

**As Recommitted to the Senate Judiciary--Criminal Justice
Committee**

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 259

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A B I L L

To amend sections 2921.38, 2929.14, 2929.19, and	1
2967.28 of the Revised Code to prohibit a person,	2
with intent to harass, annoy, threaten, or alarm a	3
law enforcement officer, from causing or	4
attempting to cause the law enforcement officer to	5
come into contact with a bodily substance; to	6
prohibit any person from engaging in the same	7
action with respect to any person when the person	8
is a knowing carrier of certain viruses or	9
bacteria; to specify that a sentencing court's	10
failure to notify a felon of mandatory	11
post-release control after prison does not affect	12
mandatory post-release control; to specify that a	13
sentencing court's failure to notify a felon of	14
the possibility of being sent back to prison for	15
violating mandatory or discretionary post-release	16
control does not affect the authority to do so if	17

the Parole Board gives such a notice; to require	18
the Parole Board to notify felons prior to release	19
from prison of the possibility of being sent back	20
to prison for violating post-release control; and	21
to declare an emergency.	22

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

Section 1. That sections 2921.38, 2929.14, 2929.19, and	23
2967.28 of the Revised Code be amended to read as follows:	24

Sec. 2921.38. (A) No person who is confined in a detention	25
facility, with intent to harass, annoy, threaten, or alarm another	26
person, shall cause or attempt to cause the other person to come	27
into contact with blood, semen, urine, feces, or another bodily	28
substance by throwing the bodily substance at the other person, by	29
expelling the bodily substance upon the other person, or in any	30
other manner.	31

(B) <u>No person, with intent to harass, annoy, threaten, or</u>	32
<u>alarm a law enforcement officer, shall cause or attempt to cause</u>	33
<u>the law enforcement officer to come into contact with blood,</u>	34
<u>semen, urine, feces, or another bodily substance by throwing the</u>	35
<u>bodily substance at the law enforcement officer, by expelling the</u>	36
<u>bodily substance upon the law enforcement officer, or in any other</u>	37
<u>manner.</u>	38

<u>(C) No person who is confined in a detention facility, with</u>	39
knowledge that the person is a carrier of the virus that causes	40
acquired immunodeficiency syndrome, is a carrier of a hepatitis	41
virus, or is infected with tuberculosis and with intent to harass,	42
annoy, threaten, or alarm another person, shall cause or attempt	43
to cause the other person to come into contact with blood, semen,	44
urine, feces, or another bodily substance by throwing the bodily	45

substance at the other person, by expelling the bodily substance 46
upon the other person, or in any other manner. 47

~~(C)(D)~~ Whoever violates this section is guilty of harassment 48
~~by an inmate with a bodily substance.~~ A violation of division (A) 49
~~or (B)~~ of this section is a felony of the fifth degree. A 50
violation of division ~~(B)(C)~~ of this section is a felony of the 51
third degree. 52

~~(D)(E)(1)~~ The court, on request of the prosecutor, or the law 53
enforcement authority responsible for the investigation of the 54
violation, shall cause a person who allegedly has committed a 55
violation of this section to submit to one or more appropriate 56
tests to determine if the person is a carrier of the virus that 57
causes acquired immunodeficiency syndrome, is a carrier of a 58
hepatitis virus, or is infected with tuberculosis. 59

(2) The court shall charge the offender with the costs of the 60
test or tests ordered under division ~~(D)(E)(1)~~ of this section 61
unless the court determines that the accused is unable to pay, in 62
which case the costs shall be charged to whichever of the 63
following is applicable: 64

(a) If the alleged offense occurred in a detention facility, 65
the entity that operates the detention facility in which the 66
alleged offense occurred; 67

(b) If the alleged offense occurred outside of a detention 68
facility, the law enforcement authority responsible for the 69
investigation of the violation. 70

