

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**S. B. No. 260**

**Senators Austria, Spada, Amstutz, Armbruster, Carey, Cates, Clancy,  
Coughlin, Dann, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris,  
Hottinger, Jacobson, Jordan, Kearney, Mumper, Niehaus, Padgett, Schuler,  
Schuring, Stivers, Wachtmann, Wilson, Zurz**

—

**A B I L L**

To amend sections 109.42, 2743.191, 2907.02, 2907.05, 1  
2921.34, 2929.01, 2929.13, 2929.14, 2929.19, 2  
2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 3  
2967.12, 2967.121, 2971.03, 2971.04, 2971.05, 4  
2971.06, 2971.07, 5120.49, 5120.61, 5120.66, and 5  
5149.10 of the Revised Code to require that a 6  
person convicted of rape when the victim is less 7  
than 13 or when the person purposely compels the 8  
victim to submit by force or threat of force be 9  
sentenced to an indefinite prison term of 25 years 10  
to life, to require that a person convicted of 11  
gross sexual imposition when the victim is less 12  
than 13 be sentenced to an indefinite prison term 13  
of 15 or 25 years to life, to require that a 14  
person so sentenced serve that term under the 15  
Sexually Violent Predator Law as if a sexually 16  
violent predator and automatically is classified a 17  
sexual predator for the SORN Law, and to permit 18  
the court to subject a person so sentenced to 19  
supervision with an active global positioning 20  
system device if released from a state 21

correctional institution. 22

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

**Section 1.** That sections 109.42, 2743.191, 2907.02, 2907.05, 23  
2921.34, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 24  
2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 2971.03, 2971.04, 25  
2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, and 5149.10 26  
of the Revised Code be amended to read as follows: 27

**Sec. 109.42.** (A) The attorney general shall prepare and have 28  
printed a pamphlet that contains a compilation of all statutes 29  
relative to victim's rights in which the attorney general lists 30  
and explains the statutes in the form of a victim's bill of 31  
rights. The attorney general shall distribute the pamphlet to all 32  
sheriffs, marshals, municipal corporation and township police 33  
departments, constables, and other law enforcement agencies, to 34  
all prosecuting attorneys, city directors of law, village 35  
solicitors, and other similar chief legal officers of municipal 36  
corporations, and to organizations that represent or provide 37  
services for victims of crime. The victim's bill of rights set 38  
forth in the pamphlet shall contain a description of all of the 39  
rights of victims that are provided for in Chapter 2930. or in any 40  
other section of the Revised Code and shall include, but not be 41  
limited to, all of the following: 42

(1) The right of a victim or a victim's representative to 43  
attend a proceeding before a grand jury, in a juvenile case, or in 44  
a criminal case pursuant to a subpoena without being discharged 45  
from the victim's or representative's employment, having the 46  
victim's or representative's employment terminated, having the 47  
victim's or representative's pay decreased or withheld, or 48  
otherwise being punished, penalized, or threatened as a result of 49

time lost from regular employment because of the victim's or  
representative's attendance at the proceeding pursuant to the  
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or  
2945.451 of the Revised Code;

(2) The potential availability pursuant to section 2151.359  
or 2152.61 of the Revised Code of a forfeited recognizance to pay  
damages caused by a child when the delinquency of the child or  
child's violation of probation or community control is found to be  
proximately caused by the failure of the child's parent or  
guardian to subject the child to reasonable parental authority or  
to faithfully discharge the conditions of probation or community  
control;

(3) The availability of awards of reparations pursuant to  
sections 2743.51 to 2743.72 of the Revised Code for injuries  
caused by criminal offenses;

(4) The right of the victim in certain criminal or juvenile  
cases or a victim's representative to receive, pursuant to section  
2930.06 of the Revised Code, notice of the date, time, and place  
of the trial or delinquency proceeding in the case or, if there  
will not be a trial or delinquency proceeding, information from  
the prosecutor, as defined in section 2930.01 of the Revised Code,  
regarding the disposition of the case;

(5) The right of the victim in certain criminal or juvenile  
cases or a victim's representative to receive, pursuant to section  
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the  
name of the person charged with the violation, the case or docket  
number assigned to the charge, and a telephone number or numbers  
that can be called to obtain information about the disposition of  
the case;

(6) The right of the victim in certain criminal or juvenile  
cases or of the victim's representative pursuant to section

2930.13 or 2930.14 of the Revised Code, subject to any reasonable  
terms set by the court as authorized under section 2930.14 of the  
Revised Code, to make a statement about the victimization and, if  
applicable, a statement relative to the sentencing or disposition  
of the offender;

(7) The opportunity to obtain a court order, pursuant to  
section 2945.04 of the Revised Code, to prevent or stop the  
commission of the offense of intimidation of a crime victim or  
witness or an offense against the person or property of the  
complainant, or of the complainant's ward or child;

(8) The right of the victim in certain criminal or juvenile  
cases or a victim's representative pursuant to sections 2151.38,  
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to  
receive notice of a pending motion for judicial release or early  
release of the person who committed the offense against the  
victim, to make an oral or written statement at the court hearing  
on the motion, and to be notified of the court's decision on the  
motion;

(9) The right of the victim in certain criminal or juvenile  
cases or a victim's representative pursuant to section 2930.16,  
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice  
of any pending commutation, pardon, parole, transitional control,  
discharge, other form of authorized release, post-release control,  
or supervised release for the person who committed the offense  
against the victim or any application for release of that person  
and to send a written statement relative to the victimization and  
the pending action to the adult parole authority or the release  
authority of the department of youth services;

(10) The right of the victim to bring a civil action pursuant  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money  
from the offender's profit fund;

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to

section 2919.26 of the Revised Code, and the right of both types 143  
of victims to be accompanied by a victim advocate during court 144  
proceedings; 145

(16) The right of a victim of a sexually oriented offense 146  
that is not a registration-exempt sexually oriented offense or of 147  
a child-victim oriented offense that is committed by a person who 148  
is convicted of or pleads guilty to an aggravated sexually 149  
oriented offense, by a person who is adjudicated a sexual predator 150  
or child-victim predator, or, in certain cases, by a person who is 151  
determined to be a habitual sex offender or habitual child-victim 152  
offender to receive, pursuant to section 2950.10 of the Revised 153  
Code, notice that the person has registered with a sheriff under 154  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 155  
notice of the person's name, the person's residence that is 156  
registered, and the offender's school, institution of higher 157  
education, or place of employment address or addresses that are 158  
registered, the person's photograph, and a summary of the manner 159  
in which the victim must make a request to receive the notice. As 160  
used in this division, "sexually oriented offense," "adjudicated a 161  
sexual predator," "habitual sex offender," "registration-exempt 162  
sexually oriented offense," "aggravated sexually oriented 163  
offense," "child-victim oriented offense," "adjudicated a 164  
child-victim predator," and "habitual child-victim offender" have 165  
the same meanings as in section 2950.01 of the Revised Code. 166

(17) The right of a victim of certain sexually violent 167  
offenses committed by an offender who also is convicted of or 168  
pleads guilty to a sexually violent predator specification and who 169  
is sentenced to a prison term pursuant to division (A)(3) of 170  
section 2971.03 of the Revised Code, and of a victim of a 171  
violation of division (A)(1)(b) or (A)(2) of section 2907.02 or 172  
division (A)(4) of section 2907.05 of the Revised Code committed 173  
on or after the effective date of this amendment by an offender 174

who is sentenced for the violation pursuant to division (B) of 175  
section 2971.03 of the Revised Code, to receive, pursuant to 176  
section 2930.16 of the Revised Code, notice of a hearing to 177  
determine whether to modify the requirement that the offender 178  
serve the entire prison term in a state correctional facility, 179  
whether to continue, revise, or revoke any existing modification 180  
of that requirement, or whether to terminate the prison term. As 181  
used in this division, "sexually violent offense" and "sexually 182  
violent predator specification" have the same meanings as in 183  
section 2971.01 of the Revised Code. 184

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 185  
prosecuting attorney, assistant prosecuting attorney, city 186  
director of law, assistant city director of law, village 187  
solicitor, assistant village solicitor, or similar chief legal 188  
officer of a municipal corporation or an assistant of any of those 189  
officers who prosecutes an offense committed in this state, upon 190  
first contact with the victim of the offense, the victim's family, 191  
or the victim's dependents, shall give the victim, the victim's 192  
family, or the victim's dependents a copy of the pamphlet prepared 193  
pursuant to division (A) of this section and explain, upon 194  
request, the information in the pamphlet to the victim, the 195  
victim's family, or the victim's dependents. 196

(b) Subject to division (B)(1)(c) of this section, a law 197  
enforcement agency that investigates an offense or delinquent act 198  
committed in this state shall give the victim of the offense or 199  
delinquent act, the victim's family, or the victim's dependents a 200  
copy of the pamphlet prepared pursuant to division (A) of this 201  
section at one of the following times: 202

(i) Upon first contact with the victim, the victim's family, 203  
or the victim's dependents; 204

(ii) If the offense or delinquent act is an offense of 205  
violence, if the circumstances of the offense or delinquent act 206

and the condition of the victim, the victim's family, or the  
victim's dependents indicate that the victim, the victim's family,  
or the victim's dependents will not be able to understand the  
significance of the pamphlet upon first contact with the agency,  
and if the agency anticipates that it will have an additional  
contact with the victim, the victim's family, or the victim's  
dependents, upon the agency's second contact with the victim, the  
victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family,  
or the victim's dependents a copy of the pamphlet upon first  
contact with them and does not have a second contact with the  
victim, the victim's family, or the victim's dependents, the  
agency shall mail a copy of the pamphlet to the victim, the  
victim's family, or the victim's dependents at their last known  
address.

(c) In complying on and after December 9, 1994, with the  
duties imposed by division (B)(1)(a) or (b) of this section, an  
official or a law enforcement agency shall use copies of the  
pamphlet that are in the official's or agency's possession on  
December 9, 1994, until the official or agency has distributed all  
of those copies. After the official or agency has distributed all  
of those copies, the official or agency shall use only copies of  
the pamphlet that contain at least the information described in  
divisions (A)(1) to (17) of this section.

