

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

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

(C) No person who is confined in a detention facility, with 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 76
except in relation to an offense for which a sentence of death or 77
life imprisonment is to be imposed, if the court imposing a 78
sentence upon an offender for a felony elects or is required to 79
impose a prison term on the offender pursuant to this chapter, the 80
court shall impose a definite prison term that shall be one of the 81
following: 82

(1) For a felony of the first degree, the prison term shall 83
be three, four, five, six, seven, eight, nine, or ten years. 84

(2) For a felony of the second degree, the prison term shall 85
be two, three, four, five, six, seven, or eight years. 86

(3) For a felony of the third degree, the prison term shall 87
be one, two, three, four, or five years. 88

(4) For a felony of the fourth degree, the prison term shall 89
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 90
fourteen, fifteen, sixteen, seventeen, or eighteen months. 91

(5) For a felony of the fifth degree, the prison term shall 92
be six, seven, eight, nine, ten, eleven, or twelve months. 93

(B) Except as provided in division (C), (D)(1), (D)(2), 94
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 95
of the Revised Code, or in Chapter 2925. of the Revised Code, if 96
the court imposing a sentence upon an offender for a felony elects 97
or is required to impose a prison term on the offender, the court 98
shall impose the shortest prison term authorized for the offense 99
pursuant to division (A) of this section, unless one or more of 100
the following applies: 101

(1) The offender was serving a prison term at the time of the 102
offense, or the offender previously had served a prison term. 103

(2) The court finds on the record that the shortest prison 104
term will demean the seriousness of the offender's conduct or will 105

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

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

(D)(1)(a) Except as provided in division (D)(1)(e) of this
section, 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 2941.141, 2941.144, or 2941.145 of
the Revised Code, the court shall impose on the offender one of
the following prison terms:

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

(ii) A prison term of three years if the specification is of
the type described in section 2941.145 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 offense and displaying the firearm, brandishing the firearm,
indicating that the offender possessed the firearm, or using it to
facilitate the offense;

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

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.

(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.

(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 169
offense, provided the criteria specified in that division for 170
imposing an additional prison term are satisfied relative to the 171
offender and the offense. 172

(d) If an offender who is convicted of or pleads guilty to an 173
offense of violence that is a felony also is convicted of or 174
pleads guilty to a specification of the type described in section 175
2941.1411 of the Revised Code that charges the offender with 176
wearing or carrying body armor while committing the felony offense 177
of violence, the court shall impose on the offender a prison term 178
of two years. The prison term so imposed shall not be reduced 179
pursuant to section 2929.20, section 2967.193, or any other 180
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 181
court shall not impose more than one prison term on an offender 182
under division (D)(1)(d) of this section for felonies committed as 183
part of the same act or transaction. If a court imposes an 184
additional prison term under division (D)(1)(a) or (c) of this 185
section, the court is not precluded from imposing an additional 186
prison term under division (D)(1)(d) of this section. 187

(e) The court shall not impose any of the prison terms 188
described in division (D)(1)(a) of this section or any of the 189
additional prison terms described in division (D)(1)(c) of this 190
section upon an offender for a violation of section 2923.12 or 191
2923.123 of the Revised Code. The court shall not impose any of 192
the prison terms described in division (D)(1)(a) of this section 193
or any of the additional prison terms described in division 194
(D)(1)(c) of this section upon an offender for a violation of 195
section 2923.13 of the Revised Code unless all of the following 196
apply: 197

(i) The offender previously has been convicted of aggravated 198
murder, murder, or any felony of the first or second degree. 199

(ii) Less than five years have passed since the offender was 200
released from prison or post-release control, whichever is later, 201
for the prior offense. 202

(f) If an offender is convicted of or pleads guilty to a 203
felony that includes, as an essential element, causing or 204
attempting to cause the death of or physical harm to another and 205
also is convicted of or pleads guilty to a specification of the 206
type described in section 2941.1412 of the Revised Code that 207
charges the offender with committing the offense by discharging a 208
firearm at a peace officer as defined in section 2935.01 of the 209
Revised Code or a corrections officer as defined in section 210
2941.1412 of the Revised Code, the court, after imposing a prison 211
term on the offender for the felony offense under division (A), 212
(D)(2), or (D)(3) of this section, shall impose an additional 213
prison term of seven years upon the offender that shall not be 214
reduced pursuant to section 2929.20, section 2967.193, or any 215
other provision of Chapter 2967. or Chapter 5120. of the Revised 216
Code. A court shall not impose more than one additional prison 217
term on an offender under division (D)(1)(f) of this section for 218
felonies committed as part of the same act or transaction. If a 219
court imposes an additional prison term on an offender under 220
division (D)(1)(f) of this section relative to an offense, the 221
court shall not impose a prison term under division (D)(1)(a) or 222
(c) of this section relative to the same offense. 223