~~(E)(F)~~ This section does not apply to a person who is 71
hospitalized, institutionalized, or confined in a facility 72
operated by the department of mental health or the department of 73
mental retardation and developmental disabilities. 74

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 75

(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:	76 77 78 79 80 81 82
(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, or ten years.	83 84
(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.	85 86
(3) For a felony of the third degree, the prison term shall be one, two, three, four, or five years.	87 88
(4) For a felony of the fourth degree, the prison term shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.	89 90 91
(5) For a felony of the fifth degree, the prison term shall be six, seven, eight, nine, ten, eleven, or twelve months.	92 93
(B) Except as provided in division (C), (D)(1), (D)(2), (D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 of the Revised Code, or in Chapter 2925. of the Revised Code, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender, the court shall impose the shortest prison term authorized for the offense pursuant to division (A) of this section, unless one or more of the following applies:	94 95 96 97 98 99 100 101
(1) The offender was serving a prison term at the time of the offense, or the offender previously had served a prison term.	102 103
(2) The court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will	104 105

not adequately protect the public from future crime by the 106
offender or others. 107

(C) Except as provided in division (G) of this section or in 108
Chapter 2925. of the Revised Code, the court imposing a sentence 109
upon an offender for a felony may impose the longest prison term 110
authorized for the offense pursuant to division (A) of this 111
section only upon offenders who committed the worst forms of the 112
offense, upon offenders who pose the greatest likelihood of 113
committing future crimes, upon certain major drug offenders under 114
division (D)(3) of this section, and upon certain repeat violent 115
offenders in accordance with division (D)(2) of this section. 116

(D)(1)(a) Except as provided in division (D)(1)(e) of this 117
section, if an offender who is convicted of or pleads guilty to a 118
felony also is convicted of or pleads guilty to a specification of 119
the type described in section 2941.141, 2941.144, or 2941.145 of 120
the Revised Code, the court shall impose on the offender one of 121
the following prison terms: 122

(i) A prison term of six years if the specification is of the 123
type described in section 2941.144 of the Revised Code that 124
charges the offender with having a firearm that is an automatic 125
firearm or that was equipped with a firearm muffler or silencer on 126
or about the offender's person or under the offender's control 127
while committing the felony; 128

(ii) A prison term of three years if the specification is of 129
the type described in section 2941.145 of the Revised Code that 130
charges the offender with having a firearm on or about the 131
offender's person or under the offender's control while committing 132
the offense and displaying the firearm, brandishing the firearm, 133
indicating that the offender possessed the firearm, or using it to 134
facilitate the offense; 135

(iii) A prison term of one year if the specification is of 136

the type described in section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the felony.	137 138 139 140
(b) If a court imposes a prison term on an offender under division (D)(1)(a) 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)(1)(a) of this section for felonies committed as part of the same act or transaction.	141 142 143 144 145 146 147
(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	148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168

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.	169 170 171 172
(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 of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed 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)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (D)(1)(d) of this section.	173 174 175 176 177 178 179 180 181 182 183 184 185 186 187
(e) The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:	188 189 190 191 192 193 194 195 196 197
(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.	198 199

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.	200 201 202
(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that 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.	203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223
(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.	224 225 226 227 228 229 230 231

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.	232 233 234 235 236 237 238
(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:	239 240 241 242 243 244 245 246 247
(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.	248 249 250 251 252 253
(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.	254 255 256 257 258 259 260
(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	261 262