(2) The failure of a law enforcement agency or of a  
prosecuting attorney, assistant prosecuting attorney, city  
director of law, assistant city director of law, village  
solicitor, assistant village solicitor, or similar chief legal  
officer of a municipal corporation or an assistant to any of those  
officers to give, as required by division (B)(1) of this section,  
the victim of an offense or delinquent act, the victim's family,  
or the victim's dependents a copy of the pamphlet prepared



pursuant to division (A) of this section does not give the victim, 239  
the victim's family, the victim's dependents, or a victim's 240  
representative any rights under section 2743.51 to 2743.72, 241  
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 242  
Revised Code or under any other provision of the Revised Code and 243  
does not affect any right under those sections. 244

(3) A law enforcement agency, a prosecuting attorney or 245  
assistant prosecuting attorney, or a city director of law, 246  
assistant city director of law, village solicitor, assistant 247  
village solicitor, or similar chief legal officer of a municipal 248  
corporation that distributes a copy of the pamphlet prepared 249  
pursuant to division (A) of this section shall not be required to 250  
distribute a copy of an information card or other printed material 251  
provided by the clerk of the court of claims pursuant to section 252  
2743.71 of the Revised Code. 253

(C) The cost of printing and distributing the pamphlet 254  
prepared pursuant to division (A) of this section shall be paid 255  
out of the reparations fund, created pursuant to section 2743.191 256  
of the Revised Code, in accordance with division (D) of that 257  
section. 258

(D) As used in this section: 259

(1) "Victim's representative" has the same meaning as in 260  
section 2930.01 of the Revised Code; 261

(2) "Victim advocate" has the same meaning as in section 262  
2919.26 of the Revised Code. 263

**Sec. 2743.191.** (A)(1) There is hereby created in the state 264  
treasury the reparations fund, which shall be used only for the 265  
following purposes: 266

(a) The payment of awards of reparations that are granted by 267  
the attorney general; 268

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| (b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code;  | 269<br>270<br>271                      |
| (c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;  | 272<br>273                             |
| (d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;  | 274<br>275                             |
| (e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;  | 276<br>277                             |
| (f) The costs of investigation and decision-making as certified by the attorney general;   | 278<br>279                             |
| (g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;   | 280<br>281<br>282                      |
| (h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;  | 283<br>284<br>285                      |
| (i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;  | 286<br>287<br>288                      |
| (j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code; | 289<br>290<br>291<br>292<br>293<br>294 |
| (k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding   | 295<br>296<br>297<br>298               |

those analyses into the DNA database pursuant to section 109.573 299  
of the Revised Code; 300

(l) The payment of actual costs associated with initiatives 301  
by the attorney general for the apprehension, prosecution, and 302  
accountability of offenders, and the enhancing of services to 303  
crime victims. The amount of payments made pursuant to division 304  
(A)(1)(l) of this section during any given fiscal year shall not 305  
exceed five per cent of the balance of the reparations fund at the 306  
close of the immediately previous fiscal year; 307

(m) The costs of administering the adult parole authority's 308  
supervision ~~of sexually violent predators with an active global~~ 309  
~~positioning system device~~ pursuant to division (E) of section 310  
2971.05 of the Revised Code of sexually violent predators who are 311  
sentenced to a prison term pursuant to division (A)(3) of section 312  
2971.03 of the Revised Code and offenders who are sentenced to a 313  
prison term pursuant to division (B) of that section for a 314  
violation of division (A)(1)(b) or (A)(2) of section 2907.02 or 315  
division (A)(4) of section 2907.05 of the Revised Code. 316

(2) All costs paid pursuant to section 2743.70 of the Revised 317  
Code, the portions of license reinstatement fees mandated by 318  
division (F)(2)(b) of section 4511.191 of the Revised Code to be 319  
credited to the fund, the portions of the proceeds of the sale of 320  
a forfeited vehicle specified in division (C)(2) of section 321  
4503.234 of the Revised Code, payments collected by the department 322  
of rehabilitation and correction from prisoners who voluntarily 323  
participate in an approved work and training program pursuant to 324  
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 325  
all moneys collected by the state pursuant to its right of 326  
subrogation provided in section 2743.72 of the Revised Code shall 327  
be deposited in the fund. 328

(B) In making an award of reparations, the attorney general 329

shall render the award against the state. The award shall be 330  
accomplished only through the following procedure, and the 331  
following procedure may be enforced by writ of mandamus directed 332  
to the appropriate official: 333

(1) The attorney general shall provide for payment of the 334  
claimant or providers in the amount of the award only if the 335  
amount of the award is fifty dollars or more. 336

(2) The expense shall be charged against all available 337  
unencumbered moneys in the fund. 338

(3) If sufficient unencumbered moneys do not exist in the 339  
fund, the attorney general shall make application for payment of 340  
the award out of the emergency purposes account or any other 341  
appropriation for emergencies or contingencies, and payment out of 342  
this account or other appropriation shall be authorized if there 343  
are sufficient moneys greater than the sum total of then pending 344  
emergency purposes account requests or requests for releases from 345  
the other appropriations. 346

(4) If sufficient moneys do not exist in the account or any 347  
other appropriation for emergencies or contingencies to pay the 348  
award, the attorney general shall request the general assembly to 349  
make an appropriation sufficient to pay the award, and no payment 350  
shall be made until the appropriation has been made. The attorney 351  
general shall make this appropriation request during the current 352  
biennium and during each succeeding biennium until a sufficient 353  
appropriation is made. If, prior to the time that an appropriation 354  
is made by the general assembly pursuant to this division, the 355  
fund has sufficient unencumbered funds to pay the award or part of 356  
the award, the available funds shall be used to pay the award or 357  
part of the award, and the appropriation request shall be amended 358  
to request only sufficient funds to pay that part of the award 359  
that is unpaid. 360

(C) The attorney general shall not make payment on a decision 361  
or order granting an award until all appeals have been determined 362  
and all rights to appeal exhausted, except as otherwise provided 363  
in this section. If any party to a claim for an award of 364  
reparations appeals from only a portion of an award, and a 365  
remaining portion provides for the payment of money by the state, 366  
that part of the award calling for the payment of money by the 367  
state and not a subject of the appeal shall be processed for 368  
payment as described in this section. 369

(D) The attorney general shall prepare itemized bills for the 370  
costs of printing and distributing the pamphlet the attorney 371  
general prepares pursuant to section 109.42 of the Revised Code. 372  
The itemized bills shall set forth the name and address of the 373  
persons owed the amounts set forth in them. 374

(E) As used in this section, "DNA analysis" and "DNA 375  
specimen" have the same meanings as in section 109.573 of the 376  
Revised Code. 377

**Sec. 2907.02.** (A)(1) No person shall engage in sexual conduct 378  
with another who is not the spouse of the offender or who is the 379  
spouse of the offender but is living separate and apart from the 380  
offender, when any of the following applies: 381

(a) For the purpose of preventing resistance, the offender 382  
substantially impairs the other person's judgment or control by 383  
administering any drug, intoxicant, or controlled substance to the 384  
other person surreptitiously or by force, threat of force, or 385  
deception. 386

(b) The other person is less than thirteen years of age, 387  
whether or not the offender knows the age of the other person. 388

(c) The other person's ability to resist or consent is 389  
substantially impaired because of a mental or physical condition 390

or because of advanced age, and the offender knows or has  
reasonable cause to believe that the other person's ability to  
resist or consent is substantially impaired because of a mental or  
physical condition or because of advanced age.

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(2) No person shall engage in sexual conduct with another  
when the offender purposely compels the other person to submit by  
force or threat of force.

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(B) Whoever violates this section is guilty of rape, a felony  
of the first degree. If the offender under division (A)(1)(a) of  
this section substantially impairs the other person's judgment or  
control by administering any controlled substance described in  
section 3719.41 of the Revised Code to the other person  
surreptitiously or by force, threat of force, or deception, the  
prison term imposed upon the offender shall be one of the prison  
terms prescribed for a felony of the first degree in section  
2929.14 of the Revised Code that is not less than five years. ~~If~~  
~~the~~ Except as otherwise provided in this division, notwithstanding  
sections 2929.11 to 2929.14 of the Revised Code, an offender under  
division (A)(1)(b) or (A)(2) of this section ~~purposely compels the~~  
~~victim to submit by force or threat of force or if the victim~~  
~~under division (A)(1)(b) of this section is less than ten years of~~  
~~age, whoever violates division (A)(1)(b) of this section shall be~~  
~~imprisoned for life~~ shall be sentenced to a prison term or term of  
life imprisonment pursuant to section 2971.03 of the Revised Code.  
If ~~the~~ an offender under division (A)(1)(b) of this section  
previously has been convicted of or pleaded guilty to violating  
division (A)(1)(b) of this section or to violating a law of  
another state or the United States that is substantially similar  
to division (A)(1)(b) of this section or if the offender during or  
immediately after the commission of the offense caused serious  
physical harm to the victim, ~~whoever violates division (A)(1)(b)~~  
~~of this section shall be imprisoned for life or~~ in lieu of

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sentencing the offender to a prison term or term of life 423  
imprisonment pursuant to section 2971.03 of the Revised Code, the 424  
court may impose upon the offender a term of life without parole. 425  
If the court imposes a term of life without parole pursuant to 426  
this division, division (F) of section 2971.03 of the Revised Code 427  
applies and the offender automatically is classified a sexual 428  
predator, as described in that division. 429

(C) A victim need not prove physical resistance to the 430  
offender in prosecutions under this section. 431

(D) Evidence of specific instances of the victim's sexual 432  
activity, opinion evidence of the victim's sexual activity, and 433  
reputation evidence of the victim's sexual activity shall not be 434  
admitted under this section unless it involves evidence of the 435  
origin of semen, pregnancy, or disease, or the victim's past 436  
sexual activity with the offender, and only to the extent that the 437  
court finds that the evidence is material to a fact at issue in 438  
the case and that its inflammatory or prejudicial nature does not 439  
outweigh its probative value. 440

Evidence of specific instances of the defendant's sexual 441  
activity, opinion evidence of the defendant's sexual activity, and 442  
reputation evidence of the defendant's sexual activity shall not 443  
be admitted under this section unless it involves evidence of the 444  
origin of semen, pregnancy, or disease, the defendant's past 445  
sexual activity with the victim, or is admissible against the 446  
defendant under section 2945.59 of the Revised Code, and only to 447  
the extent that the court finds that the evidence is material to a 448  
fact at issue in the case and that its inflammatory or prejudicial 449  
nature does not outweigh its probative value. 450

(E) Prior to taking testimony or receiving evidence of any 451  
sexual activity of the victim or the defendant in a proceeding 452  
under this section, the court shall resolve the admissibility of 453  
the proposed evidence in a hearing in chambers, which shall be 454

held at or before preliminary hearing and not less than three days  
before trial, or for good cause shown during the trial.