(2)(a) If an offender who is convicted of or pleads guilty to 224
a felony also is convicted of or pleads guilty to a specification 225
of the type described in section 2941.149 of the Revised Code that 226
the offender is a repeat violent offender, the court shall impose 227
a prison term from the range of terms authorized for the offense 228
under division (A) of this section that may be the longest term in 229
the range and that shall not be reduced pursuant to section 230
2929.20, section 2967.193, or any other provision of Chapter 2967. 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.

(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 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. 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. 297
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If the offender is being sentenced for a fourth degree felony 327
OVI offense under division (G)(1) of section 2929.13 of the 328
Revised Code and the court imposes a mandatory term of local 329
incarceration, the court may impose a prison term as described in 330
division (A)(1) of that section. 331

(5) If an offender is convicted of or pleads guilty to a 332
violation of division (A)(1) or (2) of section 2903.06 of the 333
Revised Code and also is convicted of or pleads guilty to a 334
specification of the type described in section 2941.1414 of the 335
Revised Code that charges that the victim of the offense is a 336
peace officer, as defined in section 2935.01 of the Revised Code, 337
the court shall impose on the offender a prison term of five 338
years. If a court imposes a prison term on an offender under 339
division (D)(5) of this section, the prison term shall not be 340
reduced pursuant to section 2929.20, section 2967.193, or any 341
other provision of Chapter 2967. or Chapter 5120. of the Revised 342
Code. A court shall not impose more than one prison term on an 343
offender under division (D)(5) of this section for felonies 344
committed as part of the same act. 345

(6) If an offender is convicted of or pleads guilty to a 346
violation of division (A)(1) or (2) of section 2903.06 of the 347
Revised Code and also is convicted of or pleads guilty to a 348
specification of the type described in section 2941.1415 of the 349
Revised Code that charges that the offender previously has been 350
convicted of or pleaded guilty to three or more violations of 351
division (A) or (B) of section 4511.19 of the Revised Code or an 352
equivalent offense, as defined in section 2941.1415 of the Revised 353
Code, or three or more violations of any combination of those 354
divisions and offenses, the court shall impose on the offender a 355
prison term of three years. If a court imposes a prison term on an 356
offender under division (D)(6) of this section, the prison term 357
shall not be reduced pursuant to section 2929.20, section 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.

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(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.

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(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.

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(c) If a mandatory prison term is imposed upon an offender 391
pursuant to division (D)(1)(f) of this section, the offender shall 392
serve the mandatory prison term so imposed consecutively to and 393
prior to any prison term imposed for the underlying felony under 394
division (A), (D)(2), or (D)(3) of this section or any other 395
section of the Revised Code, and consecutively to any other prison 396
term or mandatory prison term previously or subsequently imposed 397
upon the offender. 398

(2) If an offender who is an inmate in a jail, prison, or 399
other residential detention facility violates section 2917.02, 400
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 401
who is under detention at a detention facility commits a felony 402
violation of section 2923.131 of the Revised Code, or if an 403
offender who is an inmate in a jail, prison, or other residential 404
detention facility or is under detention at a detention facility 405
commits another felony while the offender is an escapee in 406
violation of section 2921.34 of the Revised Code, any prison term 407
imposed upon the offender for one of those violations shall be 408
served by the offender consecutively to the prison term or term of 409
imprisonment the offender was serving when the offender committed 410
that offense and to any other prison term previously or 411
subsequently imposed upon the offender. 412

(3) If a prison term is imposed for a violation of division 413
(B) of section 2911.01 of the Revised Code, a violation of 414
division (A) of section 2913.02 of the Revised Code in which the 415
stolen property is a firearm or dangerous ordnance, or a felony 416
violation of division (B) of section 2921.331 of the Revised Code, 417
the offender shall serve that prison term consecutively to any 418
other prison term or mandatory prison term previously or 419
subsequently imposed upon the offender. 420

(4) If multiple prison terms are imposed on an offender for 421
convictions of multiple offenses, the court may require the 422

offender to serve the prison terms consecutively if the court
finds that the consecutive service is necessary to protect the
public from future crime or to punish the offender and that
consecutive sentences are not disproportionate to the seriousness
of the offender's conduct and to the danger the offender poses to
the public, and if the court also finds any of the following:

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

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

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

(5) If a mandatory prison term is imposed upon an offender
pursuant to division (D)(5) or (6) of this section, the offender
shall serve the mandatory prison term 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. 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 454
imposed pursuant to division (D)(6) of this section and 455
consecutively to and prior to any prison term imposed for the 456
underlying violation of division (A)(1) or (2) of section 2903.06 457
of the Revised Code pursuant to division (A) of this section. 458

(6) When consecutive prison terms are imposed pursuant to 459
division (E)(1), (2), (3), (4), or (5) of this section, the term 460
to be served is the aggregate of all of the terms so imposed. 461

(F) If a court imposes a prison term of a type described in 462
division (B) of section 2967.28 of the Revised Code, it shall 463
include in the sentence a requirement that the offender be subject 464
to a period of post-release control after the offender's release 465
from imprisonment, in accordance with that division. ~~If~~ Regardless 466
of whether the court imposed the sentence including the prison 467
term prior to, on, or after the effective date of this amendment, 468
the failure of a court to include a post-release control 469
requirement in the sentence pursuant to this division does not 470
negate, limit, or otherwise effect the mandatory period of 471
post-release control that is required for the offender under 472
division (B) of section 2967.28 of the Revised Code. 473

If a court imposes a prison term of a type described in 474
division (C) of ~~that~~ section 2967.28 of the Revised Code, it shall 475
include in the sentence a requirement that the offender be subject 476
to a period of post-release control after the offender's release 477
from imprisonment, in accordance with that division, if the parole 478
board determines that a period of post-release control is 479
necessary. 480

(G) If a person is convicted of or pleads guilty to a violent 481
sex offense or a designated homicide, assault, or kidnapping 482
offense and, in relation to that offense, the offender is 483
adjudicated a sexually violent predator, the court shall impose 484

sentence upon the offender in accordance with section 2971.03 of 485
the Revised Code, and Chapter 2971. of the Revised Code applies 486
regarding the prison term or term of life imprisonment without 487
parole imposed upon the offender and the service of that term of 488
imprisonment. 489

(H) If a person who has been convicted of or pleaded guilty 490
to a felony is sentenced to a prison term or term of imprisonment 491
under this section, sections 2929.02 to 2929.06 of the Revised 492
Code, section 2971.03 of the Revised Code, or any other provision 493
of law, section 5120.163 of the Revised Code applies regarding the 494
person while the person is confined in a state correctional 495
institution. 496

(I) If an offender who is convicted of or pleads guilty to a 497
felony that is an offense of violence also is convicted of or 498
pleads guilty to a specification of the type described in section 499
2941.142 of the Revised Code that charges the offender with having 500
committed the felony while participating in a criminal gang, the 501
court shall impose upon the offender an additional prison term of 502
one, two, or three years. 503

(J) If an offender who is convicted of or pleads guilty to 504
aggravated murder, murder, or a felony of the first, second, or 505
third degree that is an offense of violence also is convicted of 506
or pleads guilty to a specification of the type described in 507
section 2941.143 of the Revised Code that charges the offender 508
with having committed the offense in a school safety zone or 509
towards a person in a school safety zone, the court shall impose 510
upon the offender an additional prison term of two years. The 511
offender shall serve the additional two years consecutively to and 512
prior to the prison term imposed for the underlying offense. 513

(K) At the time of sentencing, the court may recommend the 514
offender for placement in a program of shock incarceration under 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
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.

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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.

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(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
(iii) of section 2950.09 of the Revised Code, the court shall
conduct a hearing in accordance with division (B) of section

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

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

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

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

(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 609
2929.14 of the Revised Code, if it imposes a prison term for a 610
felony of the fourth or fifth degree or for a felony drug offense 611
that is a violation of a provision of Chapter 2925. of the Revised 612
Code and that is specified as being subject to division (B) of 613
section 2929.13 of the Revised Code for purposes of sentencing, 614
its reasons for imposing the prison term, based upon the 615
overriding purposes and principles of felony sentencing set forth 616
in section 2929.11 of the Revised Code, and any factors listed in 617
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 618
that it found to apply relative to the offender. 619

(b) If it does not impose a prison term for a felony of the 620
first or second degree or for a felony drug offense that is a 621
violation of a provision of Chapter 2925. of the Revised Code and 622
for which a presumption in favor of a prison term is specified as 623
being applicable, its reasons for not imposing the prison term and 624
for overriding the presumption, based upon the overriding purposes 625
and principles of felony sentencing set forth in section 2929.11 626
of the Revised Code, and the basis of the findings it made under 627
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 628

(c) If it imposes consecutive sentences under section 2929.14 629
of the Revised Code, its reasons for imposing the consecutive 630
sentences; 631

(d) If the sentence is for one offense and it imposes a 632
prison term for the offense that is the maximum prison term 633
allowed for that offense by division (A) of section 2929.14 of the 634
Revised Code, its reasons for imposing the maximum prison term; 635

(e) If the sentence is for two or more offenses arising out 636
of a single incident and it imposes a prison term for those 637
offenses that is the maximum prison term allowed for the offense 638
of the highest degree by division (A) of section 2929.14 of the 639

Revised Code, its reasons for imposing the maximum prison term.