the violation is life imprisonment or commits a violation of	263
section 2903.02 of the Revised Code, if the offender commits a	264
violation of section 2925.03 or 2925.11 of the Revised Code and	265
that section classifies the offender as a major drug offender and	266
requires the imposition of a ten-year prison term on the offender,	267
if the offender commits a felony violation of section 2925.02,	268
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161,	269
4729.37, or 4729.61, division (C) or (D) of section 3719.172,	270
division (C) of section 4729.51, or division (J) of section	271
4729.54 of the Revised Code that includes the sale, offer to sell,	272
or possession of a schedule I or II controlled substance, with the	273
exception of marihuana, and the court imposing sentence upon the	274
offender finds that the offender is guilty of a specification of	275
the type described in section 2941.1410 of the Revised Code	276
charging that the offender is a major drug offender, if the court	277
imposing sentence upon an offender for a felony finds that the	278
offender is guilty of corrupt activity with the most serious	279
offense in the pattern of corrupt activity being a felony of the	280
first degree, or if the offender is guilty of an attempted	281
violation of section 2907.02 of the Revised Code and, had the	282
offender completed the violation of section 2907.02 of the Revised	283
Code that was attempted, the offender would have been subject to a	284
sentence of life imprisonment or life imprisonment without parole	285
for the violation of section 2907.02 of the Revised Code, the	286
court shall impose upon the offender for the felony violation a	287
ten-year prison term that cannot be reduced pursuant to section	288
2929.20 or Chapter 2967. or 5120. of the Revised Code.	289
(b) The court imposing a prison term on an offender under	290
division (D)(3)(a) of this section may impose an additional prison	291
term of one, two, three, four, five, six, seven, eight, nine, or	292
ten years, if the court, with respect to the term imposed under	293
division (D)(3)(a) of this section and, if applicable, divisions	294

(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. 295
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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. 297
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In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, 301
notwithstanding division (A)(4) of this section, may sentence the 302
offender to a definite prison term of not less than six months and 303
not more than thirty months, and if the offender is being 304
sentenced for a third degree felony OVI offense, the sentencing 305
court may sentence the offender to an additional prison term of 306
any duration specified in division (A)(3) of this section. In 307
either case, the additional prison term imposed shall be reduced 308
by the sixty or one hundred twenty days imposed upon the offender 309
as the mandatory prison term. The total of the additional prison 310
term imposed under division (D)(4) of this section plus the sixty 311
or one hundred twenty days imposed as the mandatory prison term 312
shall equal a definite term in the range of six months to thirty 313
months for a fourth degree felony OVI offense and shall equal one 314
of the authorized prison terms specified in division (A)(3) of 315
this section for a third degree felony OVI offense. If the court 316
imposes an additional prison term under division (D)(4) of this 317
section, the offender shall serve the additional prison term after 318
the offender has served the mandatory prison term required for the 319
offense. In addition to the mandatory prison term or mandatory and 320
additional prison term imposed as described in division (D)(4) of 321
this section, the court also may sentence the offender to a 322
community control sanction under section 2929.16 or 2929.17 of the 323
Revised Code, but the offender shall serve all of the prison terms 324
so imposed prior to serving the community control sanction. 325
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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.	327 328 329 330 331
(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.	332 333 334 335 336 337 338 339 340 341 342 343 344 345
(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	346 347 348 349 350 351 352 353 354 355 356 357 358

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.	359 360 361 362
(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.	363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379
(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 section, consecutively to and prior to any prison term imposed for the underlying felony under 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.	380 381 382 383 384 385 386 387 388 389 390

(c) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(f) of this section, the offender shall serve the mandatory prison term so imposed consecutively to and prior to any prison term imposed for the underlying felony under 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.	391 392 393 394 395 396 397 398
(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.	399 400 401 402 403 404 405 406 407 408 409 410 411 412
(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.	413 414 415 416 417 418 419 420
(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the	421 422