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(F) Upon approval by the court, the victim may be represented  
by counsel in any hearing in chambers or other proceeding to  
resolve the admissibility of evidence. If the victim is indigent  
or otherwise is unable to obtain the services of counsel, the  
court, upon request, may appoint counsel to represent the victim  
without cost to the victim.

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(G) It is not a defense to a charge under division (A)(2) of  
this section that the offender and the victim were married or were  
cohabiting at the time of the commission of the offense.

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**Sec. 2907.05.** (A) No person shall have sexual contact with  
another, not the spouse of the offender; cause another, not the  
spouse of the offender, to have sexual contact with the offender;  
or cause two or more other persons to have sexual contact when any  
of the following applies:

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(1) The offender purposely compels the other person, or one  
of the other persons, to submit by force or threat of force.

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(2) For the purpose of preventing resistance, the offender  
substantially impairs the judgment or control of the other person  
or of one of the other persons by administering any drug,  
intoxicant, or controlled substance to the other person  
surreptitiously or by force, threat of force, or deception.

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(3) The offender knows that the judgment or control of the  
other person or of one of the other persons is substantially  
impaired as a result of the influence of any drug or intoxicant  
administered to the other person with the other person's consent  
for the purpose of any kind of medical or dental examination,  
treatment, or surgery.

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(4) The other person, or one of the other persons, is less

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than thirteen years of age, whether or not the offender knows the  
age of that person.

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(5) The ability of the other person to resist or consent or  
the ability of one of the other persons to resist or consent is  
substantially impaired because of a mental or physical condition  
or because of advanced age, and the offender knows or has  
reasonable cause to believe that the ability to resist or consent  
of the other person or of one of the other persons is  
substantially impaired because of a mental or physical condition  
or because of advanced age.

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(B) Whoever violates this section is guilty of gross sexual  
imposition. Except as otherwise provided in this section, a  
violation of division (A)(1), (2), (3), or (5) of this section is  
a felony of the fourth degree. If the offender under division  
(A)(2) of this section substantially impairs the judgment or  
control of the other person or one of the other persons by  
administering any controlled substance described in section  
3719.41 of the Revised Code to the person surreptitiously or by  
force, threat of force, or deception, a violation of division  
(A)(2) of this section is a felony of the third degree. A  
violation of division (A)(4) of this section is a felony of the  
third degree, except that, notwithstanding sections 2929.11 to  
2929.14 of the Revised Code, the offender shall be sentenced to a  
prison term or term of life imprisonment pursuant to section  
2971.03 of the Revised Code.

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(C) A victim need not prove physical resistance to the  
offender in prosecutions under this section.

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(D) Evidence of specific instances of the victim's sexual  
activity, opinion evidence of the victim's sexual activity, and  
reputation evidence of the victim's sexual activity shall not be  
admitted under this section unless it involves evidence of the

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origin of semen, pregnancy, or disease, or the victim's past 516  
sexual activity with the offender, and only to the extent that the 517  
court finds that the evidence is material to a fact at issue in 518  
the case and that its inflammatory or prejudicial nature does not 519  
outweigh its probative value. 520

Evidence of specific instances of the defendant's sexual 521  
activity, opinion evidence of the defendant's sexual activity, and 522  
reputation evidence of the defendant's sexual activity shall not 523  
be admitted under this section unless it involves evidence of the 524  
origin of semen, pregnancy, or disease, the defendant's past 525  
sexual activity with the victim, or is admissible against the 526  
defendant under section 2945.59 of the Revised Code, and only to 527  
the extent that the court finds that the evidence is material to a 528  
fact at issue in the case and that its inflammatory or prejudicial 529  
nature does not outweigh its probative value. 530

(E) Prior to taking testimony or receiving evidence of any 531  
sexual activity of the victim or the defendant in a proceeding 532  
under this section, the court shall resolve the admissibility of 533  
the proposed evidence in a hearing in chambers, which shall be 534  
held at or before preliminary hearing and not less than three days 535  
before trial, or for good cause shown during the trial. 536

(F) Upon approval by the court, the victim may be represented 537  
by counsel in any hearing in chambers or other proceeding to 538  
resolve the admissibility of evidence. If the victim is indigent 539  
or otherwise is unable to obtain the services of counsel, the 540  
court, upon request, may appoint counsel to represent the victim 541  
without cost to the victim. 542

**Sec. 2921.34.** (A)(1) No person, knowing the person is under 543  
detention or being reckless in that regard, shall purposely break 544  
or attempt to break the detention, or purposely fail to return to 545  
detention, either following temporary leave granted for a specific 546

purpose or limited period, or at the time required when serving a 547  
sentence in intermittent confinement. 548

(2) ~~No person~~ Division (A)(2) of this section applies to any 549  
person who is adjudicated a sexually violent predator and is 550  
sentenced to a prison term pursuant to division (A)(3) of section 551  
2971.03 of the Revised Code for the sexually violent offense, and 552  
to any person who is convicted of or pleads guilty to a violation 553  
of division (A)(1)(b) or (A)(2) of section 2907.02 or division 554  
(A)(4) of section 2907.05 of the Revised Code committed on or 555  
after the effective date of this amendment and is sentenced to a 556  
prison term pursuant to division (B) of section 2971.03 of the 557  
Revised Code for the violation. No person to whom this division 558  
applies, for whom the requirement that the entire prison term 559  
imposed upon the person pursuant to division (A)(3) or (B) of 560  
section 2971.03 of the Revised Code be served in a state 561  
correctional institution has been modified pursuant to section 562  
2971.05 of the Revised Code, and who, pursuant to that 563  
modification, is restricted to a geographic area, knowing that the 564  
person is under a geographic restriction or being reckless in that 565  
regard, shall purposely leave the geographic area to which the 566  
restriction applies or purposely fail to return to that geographic 567  
area following a temporary leave granted for a specific purpose or 568  
for a limited period of time. 569

(B) Irregularity in bringing about or maintaining detention, 570  
or lack of jurisdiction of the committing or detaining authority, 571  
is not a defense to a charge under this section if the detention 572  
is pursuant to judicial order or in a detention facility. In the 573  
case of any other detention, irregularity or lack of jurisdiction 574  
is an affirmative defense only if either of the following occurs: 575

(1) The escape involved no substantial risk of harm to the 576  
person or property of another. 577

(2) The detaining authority knew or should have known there 578

was no legal basis or authority for the detention.

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(C) Whoever violates this section is guilty of escape.

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(1) If the offender, at the time of the commission of the offense, was under detention as an alleged or adjudicated delinquent child or unruly child and if the act for which the offender was under detention would not be a felony if committed by an adult, escape is a misdemeanor of the first degree.

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(2) If the offender, at the time of the commission of the offense, was under detention in any other manner ~~or~~, the offender is a person who was adjudicated a sexually violent predator for whom the requirement that the entire prison term imposed upon the person pursuant to division (A)(3) of section 2971.03 of the Revised Code be served in a state correctional institution has been modified pursuant to section 2971.05 of the Revised Code, or the offender is a person who was convicted of or pleaded guilty to committing on or after the effective date of this amendment a violation of division (A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) of section 2907.05 of the Revised Code for whom the requirement that the entire prison term imposed upon the person pursuant to division (B) of section 2971.03 of the Revised Code be served in a state correctional institution has been modified pursuant to section 2971.05 of the Revised Code, escape is one of the following:

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(a) A felony of the second degree, when the most serious offense for which the person was under detention or ~~adjudicated a sexually violent predator~~ for which the person had been sentenced to the prison term under division (A)(3) or (B) of section 2971.03 of the Revised Code is aggravated murder, murder, or a felony of the first or second degree or, if the person was under detention as an alleged or adjudicated delinquent child, when the most serious act for which the person was under detention would be

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aggravated murder, murder, or a felony of the first or second 610  
degree if committed by an adult; 611

(b) A felony of the third degree, when the most serious 612  
offense for which the person was under detention or ~~adjudicated a~~ 613  
~~sexually violent predator for which the person had been sentenced~~ 614  
to the prison term under division (A)(3) or (B) of section 2971.03 615  
of the Revised Code is a felony of the third, fourth, or fifth 616  
degree or an unclassified felony or, if the person was under 617  
detention as an alleged or adjudicated delinquent child, when the 618  
most serious act for which the person was under detention would be 619  
a felony of the third, fourth, or fifth degree or an unclassified 620  
felony if committed by an adult; 621

(c) A felony of the fifth degree, when any of the following 622  
applies: 623

(i) The most serious offense for which the person was under 624  
detention is a misdemeanor. 625

(ii) The person was found not guilty by reason of insanity, 626  
and the person's detention consisted of hospitalization, 627  
institutionalization, or confinement in a facility under an order 628  
made pursuant to or under authority of section 2945.40, 2945.401, 629  
or 2945.402 of the Revised Code. 630