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(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:

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(a) Impose a stated prison term;

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(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;

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(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 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+. 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.

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(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

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(B)(3)(c) of this section;

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(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. 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.

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(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

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not injected with a drug of abuse.

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(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.

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(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

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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. 766

(b) The sentence automatically includes any certificate of 767
judgment issued as described in division (B)(7)(a)(ii) of this 768
section. 769

(C)(1) If the offender is being sentenced for a fourth degree 770
felony OVI offense under division (G)(1) of section 2929.13 of the 771
Revised Code, the court shall impose the mandatory term of local 772
incarceration in accordance with that division, shall impose a 773
mandatory fine in accordance with division (B)(3) of section 774
2929.18 of the Revised Code, and, in addition, may impose 775
additional sanctions as specified in sections 2929.15, 2929.16, 776
2929.17, and 2929.18 of the Revised Code. The court shall not 777
impose a prison term on the offender except that the court may 778
impose a prison term upon the offender as provided in division 779
(A)(1) of section 2929.13 of the Revised Code. 780

(2) If the offender is being sentenced for a third or fourth 781
degree felony OVI offense under division (G)(2) of section 2929.13 782
of the Revised Code, the court shall impose the mandatory prison 783
term in accordance with that division, shall impose a mandatory 784
fine in accordance with division (B)(3) of section 2929.18 of the 785
Revised Code, and, in addition, may impose an additional prison 786
term as specified in section 2929.14 of the Revised Code. In 787
addition to the mandatory prison term or mandatory prison term and 788
additional prison term the court imposes, the court also may 789
impose a community control sanction on the offender, but the 790
offender shall serve all of the prison terms so imposed prior to 791
serving the community control sanction. 792

(D) The sentencing court, pursuant to division (K) of section 793
2929.14 of the Revised Code, may recommend placement of the 794
offender in a program of shock incarceration under section 795
5120.031 of the Revised Code or an intensive program prison under 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.

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

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

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

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

(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. 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
(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. Unless reduced by the parole board pursuant
to division (D) of this section when authorized under that

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 858
that the board considers appropriate, and the conditions of 859
release may include any community residential sanction, community 860
nonresidential sanction, or financial sanction that the sentencing 861
court was authorized to impose pursuant to sections 2929.16, 862
2929.17, and 2929.18 of the Revised Code. Prior to the release of 863
a prisoner for whom it will impose one or more post-release 864
control sanctions under this division, the parole board shall 865
review the prisoner's criminal history, all juvenile court 866
adjudications finding the prisoner, while a juvenile, to be a 867
delinquent child, and the record of the prisoner's conduct while 868
imprisoned. The parole board shall consider any recommendation 869
regarding post-release control sanctions for the prisoner made by 870
the office of victims' services. After considering those 871
materials, the board shall determine, for a prisoner described in 872
division (B) of this section, division (B)(2)(b) of section 873
5120.031, or division (B)(1) of section 5120.032 of the Revised 874
Code, which post-release control sanction or combination of 875
post-release control sanctions is reasonable under the 876
circumstances or, for a prisoner described in division (C) of this 877
section, whether a post-release control sanction is necessary and, 878
if so, which post-release control sanction or combination of 879
post-release control sanctions is reasonable under the 880
circumstances. In the case of a prisoner convicted of a felony of 881
the fourth or fifth degree other than a felony sex offense, the 882
board shall presume that monitored time is the appropriate 883
post-release control sanction unless the board determines that a 884
more restrictive sanction is warranted. A post-release control 885
sanction imposed under this division takes effect upon the 886
prisoner's release from imprisonment. 887

Prior to the release of a prisoner for whom it will impose 888
one or more post-release control sanctions under this division, 889

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
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 922
are consistent with the overriding purposes and sentencing 923
principles set forth in section 2929.11 of the Revised Code and 924
that are appropriate to the needs of releasees; 925

(2) Establish standards by which the parole board can 926
determine which prisoners described in division (C) of this 927
section should be placed under a period of post-release control; 928

