsequently imposed 4288  
upon the offender. 4289

(2) If an offender who is an inmate in a jail, prison, or 4290  
other residential detention facility violates section 2917.02, 4291  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 4292  
who is under detention at a detention facility commits a felony 4293  
violation of section 2923.131 of the Revised Code, or if an 4294  
offender who is an inmate in a jail, prison, or other residential 4295  
detention facility or is under detention at a detention facility 4296  
commits another felony while the offender is an escapee in 4297  
violation of section 2921.34 of the Revised Code, any prison term 4298  
imposed upon the offender for one of those violations shall be 4299  
served by the offender consecutively to the prison term or term of 4300  
imprisonment the offender was serving when the offender committed 4301  
that offense and to any other prison term previously or 4302  
subsequently imposed upon the offender. 4303

(3) If a prison term is imposed for a violation of division 4304  
(B) of section 2911.01 of the Revised Code, a violation of 4305  
division (A) of section 2913.02 of the Revised Code in which the 4306  
stolen property is a firearm or dangerous ordnance, or a felony 4307

violation of division (B) of section 2921.331 of the Revised Code, 4308  
the offender shall serve that prison term consecutively to any 4309  
other prison term or mandatory prison term previously or 4310  
subsequently imposed upon the offender. 4311

(4) If multiple prison terms are imposed on an offender for 4312  
convictions of multiple offenses, the court may require the 4313  
offender to serve the prison terms consecutively if the court 4314  
finds that the consecutive service is necessary to protect the 4315  
public from future crime or to punish the offender and that 4316  
consecutive sentences are not disproportionate to the seriousness 4317  
of the offender's conduct and to the danger the offender poses to 4318  
the public, and if the court also finds any of the following: 4319

(a) The offender committed one or more of the multiple 4320  
offenses while the offender was awaiting trial or sentencing, was 4321  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 4322  
2929.18 of the Revised Code, or was under post-release control for 4323  
a prior offense. 4324

(b) At least two of the multiple offenses were committed as 4325  
part of one or more courses of conduct, and the harm caused by two 4326  
or more of the multiple offenses so committed was so great or 4327  
unusual that no single prison term for any of the offenses 4328  
committed as part of any of the courses of conduct adequately 4329  
reflects the seriousness of the offender's conduct. 4330

(c) The offender's history of criminal conduct demonstrates 4331  
that consecutive sentences are necessary to protect the public 4332  
from future crime by the offender. 4333

(5) If a mandatory prison term is imposed upon an offender 4334  
pursuant to division (D)(5) or (6) of this section, the offender 4335  
shall serve the mandatory prison term consecutively to and prior 4336  
to any prison term imposed for the underlying violation of 4337  
division (A)(1) or (2) of section 2903.06 of the Revised Code 4338

pursuant to division (A) of this section. If a mandatory prison  
term is imposed upon an offender pursuant to division (D)(5) of  
this section, and if a mandatory prison term also is imposed upon  
the offender pursuant to division (D)(6) of this section in  
relation to the same violation, the offender shall serve the  
mandatory prison term imposed pursuant to division (D)(5) of this  
section consecutively to and prior to the mandatory prison term  
imposed pursuant to division (D)(6) of this section and  
consecutively to and prior to any prison term imposed for the  
underlying violation of division (A)(1) or (2) of section 2903.06  
of the Revised Code pursuant to division (A) of this section.

(6) When consecutive prison terms are imposed pursuant to  
division (E)(1), (2), (3), (4), or (5) of this section, the term  
to be served is the aggregate of all of the terms so imposed.