(d) A misdemeanor of the first degree, when the most serious 631  
offense for which the person was under detention is a misdemeanor 632  
and when the person fails to return to detention at a specified 633  
time following temporary leave granted for a specific purpose or 634  
limited period or at the time required when serving a sentence in 635  
intermittent confinement. 636

(D) As used in this section: 637

(1) "Adjudicated a sexually violent predator" has the same 638  
meaning as in section 2929.01 of the Revised Code, and a person is 639  
"adjudicated a sexually violent predator" in the same manner and 640

the same circumstances as are described in that section. 641

(2) "Sexually violent offense" has the same meaning as in 642  
section 2971.01 of the Revised Code. 643

**Sec. 2929.01.** As used in this chapter: 644

(A)(1) "Alternative residential facility" means, subject to 645  
division (A)(2) of this section, any facility other than an 646  
offender's home or residence in which an offender is assigned to 647  
live and that satisfies all of the following criteria: 648

(a) It provides programs through which the offender may seek 649  
or maintain employment or may receive education, training, 650  
treatment, or habilitation. 651

(b) It has received the appropriate license or certificate 652  
for any specialized education, training, treatment, habilitation, 653  
or other service that it provides from the government agency that 654  
is responsible for licensing or certifying that type of education, 655  
training, treatment, habilitation, or service. 656

(2) "Alternative residential facility" does not include a 657  
community-based correctional facility, jail, halfway house, or 658  
prison. 659

(B) "Bad time" means the time by which the parole board 660  
administratively extends an offender's stated prison term or terms 661  
pursuant to section 2967.11 of the Revised Code because the parole 662  
board finds by clear and convincing evidence that the offender, 663  
while serving the prison term or terms, committed an act that is a 664  
criminal offense under the law of this state or the United States, 665  
whether or not the offender is prosecuted for the commission of 666  
that act. 667

(C) "Basic probation supervision" means a requirement that 668  
the offender maintain contact with a person appointed to supervise 669  
the offender in accordance with sanctions imposed by the court or 670

imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

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

(E) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.56 of the Revised Code.

(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

(G) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(H) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.

(I) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(J) "Deadly weapon" has the same meaning as in section

2923.11 of the Revised Code.

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(K) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.

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

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(M) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

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

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

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

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adult offenders. 732

(Q) "House arrest" means a period of confinement of an 733  
offender that is in the offender's home or in other premises 734  
specified by the sentencing court or by the parole board pursuant 735  
to section 2967.28 of the Revised Code and during which all of the 736  
following apply: 737

(1) The offender is required to remain in the offender's home 738  
or other specified premises for the specified period of 739  
confinement, except for periods of time during which the offender 740  
is at the offender's place of employment or at other premises as 741  
authorized by the sentencing court or by the parole board. 742

(2) The offender is required to report periodically to a 743  
person designated by the court or parole board. 744

(3) The offender is subject to any other restrictions and 745  
requirements that may be imposed by the sentencing court or by the 746  
parole board. 747

(R) "Intensive probation supervision" means a requirement 748  
that an offender maintain frequent contact with a person appointed 749  
by the court, or by the parole board pursuant to section 2967.28 750  
of the Revised Code, to supervise the offender while the offender 751  
is seeking or maintaining necessary employment and participating 752  
in training, education, and treatment programs as required in the 753  
court's or parole board's order. "Intensive probation supervision" 754  
includes intensive parole supervision and intensive post-release 755  
control supervision. 756

(S) "Jail" means a jail, workhouse, minimum security jail, or 757  
other residential facility used for the confinement of alleged or 758  
convicted offenders that is operated by a political subdivision or 759  
a combination of political subdivisions of this state. 760

(T) "Jail term" means the term in a jail that a sentencing 761

court imposes or is authorized to impose pursuant to section 762  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 763  
provision of the Revised Code that authorizes a term in a jail for 764  
a misdemeanor conviction. 765

(U) "Mandatory jail term" means the term in a jail that a 766  
sentencing court is required to impose pursuant to division (G) of 767  
section 1547.99 of the Revised Code, division (E) of section 768  
2903.06 or division (D) of section 2903.08 of the Revised Code, 769  
division (E) of section 2929.24 of the Revised Code, division (B) 770  
of section 4510.14 of the Revised Code, or division (G) of section 771  
4511.19 of the Revised Code or pursuant to any other provision of 772  
the Revised Code that requires a term in a jail for a misdemeanor 773  
conviction. 774

(V) "Delinquent child" has the same meaning as in section 775  
2152.02 of the Revised Code. 776

(W) "License violation report" means a report that is made by 777  
a sentencing court, or by the parole board pursuant to section 778  
2967.28 of the Revised Code, to the regulatory or licensing board 779  
or agency that issued an offender a professional license or a 780  
license or permit to do business in this state and that specifies 781  
that the offender has been convicted of or pleaded guilty to an 782  
offense that may violate the conditions under which the offender's 783  
professional license or license or permit to do business in this 784  
state was granted or an offense for which the offender's 785  
professional license or license or permit to do business in this 786  
state may be revoked or suspended. 787

(X) "Major drug offender" means an offender who is convicted 788  
of or pleads guilty to the possession of, sale of, or offer to 789  
sell any drug, compound, mixture, preparation, or substance that 790  
consists of or contains at least one thousand grams of hashish; at 791  
least one hundred grams of crack cocaine; at least one thousand 792

grams of cocaine that is not crack cocaine; at least two thousand 793  
five hundred unit doses or two hundred fifty grams of heroin; at 794  
least five thousand unit doses of L.S.D. or five hundred grams of 795  
L.S.D. in a liquid concentrate, liquid extract, or liquid 796  
distillate form; or at least one hundred times the amount of any 797  
other schedule I or II controlled substance other than marihuana 798  
that is necessary to commit a felony of the third degree pursuant 799  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 800  
Code that is based on the possession of, sale of, or offer to sell 801  
the controlled substance. 802

(Y) "Mandatory prison term" means any of the following: 803

(1) Subject to division (Y)(2) of this section, the term in 804  
prison that must be imposed for the offenses or circumstances set 805  
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 806  
2929.13 and division (D) of section 2929.14 of the Revised Code. 807  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 808  
and 2925.11 of the Revised Code, unless the maximum or another 809  
specific term is required under section 2929.14 of the Revised 810  
Code, a mandatory prison term described in this division may be 811  
any prison term authorized for the level of offense. 812

(2) The term of sixty or one hundred twenty days in prison 813  
that a sentencing court is required to impose for a third or 814  
fourth degree felony OVI offense pursuant to division (G)(2) of 815  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 816  
of the Revised Code or the term of one, two, three, four, or five 817  
years in prison that a sentencing court is required to impose 818  
pursuant to division (G)(2) of section 2929.13 of the Revised 819  
Code. 820

(3) The term in prison imposed pursuant to division (A) of 821  
section 2971.03 of the Revised Code for the offenses and in the 822  
circumstances described in division (F)(11) of section 2929.13 of 823

the Revised Code or pursuant to division (B) of section 2971.03 of 824  
the Revised Code for the offense of rape or gross sexual 825  
imposition committed on or after the effective date of this 826  
amendment in violation of division (A)(1)(b) or (A)(2) of section 827  
2907.02 or division (A)(4) of section 2907.05 of the Revised Code 828  
and that term as modified or terminated pursuant to section 829  
2971.05 of the Revised Code. 830

(Z) "Monitored time" means a period of time during which an 831  
offender continues to be under the control of the sentencing court 832  
or parole board, subject to no conditions other than leading a 833  
law-abiding life. 834

(AA) "Offender" means a person who, in this state, is 835  
convicted of or pleads guilty to a felony or a misdemeanor. 836

(BB) "Prison" means a residential facility used for the 837  
confinement of convicted felony offenders that is under the 838  
control of the department of rehabilitation and correction but 839  
does not include a violation sanction center operated under 840  
authority of section 2967.141 of the Revised Code. 841

(CC) "Prison term" includes any of the following sanctions 842  
for an offender: 843

(1) A stated prison term; 844

(2) A term in a prison shortened by, or with the approval of, 845  
the sentencing court pursuant to section 2929.20, 2967.26, 846  
5120.031, 5120.032, or 5120.073 of the Revised Code; 847

(3) A term in prison extended by bad time imposed pursuant to 848  
section 2967.11 of the Revised Code or imposed for a violation of 849  
post-release control pursuant to section 2967.28 of the Revised 850  
Code. 851

(DD) "Repeat violent offender" means a person about whom both 852  
of the following apply: 853

(1) The person has been convicted of or has pleaded guilty 854  
to, and is being sentenced for committing, for complicity in 855  
committing, or for an attempt to commit, aggravated murder, 856  
murder, involuntary manslaughter, a felony of the first degree 857  
other than one set forth in Chapter 2925. of the Revised Code, a 858  
felony of the first degree set forth in Chapter 2925. of the 859  
Revised Code that involved an attempt to cause serious physical 860  
harm to a person or that resulted in serious physical harm to a 861  
person, or a felony of the second degree that involved an attempt 862  
to cause serious physical harm to a person or that resulted in 863  
serious physical harm to a person. 864

(2) Either of the following applies: 865

(a) The person previously was convicted of or pleaded guilty 866  
to, and previously served or, at the time of the offense was 867  
serving, a prison term for, any of the following: 868

(i) Aggravated murder, murder, involuntary manslaughter, 869  
rape, felonious sexual penetration as it existed under section 870  
2907.12 of the Revised Code prior to September 3, 1996, a felony 871  
of the first or second degree that resulted in the death of a 872  
person or in physical harm to a person, or complicity in or an 873  
attempt to commit any of those offenses; 874

(ii) An offense under an existing or former law of this 875  
state, another state, or the United States that is or was 876  
substantially equivalent to an offense listed under division 877  
(DD)(2)(a)(i) of this section and that resulted in the death of a 878  
person or in physical harm to a person. 879

(b) The person previously was adjudicated a delinquent child 880  
for committing an act that if committed by an adult would have 881  
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 882  
section, the person was committed to the department of youth 883  
services for that delinquent act. 884