offender to serve the prison terms consecutively if the court	423
finds that the consecutive service is necessary to protect the	424
public from future crime or to punish the offender and that	425
consecutive sentences are not disproportionate to the seriousness	426
of the offender's conduct and to the danger the offender poses to	427
the public, and if the court also finds any of the following:	428
(a) The offender committed one or more of the multiple	429
offenses while the offender was awaiting trial or sentencing, was	430
under a sanction imposed pursuant to section 2929.16, 2929.17, or	431
2929.18 of the Revised Code, or was under post-release control for	432
a prior offense.	433
(b) At least two of the multiple offenses were committed as	434
part of one or more courses of conduct, and the harm caused by two	435
or more of the multiple offenses so committed was so great or	436
unusual that no single prison term for any of the offenses	437
committed as part of any of the courses of conduct adequately	438
reflects the seriousness of the offender's conduct.	439
(c) The offender's history of criminal conduct demonstrates	440
that consecutive sentences are necessary to protect the public	441
from future crime by the offender.	442
(5) If a mandatory prison term is imposed upon an offender	443
pursuant to division (D)(5) or (6) of this section, the offender	444
shall serve the mandatory prison term consecutively to and prior	445
to any prison term imposed for the underlying violation of	446
division (A)(1) or (2) of section 2903.06 of the Revised Code	447
pursuant to division (A) of this section. If a mandatory prison	448
term is imposed upon an offender pursuant to division (D)(5) of	449
this section, and if a mandatory prison term also is imposed upon	450
the offender pursuant to division (D)(6) of this section in	451
relation to the same violation, the offender shall serve the	452
mandatory prison term imposed pursuant to division (D)(5) of this	453

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.	454 455 456 457 458
(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.	459 460 461
(F) If a court imposes a prison term of a type described in division (B) of section 2967.28 of the Revised Code, 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. <u>If Regardless</u> <u>of whether the court imposed the sentence including the prison</u> <u>term prior to, on, or after the effective date of this amendment,</u> <u>the failure of a court to include a post-release control</u> <u>requirement in the sentence pursuant to this division does not</u> <u>negate, limit, or otherwise effect the mandatory period of</u> <u>post-release control that is required for the offender under</u> <u>division (B) of section 2967.28 of the Revised Code.</u>	462 463 464 465 466 467 468 469 470 471 472 473
If a court imposes a prison term of a type described in division (C) of that section <u>2967.28 of the Revised Code</u> , 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 the parole board determines that a period of post-release control is necessary.	474 475 476 477 478 479 480
(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	481 482 483 484

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.	485 486 487 488 489
(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.	490 491 492 493 494 495 496
(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.	497 498 499 500 501 502 503
(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.	504 505 506 507 508 509 510 511 512 513
(K) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under	514 515

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.

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

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

If the court does not make a recommendation under this division with respect to an offender and if 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 placement in a program or prison of that nature, the

department shall screen the offender and determine if there is an 547
available program of shock incarceration or an intensive program 548
prison for which the offender is suited. If there is an available 549
program of shock incarceration or an intensive program prison for 550
which the offender is suited, the department shall notify the 551
court of the proposed placement of the offender as specified in 552
section 5120.031 or 5120.032 of the Revised Code and shall include 553
with the notice a brief description of the placement. The court 554
shall have ten days from receipt of the notice to disapprove the 555
placement. 556

Sec. 2929.19. (A)(1) The court shall hold a sentencing 557
hearing before imposing a sentence under this chapter upon an 558
offender who was convicted of or pleaded guilty to a felony and 559
before resentencing an offender who was convicted of or pleaded 560
guilty to a felony and whose case was remanded pursuant to section 561
2953.07 or 2953.08 of the Revised Code. At the hearing, the 562
offender, the prosecuting attorney, the victim or the victim's 563
representative in accordance with section 2930.14 of the Revised 564
Code, and, with the approval of the court, any other person may 565
present information relevant to the imposition of sentence in the 566
case. The court shall inform the offender of the verdict of the 567
jury or finding of the court and ask the offender whether the 568
offender has anything to say as to why sentence should not be 569
imposed upon the offender. 570

(2) Except as otherwise provided in this division, before 571
imposing sentence on an offender who is being sentenced on or 572
after January 1, 1997, for a sexually oriented offense that is not 573
a registration-exempt sexually oriented offense and who is in any 574
category of offender described in division (B)(1)(a)(i), (ii), or 575
(iii) of section 2950.09 of the Revised Code, the court shall 576
conduct a hearing in accordance with division (B) of section 577