(3) Establish standards to be used by the parole board in 929
reducing the duration of the period of post-release control 930
imposed by the court when authorized under division (D) of this 931
section, in imposing a more restrictive post-release control 932
sanction than monitored time upon a prisoner convicted of a felony 933
of the fourth or fifth degree other than a felony sex offense, or 934
in imposing a less restrictive control sanction upon a releasee 935
based on the releasee's activities including, but not limited to, 936
remaining free from criminal activity and from the abuse of 937
alcohol or other drugs, successfully participating in approved 938
rehabilitation programs, maintaining employment, and paying 939
restitution to the victim or meeting the terms of other financial 940
sanctions; 941

(4) Establish standards to be used by the adult parole 942
authority in modifying a releasee's post-release control sanctions 943
pursuant to division (D)(2) of this section; 944

(5) Establish standards to be used by the adult parole 945
authority or parole board in imposing further sanctions under 946
division (F) of this section on releasees who violate post-release 947
control sanctions, including standards that do the following: 948

(a) Classify violations according to the degree of 949
seriousness; 950

(b) Define the circumstances under which formal action by the 951
parole board is warranted; 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 most misdemeanor and technical violations;	955 956
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	957 958
(F)(1) If a post-release control sanction is imposed upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975
(2) If the adult parole authority determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee and that a more restrictive sanction is appropriate, the authority may impose a more restrictive sanction upon the releasee, in accordance with the standards established under division (E) of this section, or may report the violation to the parole board for a hearing pursuant to division (F)(3) of this	976 977 978 979 980 981 982 983

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 1016
under post-release control supervision and is again released on 1017
post-release control for a period of time determined by division 1018
(F)(4)(d) of this section, the maximum cumulative prison term for 1019
all violations under this division shall not exceed one-half of 1020
the total stated prison terms of the earlier felony, reduced by 1021
any prison term administratively imposed by the parole board, plus 1022
one-half of the total stated prison term of the new felony. 1023

(4) Any period of post-release control shall commence upon an 1024
offender's actual release from prison. If an offender is serving 1025
an indefinite prison term or a life sentence in addition to a 1026
stated prison term, the offender shall serve the period of 1027
post-release control in the following manner: 1028

(a) If a period of post-release control is imposed upon the 1029
offender and if the offender also is subject to a period of parole 1030
under a life sentence or an indefinite sentence, and if the period 1031
of post-release control ends prior to the period of parole, the 1032
offender shall be supervised on parole. The offender shall receive 1033
credit for post-release control supervision during the period of 1034
parole. The offender is not eligible for final release under 1035
section 2967.16 of the Revised Code until the post-release control 1036
period otherwise would have ended. 1037

(b) If a period of post-release control is imposed upon the 1038
offender and if the offender also is subject to a period of parole 1039
under an indefinite sentence, and if the period of parole ends 1040
prior to the period of post-release control, the offender shall be 1041
supervised on post-release control. The requirements of parole 1042
supervision shall be satisfied during the post-release control 1043
period. 1044

(c) If an offender is subject to more than one period of 1045
post-release control, the period of post-release control for all 1046

of the sentences shall be the period of post-release control that 1047
expires last, as determined by the parole board. Periods of 1048
post-release control shall be served concurrently and shall not be 1049
imposed consecutively to each other. 1050

(d) The period of post-release control for a releasee who 1051
commits a felony while under post-release control for an earlier 1052
felony shall be the longer of the period of post-release control 1053
specified for the new felony under division (B) or (C) of this 1054
section or the time remaining under the period of post-release 1055
control imposed for the earlier felony as determined by the parole 1056
board. 1057

Section 2. That existing sections 2921.38, 2929.14, 2929.19, 1058
and 2967.28 of the Revised Code are hereby repealed. 1059

Section 3. (A) The General Assembly hereby declares that its 1060
purpose in amending sections 2929.14, 2929.19, and 2967.28 of the 1061
Revised Code in Sections 1 and 2 of this act is to reaffirm that, 1062
under those sections as they existed prior to the effective date 1063
of this act: (1) by operation of law and without need for any 1064
prior notification or warning, every convicted offender sentenced 1065
to a prison term for a felony of the first or second degree, for a 1066
felony sex offense, or for a felony of the third degree that is 1067
not a felony sex offense and in the commission of which the 1068
offender caused or threatened to cause physical harm to a person 1069
always is subject to a period of post-release control after the 1070
offender's release from imprisonment pursuant to and for the 1071
period of time described in division (B) of section 2967.28 of the 1072
Revised Code; and (2) by operation of law and without need for any 1073
prior notification or warning, every convicted offender sentenced 1074
to a prison term and subjected to supervision under a period of 1075
post-release control after the offender's release from 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