(EE) "Sanction" means any penalty imposed upon an offender 885  
who is convicted of or pleads guilty to an offense, as punishment 886  
for the offense. "Sanction" includes any sanction imposed pursuant 887  
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 888  
2929.28 of the Revised Code. 889

(FF) "Sentence" means the sanction or combination of 890  
sanctions imposed by the sentencing court on an offender who is 891  
convicted of or pleads guilty to an offense. 892

(GG) "Stated prison term" means the prison term, mandatory 893  
prison term, or combination of all prison terms and mandatory 894  
prison terms imposed by the sentencing court pursuant to section 895  
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 896  
includes any credit received by the offender for time spent in 897  
jail awaiting trial, sentencing, or transfer to prison for the 898  
offense and any time spent under house arrest or house arrest with 899  
electronic monitoring imposed after earning credits pursuant to 900  
section 2967.193 of the Revised Code. 901

(HH) "Victim-offender mediation" means a reconciliation or 902  
mediation program that involves an offender and the victim of the 903  
offense committed by the offender and that includes a meeting in 904  
which the offender and the victim may discuss the offense, discuss 905  
restitution, and consider other sanctions for the offense. 906

(II) "Fourth degree felony OVI offense" means a violation of 907  
division (A) of section 4511.19 of the Revised Code that, under 908  
division (G) of that section, is a felony of the fourth degree. 909

(JJ) "Mandatory term of local incarceration" means the term 910  
of sixty or one hundred twenty days in a jail, a community-based 911  
correctional facility, a halfway house, or an alternative 912  
residential facility that a sentencing court may impose upon a 913  
person who is convicted of or pleads guilty to a fourth degree 914  
felony OVI offense pursuant to division (G)(1) of section 2929.13 915

of the Revised Code and division (G)(1)(d) or (e) of section 916  
4511.19 of the Revised Code. 917

(KK) "Designated homicide, assault, or kidnapping offense," 918  
"violent sex offense," "sexual motivation specification," 919  
"sexually violent offense," "sexually violent predator," and 920  
"sexually violent predator specification" have the same meanings 921  
as in section 2971.01 of the Revised Code. 922

(LL) "Habitual sex offender," "sexually oriented offense," 923  
"sexual predator," "registration-exempt sexually oriented 924  
offense," "child-victim oriented offense," "habitual child-victim 925  
offender," and "child-victim predator" have the same meanings as 926  
in section 2950.01 of the Revised Code. 927

(MM) An offense is "committed in the vicinity of a child" if 928  
the offender commits the offense within thirty feet of or within 929  
the same residential unit as a child who is under eighteen years 930  
of age, regardless of whether the offender knows the age of the 931  
child or whether the offender knows the offense is being committed 932  
within thirty feet of or within the same residential unit as the 933  
child and regardless of whether the child actually views the 934  
commission of the offense. 935

(NN) "Family or household member" has the same meaning as in 936  
section 2919.25 of the Revised Code. 937

(OO) "Motor vehicle" and "manufactured home" have the same 938  
meanings as in section 4501.01 of the Revised Code. 939

(PP) "Detention" and "detention facility" have the same 940  
meanings as in section 2921.01 of the Revised Code. 941

(QQ) "Third degree felony OVI offense" means a violation of 942  
division (A) of section 4511.19 of the Revised Code that, under 943  
division (G) of that section, is a felony of the third degree. 944

(RR) "Random drug testing" has the same meaning as in section 945

5120.63 of the Revised Code. 946

(SS) "Felony sex offense" has the same meaning as in section 947  
2967.28 of the Revised Code. 948

(TT) "Body armor" has the same meaning as in section 949  
2941.1411 of the Revised Code. 950

(UU) "Electronic monitoring" means monitoring through the use 951  
of an electronic monitoring device. 952

(VV) "Electronic monitoring device" means any of the 953  
following: 954

(1) Any device that can be operated by electrical or battery 955  
power and that conforms with all of the following: 956

(a) The device has a transmitter that can be attached to a 957  
person, that will transmit a specified signal to a receiver of the 958  
type described in division (VV)(1)(b) of this section if the 959  
transmitter is removed from the person, turned off, or altered in 960  
any manner without prior court approval in relation to electronic 961  
monitoring or without prior approval of the department of 962  
rehabilitation and correction in relation to the use of an 963  
electronic monitoring device for an inmate on transitional control 964  
or otherwise is tampered with, that can transmit continuously and 965  
periodically a signal to that receiver when the person is within a 966  
specified distance from the receiver, and that can transmit an 967  
appropriate signal to that receiver if the person to whom it is 968  
attached travels a specified distance from that receiver. 969

(b) The device has a receiver that can receive continuously 970  
the signals transmitted by a transmitter of the type described in 971  
division (VV)(1)(a) of this section, can transmit continuously 972  
those signals by telephone to a central monitoring computer of the 973  
type described in division (VV)(1)(c) of this section, and can 974  
transmit continuously an appropriate signal to that central 975



monitoring computer if the receiver is turned off or altered 976  
without prior court approval or otherwise tampered with. 977

(c) The device has a central monitoring computer that can 978  
receive continuously the signals transmitted by telephone by a 979  
receiver of the type described in division (VV)(1)(b) of this 980  
section and can monitor continuously the person to whom an 981  
electronic monitoring device of the type described in division 982  
(VV)(1)(a) of this section is attached. 983

(2) Any device that is not a device of the type described in 984  
division (VV)(1) of this section and that conforms with all of the 985  
following: 986

(a) The device includes a transmitter and receiver that can 987  
monitor and determine the location of a subject person at any 988  
time, or at a designated point in time, through the use of a 989  
central monitoring computer or through other electronic means. 990

(b) The device includes a transmitter and receiver that can 991  
determine at any time, or at a designated point in time, through 992  
the use of a central monitoring computer or other electronic means 993  
the fact that the transmitter is turned off or altered in any 994  
manner without prior approval of the court in relation to the 995  
electronic monitoring or without prior approval of the department 996  
of rehabilitation and correction in relation to the use of an 997  
electronic monitoring device for an inmate on transitional control 998  
or otherwise is tampered with. 999

(3) Any type of technology that can adequately track or 1000  
determine the location of a subject person at any time and that is 1001  
approved by the director of rehabilitation and correction, 1002  
including, but not limited to, any satellite technology, voice 1003  
tracking system, or retinal scanning system that is so approved. 1004

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1005  
a victim of an offense as a result of or related to the commission 1006

of the offense, including, but not limited to, pain and suffering; 1007  
loss of society, consortium, companionship, care, assistance, 1008  
attention, protection, advice, guidance, counsel, instruction, 1009  
training, or education; mental anguish; and any other intangible 1010  
loss. 1011

(XX) "Prosecutor" has the same meaning as in section 2935.01 1012  
of the Revised Code. 1013

(YY) "Continuous alcohol monitoring" means the ability to 1014  
automatically test and periodically transmit alcohol consumption 1015  
levels and tamper attempts at least every hour, regardless of the 1016  
location of the person who is being monitored. 1017

(ZZ) A person is "adjudicated a sexually violent predator" if 1018  
the person is convicted of or pleads guilty to a violent sex 1019  
offense and also is convicted of or pleads guilty to a sexually 1020  
violent predator specification that was included in the 1021  
indictment, count in the indictment, or information charging that 1022  
violent sex offense or if the person is convicted of or pleads 1023  
guilty to a designated homicide, assault, or kidnapping offense 1024  
and also is convicted of or pleads guilty to both a sexual 1025  
motivation specification and a sexually violent predator 1026  
specification that were included in the indictment, count in the 1027  
indictment, or information charging that designated homicide, 1028  
assault, or kidnapping offense. 1029

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 1030  
(G) of this section and unless a specific sanction is required to 1031  
be imposed or is precluded from being imposed pursuant to law, a 1032  
court that imposes a sentence upon an offender for a felony may 1033  
impose any sanction or combination of sanctions on the offender 1034  
that are provided in sections 2929.14 to 2929.18 of the Revised 1035  
Code. The sentence shall not impose an unnecessary burden on state 1036  
or local government resources. 1037

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also may impose a financial sanction pursuant to section 2929.18 of the Revised Code but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an

additional prison term as described in division (D)(4) of section 1070  
2929.14 of the Revised Code or a community control sanction as 1071  
described in division (G)(2) of this section. 1072

(B)(1) Except as provided in division (B)(2), (E), (F), or 1073  
(G) of this section, in sentencing an offender for a felony of the 1074  
fourth or fifth degree, the sentencing court shall determine 1075  
whether any of the following apply: 1076

(a) In committing the offense, the offender caused physical 1077  
harm to a person. 1078

(b) In committing the offense, the offender attempted to 1079  
cause or made an actual threat of physical harm to a person with a 1080  
deadly weapon. 1081

(c) In committing the offense, the offender attempted to 1082  
cause or made an actual threat of physical harm to a person, and 1083  
the offender previously was convicted of an offense that caused 1084  
physical harm to a person. 1085

(d) The offender held a public office or position of trust 1086  
and the offense related to that office or position; the offender's 1087  
position obliged the offender to prevent the offense or to bring 1088  
those committing it to justice; or the offender's professional 1089  
reputation or position facilitated the offense or was likely to 1090  
influence the future conduct of others. 1091

(e) The offender committed the offense for hire or as part of 1092  
an organized criminal activity. 1093

(f) The offense is a sex offense that is a fourth or fifth 1094  
degree felony violation of section 2907.03, 2907.04, 2907.05, 1095  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1096  
Revised Code. 1097

(g) The offender at the time of the offense was serving, or 1098  
the offender previously had served, a prison term. 1099

(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

(i) The offender committed the offense while in possession of a firearm.

(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a prison term is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code and finds that the offender is not amenable to an available community control sanction, the court shall impose a prison term upon the offender.

(b) Except as provided in division (E), (F), or (G) of this section, if the court does not make a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section and if the court, after considering the factors set forth in section 2929.12 of the Revised Code, finds that a community control sanction or combination of community control sanctions is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code, the court shall impose a community control sanction or combination of community control sanctions upon the offender.