2950.09 of the Revised Code to determine whether the offender is a 578
sexual predator. The court shall not conduct a hearing under that 579
division if the offender is being sentenced for a violent sex 580
offense or a designated homicide, assault, or kidnapping offense 581
and, in relation to that offense, the offender was adjudicated a 582
sexually violent predator. Before imposing sentence on an offender 583
who is being sentenced for a sexually oriented offense that is not 584
a registration-exempt sexually oriented offense, the court also 585
shall comply with division (E) of section 2950.09 of the Revised 586
Code. 587

Before imposing sentence on or after July 31, 2003, on an 588
offender who is being sentenced for a child-victim oriented 589
offense, regardless of when the offense was committed, the court 590
shall conduct a hearing in accordance with division (B) of section 591
2950.091 of the Revised Code to determine whether the offender is 592
a child-victim predator. Before imposing sentence on an offender 593
who is being sentenced for a child-victim oriented offense, the 594
court also shall comply with division (E) of section 2950.091 of 595
the Revised Code. 596

(B)(1) At the sentencing hearing, the court, before imposing 597
sentence, shall consider the record, any information presented at 598
the hearing by any person pursuant to division (A) of this 599
section, and, if one was prepared, the presentence investigation 600
report made pursuant to section 2951.03 of the Revised Code or 601
Criminal Rule 32.2, and any victim impact statement made pursuant 602
to section 2947.051 of the Revised Code. 603

(2) The court shall impose a sentence and shall make a 604
finding that gives its reasons for selecting the sentence imposed 605
in any of the following circumstances: 606

(a) Unless the offense is a violent sex offense or designated 607
homicide, assault, or kidnapping offense for which the court is 608

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.	609 610 611 612 613 614 615 616 617 618 619
(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.	620 621 622 623 624 625 626 627 628
(c) If it imposes consecutive sentences under section 2929.14 of the Revised Code, its reasons for imposing the consecutive sentences;	629 630 631
(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;	632 633 634 635
(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 of the highest degree by division (A) of section 2929.14 of the	636 637 638 639

Revised Code, its reasons for imposing the maximum prison term.	640
(3) Subject to division (B)(4) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:	641
(a) Impose a stated prison term;	642
(b) Notify the offender that, as part of the sentence, the parole board may extend the stated prison term for certain violations of prison rules for up to one-half of the stated prison term;	643
(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree <u>that is not a felony sex offense</u> and in the commission of which the offender caused or threatened to cause physical harm to a person; <u>Regardless of whether the court imposed the sentence including the prison term prior to, on, or after the effective date of this amendment, the failure of a court to notify the offender pursuant to division (B)(3)(c) of this section that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison or to include in the judgment of conviction entered on the journal a statement that the offender will be so supervised does not negate, limit, or otherwise effect the mandatory period of supervision that is required for the offender under division (B) of section 2967.28 of the Revised Code.</u>	644
(d) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the third, fourth, or fifth degree that is not subject to division	645
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(B)(3)(c) of this section;	671
(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(3)(c) or (d) of this section, and 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, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender. <u>Regardless of whether the court imposed the sentence including the prison term prior to, on, or after the effective date of this amendment, the failure of a court to notify the offender pursuant to division (B)(3)(e) of this section that the parole board may impose a prison term as described in division (B)(3)(e) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement that the parole board may impose a prison term as described in division (B)(3)(e) of this section for a violation of that supervision or a condition of post-release control does not negate, limit, or otherwise effect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term.</u>	672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696
(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was	697 698 699 700 701 702

not injected with a drug of abuse.	703
(4) If the offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense, if the offender is being sentenced for a sexually oriented offense that is not a registration-exempt sexually oriented offense and that the offender committed on or after January 1, 1997, and the court imposing the sentence has determined pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator, if the offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense and the court imposing the sentence has determined pursuant to division (B) of section 2950.091 of the 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.	704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728
(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	729 730 731 732 733 734