(F)(1) If a court imposes a prison term of a type described  
in division (B) of section 2967.28 of the Revised Code for a  
felony of the first degree, for a felony of the second degree, for  
a felony sex offense, or for a felony of the third degree that is  
not a felony sex offense and in the commission of which the  
offender caused or threatened to cause physical harm to a person,  
it shall include in the sentence a requirement that the offender  
be subject to a period of post-release control after the  
offender's release from imprisonment, in accordance with that  
division. If a court imposes a sentence including a prison term of  
a type described in this division on or after the effective date  
of this amendment, the failure of a court to include a  
post-release control requirement in the sentence pursuant to this  
division does not negate, limit, or otherwise affect the mandatory  
period of post-release control that is required for the offender  
under division (B) of section 2967.28 of the Revised Code. Section  
2929.191 of the Revised Code applies if, prior to the effective  
date of this amendment, a court imposed a sentence including a

prison term of a type described in this division and failed to 4371  
include in the sentence pursuant to this division a statement 4372  
regarding post-release control. 4373

(2) If a court imposes a prison term of a type described in 4374  
division (C) of that section for a felony of the third, fourth, or 4375  
fifth degree that is not subject to division (F)(1) of this 4376  
section, it shall include in the sentence a requirement that the 4377  
offender be subject to a period of post-release control after the 4378  
offender's release from imprisonment, in accordance with that 4379  
division, if the parole board determines that a period of 4380  
post-release control is necessary. Section 2929.191 of the Revised 4381  
Code applies if, prior to the effective date of this amendment, a 4382  
court imposed a sentence including a prison term of a type 4383  
described in this division and failed to include in the sentence 4384  
pursuant to this division a statement regarding post-release 4385  
control. 4386

(G) If a person is convicted of or pleads guilty to a violent 4387  
sex offense or a designated homicide, assault, or kidnapping 4388  
offense and, in relation to that offense, the offender is 4389  
adjudicated a sexually violent predator, the court shall impose 4390  
sentence upon the offender in accordance with section 2971.03 of 4391  
the Revised Code, and Chapter 2971. of the Revised Code applies 4392  
regarding the prison term or term of life imprisonment without 4393  
parole imposed upon the offender and the service of that term of 4394  
imprisonment. 4395

(H) If a person who has been convicted of or pleaded guilty 4396  
to a felony is sentenced to a prison term or term of imprisonment 4397  
under this section, sections 2929.02 to 2929.06 of the Revised 4398  
Code, section 2971.03 of the Revised Code, or any other provision 4399  
of law, section 5120.163 of the Revised Code applies regarding the 4400  
person while the person is confined in a state correctional 4401  
institution. 4402

(I) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(J) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(K) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of

shock incarceration or intensive program prison. 4435

If the court recommends placement of the offender in a 4436  
program of shock incarceration or in an intensive program prison, 4437  
and if the offender is subsequently placed in the recommended 4438  
program or prison, the department shall notify the court of the 4439  
placement and shall include with the notice a brief description of 4440  
the placement. 4441

If the court recommends placement of the offender in a 4442  
program of shock incarceration or in an intensive program prison 4443  
and the department does not subsequently place the offender in the 4444  
recommended program or prison, the department shall send a notice 4445  
to the court indicating why the offender was not placed in the 4446  
recommended program or prison. 4447

If the court does not make a recommendation under this 4448  
division with respect to an offender and if the department 4449  
determines as specified in section 5120.031 or 5120.032 of the 4450  
Revised Code, whichever is applicable, that the offender is 4451  
eligible for placement in a program or prison of that nature, the 4452  
department shall screen the offender and determine if there is an 4453  
available program of shock incarceration or an intensive program 4454  
prison for which the offender is suited. If there is an available 4455  
program of shock incarceration or an intensive program prison for 4456  
which the offender is suited, the department shall notify the 4457  
court of the proposed placement of the offender as specified in 4458  
section 5120.031 or 5120.032 of the Revised Code and shall include 4459  
with the notice a brief description of the placement. The court 4460  
shall have ten days from receipt of the notice to disapprove the 4461  
placement. 4462

**Section 4.** That the existing version of section 2929.14 of 4463  
the Revised Code that is scheduled to take effect August 3, 2006, 4464  
is hereby repealed. 4465