(C) Except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or 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 this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

(D) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree and for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Notwithstanding the presumption established under this division, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(1) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(2) A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense.

(E)(1) Except as provided in division (F) of this section, for any drug offense that is a violation of any provision of

Chapter 2925. of the Revised Code and that is a felony of the 1163  
third, fourth, or fifth degree, the applicability of a presumption 1164  
under division (D) of this section in favor of a prison term or of 1165  
division (B) or (C) of this section in determining whether to 1166  
impose a prison term for the offense shall be determined as 1167  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1168  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1169  
Revised Code, whichever is applicable regarding the violation. 1170

(2) If an offender who was convicted of or pleaded guilty to 1171  
a felony violates the conditions of a community control sanction 1172  
imposed for the offense solely by reason of producing positive 1173  
results on a drug test, the court, as punishment for the violation 1174  
of the sanction, shall not order that the offender be imprisoned 1175  
unless the court determines on the record either of the following: 1176

(a) The offender had been ordered as a sanction for the 1177  
felony to participate in a drug treatment program, in a drug 1178  
education program, or in narcotics anonymous or a similar program, 1179  
and the offender continued to use illegal drugs after a reasonable 1180  
period of participation in the program. 1181

(b) The imprisonment of the offender for the violation is 1182  
consistent with the purposes and principles of sentencing set 1183  
forth in section 2929.11 of the Revised Code. 1184

(F) Notwithstanding divisions (A) to (E) of this section, the 1185  
court shall impose a prison term or terms under sections 2929.02 1186  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 1187  
Code and except as specifically provided in section 2929.20 or 1188  
2967.191 of the Revised Code or when parole is authorized for the 1189  
offense under section 2967.13 of the Revised Code shall not reduce 1190  
the terms pursuant to section 2929.20, section 2967.193, or any 1191  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1192  
Code for any of the following offenses: 1193

|  |  |
|--|--|
| (1) Aggravated murder when death is not imposed or murder;   | 1194   |
| (2) Any rape, regardless of whether force was involved and<br>regardless of the age of the victim, or an attempt to commit rape<br>if, had the offender completed the rape that was attempted, the<br>offender would have been subject to a sentence of life<br>imprisonment or life imprisonment without parole for the rape;   | 1195<br>1196<br>1197<br>1198<br>1199                         |
| (3) Gross sexual imposition <u>committed on or after the<br/>effective date of this amendment in violation of division (A)(4)<br/>of section 2907.05 of the Revised Code, or gross sexual imposition</u><br>or sexual battery <sup>7</sup> , if the victim is under thirteen years of age,<br><del>if</del> the offender previously was convicted of or pleaded guilty to<br>rape, the former offense of felonious sexual penetration, gross<br>sexual imposition, or sexual battery, and <del>if</del> the victim of the<br>previous offense was under thirteen years of age; | 1200<br>1201<br>1202<br>1203<br>1204<br>1205<br>1206<br>1207 |
| (4) A felony violation of section 2903.04, 2903.06, 2903.08,<br>2903.11, 2903.12, or 2903.13 of the Revised Code if the section<br>requires the imposition of a prison term;   | 1208<br>1209<br>1210   |
| (5) A first, second, or third degree felony drug offense for<br>which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,<br>2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or<br>4729.99 of the Revised Code, whichever is applicable regarding the<br>violation, requires the imposition of a mandatory prison term;  | 1211<br>1212<br>1213<br>1214<br>1215                         |
| (6) Any offense that is a first or second degree felony and<br>that is not set forth in division (F)(1), (2), (3), or (4) of this<br>section, if the offender previously was convicted of or pleaded<br>guilty to aggravated murder, murder, any first or second degree<br>felony, or an offense under an existing or former law of this<br>state, another state, or the United States that is or was<br>substantially equivalent to one of those offenses;  | 1216<br>1217<br>1218<br>1219<br>1220<br>1221<br>1222         |
| (7) Any offense that is a third degree felony and that is<br>listed in division (DD)(1) of section 2929.01 of the Revised Code   | 1223<br>1224   |



if the offender previously was convicted of or pleaded guilty to 1225  
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 1226  
section 2929.01 of the Revised Code; 1227

(8) Any offense, other than a violation of section 2923.12 of 1228  
the Revised Code, that is a felony, if the offender had a firearm 1229  
on or about the offender's person or under the offender's control 1230  
while committing the felony, with respect to a portion of the 1231  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 1232  
of the Revised Code for having the firearm; 1233

(9) Any offense of violence that is a felony, if the offender 1234  
wore or carried body armor while committing the felony offense of 1235  
violence, with respect to the portion of the sentence imposed 1236  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 1237  
Code for wearing or carrying the body armor; 1238

(10) Corrupt activity in violation of section 2923.32 of the 1239  
Revised Code when the most serious offense in the pattern of 1240  
corrupt activity that is the basis of the offense is a felony of 1241  
the first degree; 1242

(11) Any violent sex offense or designated homicide, assault, 1243  
or kidnapping offense if, in relation to that offense, the 1244  
offender is adjudicated a sexually violent predator; 1245

(12) A violation of division (A)(1) or (2) of section 2921.36 1246  
of the Revised Code, or a violation of division (C) of that 1247  
section involving an item listed in division (A)(1) or (2) of that 1248  
section, if the offender is an officer or employee of the 1249  
department of rehabilitation and correction; 1250

(13) A violation of division (A)(1) or (2) of section 2903.06 1251  
of the Revised Code if the victim of the offense is a peace 1252  
officer, as defined in section 2935.01 of the Revised Code, with 1253  
respect to the portion of the sentence imposed pursuant to 1254  
division (D)(5) of section 2929.14 of the Revised Code; 1255

(14) A violation of division (A)(1) or (2) of section 2903.06 1256  
of the Revised Code if the offender has been convicted of or 1257  
pleaded guilty to three or more violations of division (A) or (B) 1258  
of section 4511.19 of the Revised Code or an equivalent offense, 1259  
as defined in section 2941.1415 of the Revised Code, or three or 1260  
more violations of any combination of those divisions and 1261  
offenses, with respect to the portion of the sentence imposed 1262  
pursuant to division (D)(6) of section 2929.14 of the Revised 1263  
Code. 1264

(G) Notwithstanding divisions (A) to (E) of this section, if 1265  
an offender is being sentenced for a fourth degree felony OVI 1266  
offense or for a third degree felony OVI offense, the court shall 1267  
impose upon the offender a mandatory term of local incarceration 1268  
or a mandatory prison term in accordance with the following: 1269

(1) If the offender is being sentenced for a fourth degree 1270  
felony OVI offense and if the offender has not been convicted of 1271  
and has not pleaded guilty to a specification of the type 1272  
described in section 2941.1413 of the Revised Code, the court may 1273  
impose upon the offender a mandatory term of local incarceration 1274  
of sixty days or one hundred twenty days as specified in division 1275  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1276  
not reduce the term pursuant to section 2929.20, 2967.193, or any 1277  
other provision of the Revised Code. The court that imposes a 1278  
mandatory term of local incarceration under this division shall 1279  
specify whether the term is to be served in a jail, a 1280  
community-based correctional facility, a halfway house, or an 1281  
alternative residential facility, and the offender shall serve the 1282  
term in the type of facility specified by the court. A mandatory 1283  
term of local incarceration imposed under division (G)(1) of this 1284  
section is not subject to extension under section 2967.11 of the 1285  
Revised Code, to a period of post-release control under section 1286  
2967.28 of the Revised Code, or to any other Revised Code 1287

provision that pertains to a prison term except as provided in 1288  
division (A)(1) of this section. 1289

(2) If the offender is being sentenced for a third degree 1290  
felony OVI offense, or if the offender is being sentenced for a 1291  
fourth degree felony OVI offense and the court does not impose a 1292  
mandatory term of local incarceration under division (G)(1) of 1293  
this section, the court shall impose upon the offender a mandatory 1294  
prison term of one, two, three, four, or five years if the 1295  
offender also is convicted of or also pleads guilty to a 1296  
specification of the type described in section 2941.1413 of the 1297  
Revised Code or shall impose upon the offender a mandatory prison 1298  
term of sixty days or one hundred twenty days as specified in 1299  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1300  
if the offender has not been convicted of and has not pleaded 1301  
guilty to a specification of that type. The court shall not reduce 1302  
the term pursuant to section 2929.20, 2967.193, or any other 1303  
provision of the Revised Code. The offender shall serve the one-, 1304  
two-, three-, four-, or five-year mandatory prison term 1305  
consecutively to and prior to the prison term imposed for the 1306  
underlying offense and consecutively to any other mandatory prison 1307  
term imposed in relation to the offense. In no case shall an 1308  
offender who once has been sentenced to a mandatory term of local 1309  
incarceration pursuant to division (G)(1) of this section for a 1310  
fourth degree felony OVI offense be sentenced to another mandatory 1311  
term of local incarceration under that division for any violation 1312  
of division (A) of section 4511.19 of the Revised Code. In 1313  
addition to the mandatory prison term described in division (G)(2) 1314  
of this section, the court may sentence the offender to a 1315  
community control sanction under section 2929.16 or 2929.17 of the 1316  
Revised Code, but the offender shall serve the prison term prior 1317  
to serving the community control sanction. The department of 1318  
rehabilitation and correction may place an offender sentenced to a 1319

mandatory prison term under this division in an intensive program 1320  
prison established pursuant to section 5120.033 of the Revised 1321  
Code if the department gave the sentencing judge prior notice of 1322  
its intent to place the offender in an intensive program prison 1323  
established under that section and if the judge did not notify the 1324  
department that the judge disapproved the placement. Upon the 1325  
establishment of the initial intensive program prison pursuant to 1326  
section 5120.033 of the Revised Code that is privately operated 1327  
and managed by a contractor pursuant to a contract entered into 1328  
under section 9.06 of the Revised Code, both of the following 1329  
apply: 1330