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.	735 736 737 738 739 740 741 742
(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.	743 744 745 746
(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:	747 748 749 750 751 752 753 754 755
(a) The court shall specify both of the following as part of the sentence:	756 757
(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.	758 759 760 761
(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	762 763 764 765

offender as described in that section.	766
(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(7)(a)(ii) of this section.	767 768 769
(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.	770 771 772 773 774 775 776 777 778 779 780
(2) 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 court shall impose the mandatory prison term 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 an additional prison term as specified in section 2929.14 of the Revised Code. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may impose a community control sanction on the offender, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.	781 782 783 784 785 786 787 788 789 790 791 792
(D) The sentencing court, pursuant to division (K) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under	793 794 795 796

section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.	797 798 799 800 801
Sec. 2967.28. (A) As used in this section:	802
(1) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code.	803 804
(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	805 806
(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	807 808
(B) Each sentence to a prison term 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 shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. <u>Regardless of whether the court imposed the sentence including the prison term prior to, on, or after the effective date of this amendment, the failure of a sentencing court to notify the offender pursuant to division</u> <u>(B)(3)(c) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise effect the mandatory period of supervision that is required for the offender under this division.</u> Unless reduced by the parole board pursuant to division (D) of this section when authorized under that	809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825

division, a period of post-release control required by this	827
division for an offender shall be of one of the following periods:	828
(1) For a felony of the first degree or for a felony sex	829
offense, five years;	830
(2) For a felony of the second degree that is not a felony	831
sex offense, three years;	832
(3) For a felony of the third degree that is not a felony sex	833
offense and in the commission of which the offender caused or	834
threatened physical harm to a person, three years.	835
(C) Any sentence to a prison term for a felony of the third,	836
fourth, or fifth degree that is not subject to division (B)(1) or	837
(3) of this section shall include a requirement that the offender	838
be subject to a period of post-release control of up to three	839
years after the offender's release from imprisonment, if the	840
parole board, in accordance with division (D) of this section,	841
determines that a period of post-release control is necessary for	842
that offender.	843
(D)(1) Before the prisoner is released from imprisonment, the	844
parole board shall impose upon a prisoner described in division	845
(B) of this section, may impose upon a prisoner described in	846
division (C) of this section, and shall impose upon a prisoner	847
described in division (B)(2)(b) of section 5120.031 or in division	848
(B)(1) of section 5120.032 of the Revised Code, one or more	849
post-release control sanctions to apply during the prisoner's	850
period of post-release control. Whenever the board imposes one or	851
more post-release control sanctions upon a prisoner, the board, in	852
addition to imposing the sanctions, also shall include as a	853
condition of the post-release control that the individual or felon	854
not leave the state without permission of the court or the	855
individual's or felon's parole or probation officer and that the	856
individual or felon abide by the law. The board may impose any	857

other conditions of release under a post-release control sanction that the board considers appropriate, and the conditions of release may include any community residential sanction, community nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 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 review the prisoner's criminal history, all juvenile court adjudications finding the prisoner, while a juvenile, to be a delinquent child, and the record of the prisoner's conduct while imprisoned. The parole board shall consider any recommendation regarding post-release control sanctions for the prisoner made by the office of victims' services. After considering those materials, the board shall determine, for a prisoner described in division (B) of this section, division (B)(2)(b) of section 5120.031, or division (B)(1) of section 5120.032 of the Revised Code, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances or, for a prisoner described in division (C) of this 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.	858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887
<u>Prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division,</u>	888 889

the parole board shall notify the prisoner that, if the prisoner 890
violates any sanction so imposed or any condition of post-release 891
control described in division (B) of section 2967.131 of the 892
Revised Code that is imposed on the prisoner, the parole board may 893
impose a prison term of up to one-half of the stated prison term 894
originally imposed upon the prisoner. 895