**Section 5.** (A) The General Assembly hereby declares that its purpose in amending sections 2929.14, 2929.19, and 2967.28 and enacting section 2929.191 of the Revised Code in Sections 1 and 2 of this act and in amending section 2929.14 of the Revised Code in Sections 3 and 4 of this act is to reaffirm that, under the amended sections as they existed prior to the effective date of this act: (1) by operation of law and without need for any prior notification or warning, every convicted offender sentenced to a prison term for a felony of the first or second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person always is subject to a period of post-release control after the offender's release from imprisonment pursuant to and for the period of time described in division (B) of section 2967.28 of the Revised Code; (2) by operation of law, every convicted offender sentenced to a prison term for a felony of the third, fourth, or fifth degree that is not subject to the provision described in clause (1) of this sentence is subject to a period of post-release control after the offender's release from imprisonment pursuant to division (C) of section 2967.28 of the Revised Code if the parole board determines in accordance with specified criteria that post-release control is necessary; and (3) by operation of law and without need for any prior notification or warning, every convicted offender sentenced to a prison term and subjected to supervision under a period of post-release control after the offender's release from imprisonment always is subject to having the Parole Board impose in accordance with section 2967.28 of the Revised Code a prison term of up to one-half of the stated prison term originally imposed upon the offender if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code.

(B) The General Assembly hereby declares that it believes 4498  
that the amendments made to sections 2929.14, 2929.19, and 2967.28 4499  
and the enactment of section 2929.191 of the Revised Code in 4500  
Sections 1 and 2 of this act and the amendment made to section 4501  
2929.14 of the Revised Code in Sections 3 and 4 of this act are 4502  
not substantive in nature and merely clarify that the amended 4503  
sections operate as described in division (A) of this Section, 4504  
that the convicted offenders described in clause (1) under 4505  
division (A) of this Section always are subject by operation of 4506  
law and without need for any prior notification or warning to a 4507  
period of post-release control after their release from 4508  
imprisonment as described in that division, that the convicted 4509  
offenders described in clause (2) under division (A) of this 4510  
Section are subject by operation of law to post-release control 4511  
after their release from imprisonment if the Parole Board makes 4512  
certain determinations, that the convicted offenders described in 4513  
clause (3) under division (A) of this Section always are subject 4514  
by operation of law to having the Parole Board impose a prison 4515  
term if they violate their supervision or a condition of 4516  
post-release control as described in that division, and that the 4517  
amendments made to sections 2929.14, 2929.19, and 2967.28 and the 4518  
enactment of section 2929.191 of the Revised Code in Sections 1 4519  
and 2 of this act and the amendment made to section 2929.14 of the 4520  
Revised Code in Sections 3 and 4 of this act thus are remedial in 4521  
nature. The General Assembly declares that it intends that the 4522  
clarifying, remedial amendments made to sections 2929.14, 2929.19, 4523  
and 2967.28 and the enactment of section 2929.191 of the Revised 4524  
Code in Sections 1 and 2 of this act and the amendment made to 4525  
section 2929.14 of the Revised Code in Sections 3 and 4 of this 4526  
act apply to all convicted offenders described in division (A) of 4527  
this Section, regardless of whether they were sentenced prior to, 4528  
or are sentenced on or after, the effective date of this act. 4529

**Section 6.** Sections 2151.313, 2152.72, 2930.13, 3301.0714, 4530  
3313.64, 3313.662, 3314.03, 3323.01, and 4301.69 of the Revised 4531  
Code, as amended by this act, section 2151.357 (2151.362) of the 4532  
Revised Code as amended by this act for the purpose of adopting a 4533  
new section number, new sections 2151.357 and 2151.358 and 4534  
sections 2151.355 and 2151.356 of the Revised Code, as enacted by 4535  
this act, and the repeal of section 2151.358 of the Revised Code 4536  
by this act shall take effect ninety days after the effective date 4537  
of this act. 4538

**Section 7.** This act is hereby declared to be an emergency 4539  
measure necessary for the immediate preservation of the public 4540  
peace, health, and safety. The reason for such necessity is that 4541  
the amendments made in this act are crucially needed to clarify 4542  
the law to protect the residents of this state from the 4543  
consequences that might result if the state is forced to release 4544  
without supervision offenders who have been convicted of serious 4545  
offenses and imprisoned, solely because the offenders were not 4546  
provided notice of the fact that the law always requires their 4547  
supervision upon release from prison. Therefore, this act shall go 4548  
into immediate effect. 4549