(a) The department of rehabilitation and correction shall 1331  
make a reasonable effort to ensure that a sufficient number of 1332  
offenders sentenced to a mandatory prison term under this division 1333  
are placed in the privately operated and managed prison so that 1334  
the privately operated and managed prison has full occupancy. 1335

(b) Unless the privately operated and managed prison has full 1336  
occupancy, the department of rehabilitation and correction shall 1337  
not place any offender sentenced to a mandatory prison term under 1338  
this division in any intensive program prison established pursuant 1339  
to section 5120.033 of the Revised Code other than the privately 1340  
operated and managed prison. 1341

(H) If an offender is being sentenced for a sexually oriented 1342  
offense committed on or after January 1, 1997, the judge shall 1343  
require the offender to submit to a DNA specimen collection 1344  
procedure pursuant to section 2901.07 of the Revised Code if 1345  
~~either~~ any of the following applies: 1346

(1) The offense was a violent sex offense or a designated 1347  
homicide, assault, or kidnapping offense and, in relation to that 1348  
offense, the offender was adjudicated a sexually violent predator. 1349

(2) The offense was a violation of division (A)(1)(b) or 1350

(A)(2) of section 2907.02 or division (A)(4) of section 2907.05 of 1351  
the Revised Code committed on or after the effective date of this 1352  
amendment. 1353

(3) The judge imposing sentence for the sexually oriented 1354  
offense determines pursuant to division (B) of section 2950.09 of 1355  
the Revised Code that the offender is a sexual predator. 1356

(I) If an offender is being sentenced for a sexually oriented 1357  
offense that is not a registration-exempt sexually oriented 1358  
offense or for a child-victim oriented offense committed on or 1359  
after January 1, 1997, the judge shall include in the sentence a 1360  
summary of the offender's duties imposed under sections 2950.04, 1361  
2950.041, 2950.05, and 2950.06 of the Revised Code and the 1362  
duration of the duties. The judge shall inform the offender, at 1363  
the time of sentencing, of those duties and of their duration and, 1364  
if required under division (A)(2) of section 2950.03 of the 1365  
Revised Code, shall perform the duties specified in that section. 1366

(J)(1) Except as provided in division (J)(2) of this section, 1367  
when considering sentencing factors under this section in relation 1368  
to an offender who is convicted of or pleads guilty to an attempt 1369  
to commit an offense in violation of section 2923.02 of the 1370  
Revised Code, the sentencing court shall consider the factors 1371  
applicable to the felony category of the violation of section 1372  
2923.02 of the Revised Code instead of the factors applicable to 1373  
the felony category of the offense attempted. 1374

(2) When considering sentencing factors under this section in 1375  
relation to an offender who is convicted of or pleads guilty to an 1376  
attempt to commit a drug abuse offense for which the penalty is 1377  
determined by the amount or number of unit doses of the controlled 1378  
substance involved in the drug abuse offense, the sentencing court 1379  
shall consider the factors applicable to the felony category that 1380  
the drug abuse offense attempted would be if that drug abuse 1381  
offense had been committed and had involved an amount or number of 1382

unit doses of the controlled substance that is within the next 1383  
lower range of controlled substance amounts than was involved in 1384  
the attempt. 1385

(K) As used in this section, "drug abuse offense" has the 1386  
same meaning as in section 2925.01 of the Revised Code. 1387

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 1388  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 1389  
except in relation to an offense for which a sentence of death or 1390  
life imprisonment is to be imposed, if the court imposing a 1391  
sentence upon an offender for a felony elects or is required to 1392  
impose a prison term on the offender pursuant to this chapter, the 1393  
court shall impose a definite prison term that shall be one of the 1394  
following: 1395

(1) For a felony of the first degree, the prison term shall 1396  
be three, four, five, six, seven, eight, nine, or ten years. 1397

(2) For a felony of the second degree, the prison term shall 1398  
be two, three, four, five, six, seven, or eight years. 1399

(3) For a felony of the third degree, the prison term shall 1400  
be one, two, three, four, or five years. 1401

(4) For a felony of the fourth degree, the prison term shall 1402  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1403  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1404

(5) For a felony of the fifth degree, the prison term shall 1405  
be six, seven, eight, nine, ten, eleven, or twelve months. 1406

(B) Except as provided in division (C), (D)(1), (D)(2), 1407  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 1408  
of the Revised Code, or in Chapter 2925. of the Revised Code, if 1409  
the court imposing a sentence upon an offender for a felony elects 1410  
or is required to impose a prison term on the offender, the court 1411  
shall impose the shortest prison term authorized for the offense 1412

pursuant to division (A) of this section, unless one or more of 1413  
the following applies: 1414

(1) The offender was serving a prison term at the time of the 1415  
offense, or the offender previously had served a prison term. 1416

(2) The court finds on the record that the shortest prison 1417  
term will demean the seriousness of the offender's conduct or will 1418  
not adequately protect the public from future crime by the 1419  
offender or others. 1420

(C) Except as provided in division (G) of this section or in 1421  
Chapter 2925. of the Revised Code, the court imposing a sentence 1422  
upon an offender for a felony may impose the longest prison term 1423  
authorized for the offense pursuant to division (A) of this 1424  
section only upon offenders who committed the worst forms of the 1425  
offense, upon offenders who pose the greatest likelihood of 1426  
committing future crimes, upon certain major drug offenders under 1427  
division (D)(3) of this section, and upon certain repeat violent 1428  
offenders in accordance with division (D)(2) of this section. 1429

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1430  
section, if an offender who is convicted of or pleads guilty to a 1431  
felony also is convicted of or pleads guilty to a specification of 1432  
the type described in section 2941.141, 2941.144, or 2941.145 of 1433  
the Revised Code, the court shall impose on the offender one of 1434  
the following prison terms: 1435

(i) A prison term of six years if the specification is of the 1436  
type described in section 2941.144 of the Revised Code that 1437  
charges the offender with having a firearm that is an automatic 1438  
firearm or that was equipped with a firearm muffler or silencer on 1439  
or about the offender's person or under the offender's control 1440  
while committing the felony; 1441

(ii) A prison term of three years if the specification is of 1442  
the type described in section 2941.145 of the Revised Code that 1443

charges the offender with having a firearm on or about the 1444  
offender's person or under the offender's control while committing 1445  
the offense and displaying the firearm, brandishing the firearm, 1446  
indicating that the offender possessed the firearm, or using it to 1447  
facilitate the offense; 1448

(iii) A prison term of one year if the specification is of 1449  
the type described in section 2941.141 of the Revised Code that 1450  
charges the offender with having a firearm on or about the 1451  
offender's person or under the offender's control while committing 1452  
the felony. 1453

(b) If a court imposes a prison term on an offender under 1454  
division (D)(1)(a) of this section, the prison term shall not be 1455  
reduced pursuant to section 2929.20, section 2967.193, or any 1456  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1457  
Code. A court shall not impose more than one prison term on an 1458  
offender under division (D)(1)(a) of this section for felonies 1459  
committed as part of the same act or transaction. 1460

(c) Except as provided in division (D)(1)(e) of this section, 1461  
if an offender who is convicted of or pleads guilty to a violation 1462  
of section 2923.161 of the Revised Code or to a felony that 1463  
includes, as an essential element, purposely or knowingly causing 1464  
or attempting to cause the death of or physical harm to another, 1465  
also is convicted of or pleads guilty to a specification of the 1466  
type described in section 2941.146 of the Revised Code that 1467  
charges the offender with committing the offense by discharging a 1468  
firearm from a motor vehicle other than a manufactured home, the 1469  
court, after imposing a prison term on the offender for the 1470  
violation of section 2923.161 of the Revised Code or for the other 1471  
felony offense under division (A), (D)(2), or (D)(3) of this 1472  
section, shall impose an additional prison term of five years upon 1473  
the offender that shall not be reduced pursuant to section 1474  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1475



or Chapter 5120. of the Revised Code. A court shall not impose 1476  
more than one additional prison term on an offender under division 1477  
(D)(1)(c) of this section for felonies committed as part of the 1478  
same act or transaction. If a court imposes an additional prison 1479  
term on an offender under division (D)(1)(c) of this section 1480  
relative to an offense, the court also shall impose a prison term 1481  
under division (D)(1)(a) of this section relative to the same 1482  
offense, provided the criteria specified in that division for 1483  
imposing an additional prison term are satisfied relative to the 1484  
offender and the offense. 1485

(d) If an offender who is convicted of or pleads guilty to an 1486  
offense of violence that is a felony also is convicted of or 1487  
pleads guilty to a specification of the type described in section 1488  
2941.1411 of the Revised Code that charges the offender with 1489  
wearing or carrying body armor while committing the felony offense 1490  
of violence, the court shall impose on the offender a prison term 1491  
of two years. The prison term so imposed shall not be reduced 1492  
pursuant to section 2929.20, section 2967.193, or any other 1493  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1494  
court shall not impose more than one prison term on an offender 1495  
under division (D)(1)(d) of this section for felonies committed as 1496  
part of the same act or transaction. If a court imposes an 1497  
additional prison term under division (D)(1)(a) or (c) of this 1498  
section, the court is not precluded from imposing an additional 1499  
prison term under division (D)(1)(d) of this section. 1500

(e) The court shall not impose any of the prison terms 1501  
described in division (D)(1)(a) of this section or any of the 1502  
additional prison terms described in division (D)(1)(c) of this 1503  
section upon an offender for a violation of section 2923.12 or 1504  
2923.123 of the Revised Code. The court shall not impose any of 1505  
the prison terms described in division (D)(1)(a) of this section 1506  
or any of the additional prison terms described in division 1507

(D)(1)(c) of this section upon an offender for a violation of 1508  
section 2923.13 of the Revised Code unless all of the following 1509  
apply: 1510

(i) The offender previously has been convicted of aggravated 1511  
murder, murder, or any felony of the first or second degree. 1512

(ii) Less than five years have passed since the offender was 1513  
released from prison or post-release control, whichever is later, 1514  
for the prior offense. 1515