(2) At any time after a prisoner is released from 896
imprisonment and during the period of post-release control 897
applicable to the releasee, the adult parole authority may review 898
the releasee's behavior under the post-release control sanctions 899
imposed upon the releasee under this section. The authority may 900
determine, based upon the review and in accordance with the 901
standards established under division (E) of this section, that a 902
more restrictive or a less restrictive sanction is appropriate and 903
may impose a different sanction. Unless the period of post-release 904
control was imposed for an offense described in division (B)(1) of 905
this section, the authority also may recommend that the parole 906
board reduce the duration of the period of post-release control 907
imposed by the court. If the authority recommends that the board 908
reduce the duration of control for an offense described in 909
division (B)(2), (B)(3), or (C) of this section, the board shall 910
review the releasee's behavior and may reduce the duration of the 911
period of control imposed by the court. In no case shall the board 912
reduce the duration of the period of control imposed by the court 913
for an offense described in division (B)(1) of this section, and 914
in no case shall the board permit the releasee to leave the state 915
without permission of the court or the releasee's parole or 916
probation officer. 917

(E) The department of rehabilitation and correction, in 918
accordance with Chapter 119. of the Revised Code, shall adopt 919
rules that do all of the following: 920

(1) Establish standards for the imposition by the parole 921

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;	922 923 924 925
(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;	926 927 928
(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 restitution to the victim or meeting the terms of other financial sanctions;	929 930 931 932 933 934 935 936 937 938 939 940 941
(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	942 943 944
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	945 946 947 948
(a) Classify violations according to the degree of seriousness;	949 950
(b) Define the circumstances under which formal action by the parole board is warranted;	951 952

- (c) Govern the use of evidence at violation hearings; 953
- (d) Ensure procedural due process to an alleged violator; 954
- (e) Prescribe nonresidential community control sanctions for 955
most misdemeanor and technical violations; 956
- (f) Provide procedures for the return of a releasee to 957
imprisonment for violations of post-release control. 958

(F)(1) If a post-release control sanction is imposed upon an 959
offender under this section, the offender upon release from 960
imprisonment shall be under the general jurisdiction of the adult 961
parole authority and generally shall be supervised by the field 962
services section through its staff of parole and field officers as 963
described in section 5149.04 of the Revised Code, as if the 964
offender had been placed on parole. If the offender upon release 965
from imprisonment violates the post-release control sanction or 966
any conditions described in division (A) of section 2967.131 of 967
the Revised Code that are imposed on the offender, the public or 968
private person or entity that operates or administers the sanction 969
or the program or activity that comprises the sanction shall 970
report the violation directly to the adult parole authority or to 971
the officer of the authority who supervises the offender. The 972
authority's officers may treat the offender as if the offender 973
were on parole and in violation of the parole, and otherwise shall 974
comply with this section. 975

(2) If the adult parole authority determines that a releasee 976
has violated a post-release control sanction or any conditions 977
described in division (A) of section 2967.131 of the Revised Code 978
imposed upon the releasee and that a more restrictive sanction is 979
appropriate, the authority may impose a more restrictive sanction 980
upon the releasee, in accordance with the standards established 981
under division (E) of this section, or may report the violation to 982
the parole board for a hearing pursuant to division (F)(3) of this 983

section. The authority may not, pursuant to this division, 984
increase the duration of the releasee's post-release control or 985
impose as a post-release control sanction a residential sanction 986
that includes a prison term, but the authority may impose on the 987
releasee any other residential sanction, nonresidential sanction, 988
or financial sanction that the sentencing court was authorized to 989
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 990
Revised Code. 991

(3) The parole board may hold a hearing on any alleged 992
violation by a releasee of a post-release control sanction or any 993
conditions described in division (A) of section 2967.131 of the 994
Revised Code that are imposed upon the releasee. If after the 995
hearing the board finds that the releasee violated the sanction or 996
condition, the board may increase the duration of the releasee's 997
post-release control up to the maximum duration authorized by 998
division (B) or (C) of this section or impose a more restrictive 999
post-release control sanction. When appropriate, the board may 1000
impose as a post-release control sanction a residential sanction 1001
that includes a prison term. The board shall consider a prison 1002
term as a post-release control sanction imposed for a violation of 1003
post-release control when the violation involves a deadly weapon 1004
or dangerous ordnance, physical harm or attempted serious physical 1005
harm to a person, or sexual misconduct, or when the releasee 1006
committed repeated violations of post-release control sanctions. 1007
The period of a prison term that is imposed as a post-release 1008
control sanction under this division shall not exceed nine months, 1009
and the maximum cumulative prison term for all violations under 1010
this division shall not exceed one-half of the stated prison term 1011
originally imposed upon the offender as part of this sentence. The 1012
period of a prison term that is imposed as a post-release control 1013
sanction under this division shall not count as, or be credited 1014
toward, the remaining period of post-release control. 1015

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.	1047 1048 1049 1050
(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.	1051 1052 1053 1054 1055 1056 1057
Section 2. That existing sections 2921.38, 2929.14, 2929.19, and 2967.28 of the Revised Code are hereby repealed.	1058 1059
Section 3. (A) The General Assembly hereby declares that its purpose in amending sections 2929.14, 2929.19, and 2967.28 of the Revised Code in Sections 1 and 2 of this act is to reaffirm that, under those 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; and (2) 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	1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076

imprisonment always is subject to having the Parole Board impose 1077
in accordance with section 2967.28 of the Revised Code a prison 1078
term of up to one-half of the stated prison term originally 1079
imposed upon the offender if the offender violates that 1080
supervision or a condition of post-release control imposed under 1081
division (B) of section 2967.131 of the Revised Code. 1082

(B) The General Assembly hereby declares that it believes 1083
that the amendments to sections 2929.14, 2929.19, and 2967.28 of 1084
the Revised Code made in Sections 1 and 2 of this act are not 1085
substantive in nature and merely clarify that those sections 1086
operate as described in division (A) of this Section, that the 1087
convicted offenders described in division (A) of this Section 1088
always are subject by operation of law and without need for any 1089
prior notification or warning to a period of post-release control 1090
after their release from imprisonment and to having the Parole 1091
Board impose a prison term if they violate their supervision or a 1092
condition of post-release control as described in division (A) of 1093
this Section, and that the amendments to sections 2929.14, 1094
2929.19, and 2967.28 of the Revised Code made in Sections 1 and 2 1095
of this act thus are remedial in nature. The General Assembly 1096
declares that it intends that the clarifying, remedial amendments 1097
to sections 2929.14, 2929.19, and 2967.28 of the Revised Code made 1098
in Sections 1 and 2 of this act apply to all convicted offenders 1099
described in division (A) of this Section, regardless of whether 1100
they were sentenced prior to, or are sentenced on or after, the 1101
effective date of this act. 1102

Section 4. Section 2921.38 of the Revised Code, as amended by 1103
this act, shall take effect ninety days after the effective date 1104
of this act. 1105

Section 5. This act is hereby declared to be an emergency 1106
measure necessary for the immediate preservation of the public 1107

peace, health, and safety. The reason for such necessity is that 1108
the amendments made in this act are crucially needed to clarify 1109
the law to protect the residents of this state from the 1110
consequences that might result if the state is forced to release 1111
without supervision offenders who have been convicted of serious 1112
offenses and imprisoned, solely because the offenders were not 1113
provided notice of the fact that the law always requires their 1114
supervision upon release from prison. Therefore, this act shall go 1115
into immediate effect. 1116