(f) If an offender is convicted of or pleads guilty to a 1516  
felony that includes, as an essential element, causing or 1517  
attempting to cause the death of or physical harm to another and 1518  
also is convicted of or pleads guilty to a specification of the 1519  
type described in section 2941.1412 of the Revised Code that 1520  
charges the offender with committing the offense by discharging a 1521  
firearm at a peace officer as defined in section 2935.01 of the 1522  
Revised Code or a corrections officer as defined in section 1523  
2941.1412 of the Revised Code, the court, after imposing a prison 1524  
term on the offender for the felony offense under division (A), 1525  
(D)(2), or (D)(3) of this section, shall impose an additional 1526  
prison term of seven years upon the offender that shall not be 1527  
reduced pursuant to section 2929.20, section 2967.193, or any 1528  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1529  
Code. A court shall not impose more than one additional prison 1530  
term on an offender under division (D)(1)(f) of this section for 1531  
felonies committed as part of the same act or transaction. If a 1532  
court imposes an additional prison term on an offender under 1533  
division (D)(1)(f) of this section relative to an offense, the 1534  
court shall not impose a prison term under division (D)(1)(a) or 1535  
(c) of this section relative to the same offense. 1536

(2)(a) If an offender who is convicted of or pleads guilty to 1537  
a felony also is convicted of or pleads guilty to a specification 1538

of the type described in section 2941.149 of the Revised Code that 1539  
the offender is a repeat violent offender, the court shall impose 1540  
a prison term from the range of terms authorized for the offense 1541  
under division (A) of this section that may be the longest term in 1542  
the range and that shall not be reduced pursuant to section 1543  
2929.20, section 2967.193, or any other provision of Chapter 2967. 1544  
or Chapter 5120. of the Revised Code. If the court finds that the 1545  
repeat violent offender, in committing the offense, caused any 1546  
physical harm that carried a substantial risk of death to a person 1547  
or that involved substantial permanent incapacity or substantial 1548  
permanent disfigurement of a person, the court shall impose the 1549  
longest prison term from the range of terms authorized for the 1550  
offense under division (A) of this section. 1551

(b) If the court imposing a prison term on a repeat violent 1552  
offender imposes the longest prison term from the range of terms 1553  
authorized for the offense under division (A) of this section, the 1554  
court may impose on the offender an additional definite prison 1555  
term of one, two, three, four, five, six, seven, eight, nine, or 1556  
ten years if the court finds that both of the following apply with 1557  
respect to the prison terms imposed on the offender pursuant to 1558  
division (D)(2)(a) of this section and, if applicable, divisions 1559  
(D)(1) and (3) of this section: 1560

(i) The terms so imposed are inadequate to punish the 1561  
offender and protect the public from future crime, because the 1562  
applicable factors under section 2929.12 of the Revised Code 1563  
indicating a greater likelihood of recidivism outweigh the 1564  
applicable factors under that section indicating a lesser 1565  
likelihood of recidivism. 1566

(ii) The terms so imposed are demeaning to the seriousness of 1567  
the offense, because one or more of the factors under section 1568  
2929.12 of the Revised Code indicating that the offender's conduct 1569  
is more serious than conduct normally constituting the offense are 1570

present, and they outweigh the applicable factors under that 1571  
section indicating that the offender's conduct is less serious 1572  
than conduct normally constituting the offense. 1573

(3)(a) Except when an offender commits a violation of section 1574  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 1575  
the violation is life imprisonment or commits a violation of 1576  
section 2903.02 of the Revised Code, if the offender commits a 1577  
violation of section 2925.03 or 2925.11 of the Revised Code and 1578  
that section classifies the offender as a major drug offender and 1579  
requires the imposition of a ten-year prison term on the offender, 1580  
if the offender commits a felony violation of section 2925.02, 1581  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1582  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1583  
division (C) of section 4729.51, or division (J) of section 1584  
4729.54 of the Revised Code that includes the sale, offer to sell, 1585  
or possession of a schedule I or II controlled substance, with the 1586  
exception of marihuana, and the court imposing sentence upon the 1587  
offender finds that the offender is guilty of a specification of 1588  
the type described in section 2941.1410 of the Revised Code 1589  
charging that the offender is a major drug offender, if the court 1590  
imposing sentence upon an offender for a felony finds that the 1591  
offender is guilty of corrupt activity with the most serious 1592  
offense in the pattern of corrupt activity being a felony of the 1593  
first degree, or if the offender is guilty of an attempted 1594  
violation of section 2907.02 of the Revised Code and, had the 1595  
offender completed the violation of section 2907.02 of the Revised 1596  
Code that was attempted, the offender would have been subject to a 1597  
sentence of life imprisonment or life imprisonment without parole 1598  
for the violation of section 2907.02 of the Revised Code, the 1599  
court shall impose upon the offender for the felony violation a 1600  
ten-year prison term that cannot be reduced pursuant to section 1601  
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1602

(b) The court imposing a prison term on an offender under 1603  
division (D)(3)(a) of this section may impose an additional prison 1604  
term of one, two, three, four, five, six, seven, eight, nine, or 1605  
ten years, if the court, with respect to the term imposed under 1606  
division (D)(3)(a) of this section and, if applicable, divisions 1607  
(D)(1) and (2) of this section, makes both of the findings set 1608  
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1609

(4) If the offender is being sentenced for a third or fourth 1610  
degree felony OVI offense under division (G)(2) of section 2929.13 1611  
of the Revised Code, the sentencing court shall impose upon the 1612  
offender a mandatory prison term in accordance with that division. 1613  
In addition to the mandatory prison term, if the offender is being 1614  
sentenced for a fourth degree felony OVI offense, the court, 1615  
notwithstanding division (A)(4) of this section, may sentence the 1616  
offender to a definite prison term of not less than six months and 1617  
not more than thirty months, and if the offender is being 1618  
sentenced for a third degree felony OVI offense, the sentencing 1619  
court may sentence the offender to an additional prison term of 1620  
any duration specified in division (A)(3) of this section. In 1621  
either case, the additional prison term imposed shall be reduced 1622  
by the sixty or one hundred twenty days imposed upon the offender 1623  
as the mandatory prison term. The total of the additional prison 1624  
term imposed under division (D)(4) of this section plus the sixty 1625  
or one hundred twenty days imposed as the mandatory prison term 1626  
shall equal a definite term in the range of six months to thirty 1627  
months for a fourth degree felony OVI offense and shall equal one 1628  
of the authorized prison terms specified in division (A)(3) of 1629  
this section for a third degree felony OVI offense. If the court 1630  
imposes an additional prison term under division (D)(4) of this 1631  
section, the offender shall serve the additional prison term after 1632  
the offender has served the mandatory prison term required for the 1633  
offense. In addition to the mandatory prison term or mandatory and 1634

additional prison term imposed as described in division (D)(4) of 1635  
this section, the court also may sentence the offender to a 1636  
community control sanction under section 2929.16 or 2929.17 of the 1637  
Revised Code, but the offender shall serve all of the prison terms 1638  
so imposed prior to serving the community control sanction. 1639

If the offender is being sentenced for a fourth degree felony 1640  
OVI offense under division (G)(1) of section 2929.13 of the 1641  
Revised Code and the court imposes a mandatory term of local 1642  
incarceration, the court may impose a prison term as described in 1643  
division (A)(1) of that section. 1644

(5) If an offender is convicted of or pleads guilty to a 1645  
violation of division (A)(1) or (2) of section 2903.06 of the 1646  
Revised Code and also is convicted of or pleads guilty to a 1647  
specification of the type described in section 2941.1414 of the 1648  
Revised Code that charges that the victim of the offense is a 1649  
peace officer, as defined in section 2935.01 of the Revised Code, 1650  
the court shall impose on the offender a prison term of five 1651  
years. If a court imposes a prison term on an offender under 1652  
division (D)(5) of this section, the prison term shall not be 1653  
reduced pursuant to section 2929.20, section 2967.193, or any 1654  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1655  
Code. A court shall not impose more than one prison term on an 1656  
offender under division (D)(5) of this section for felonies 1657  
committed as part of the same act. 1658

(6) If an offender is convicted of or pleads guilty to a 1659  
violation of division (A)(1) or (2) of section 2903.06 of the 1660  
Revised Code and also is convicted of or pleads guilty to a 1661  
specification of the type described in section 2941.1415 of the 1662  
Revised Code that charges that the offender previously has been 1663  
convicted of or pleaded guilty to three or more violations of 1664  
division (A) or (B) of section 4511.19 of the Revised Code or an 1665  
equivalent offense, as defined in section 2941.1415 of the Revised 1666

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

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

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

section, consecutively to and prior to any prison term imposed for 1699  
the underlying felony under division (A), (D)(2), or (D)(3) of 1700  
this section or any other section of the Revised Code, and 1701  
consecutively to any other prison term or mandatory prison term 1702  
previously or subsequently imposed upon the offender. 1703

(c) If a mandatory prison term is imposed upon an offender 1704  
pursuant to division (D)(1)(f) of this section, the offender shall 1705  
serve the mandatory prison term so imposed consecutively to and 1706  
prior to any prison term imposed for the underlying felony under 1707  
division (A), (D)(2), or (D)(3) of this section or any other 1708  
section of the Revised Code, and consecutively to any other prison 1709  
term or mandatory prison term previously or subsequently imposed 1710  
upon the offender. 1711

(2) If an offender who is an inmate in a jail, prison, or 1712  
other residential detention facility violates section 2917.02, 1713  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1714  
who is under detention at a detention facility commits a felony 1715  
violation of section 2923.131 of the Revised Code, or if an 1716  
offender who is an inmate in a jail, prison, or other residential 1717  
detention facility or is under detention at a detention facility 1718  
commits another felony while the offender is an escapee in 1719  
violation of section 2921.34 of the Revised Code, any prison term 1720  
imposed upon the offender for one of those violations shall be 1721  
served by the offender consecutively to the prison term or term of 1722  
imprisonment the offender was serving when the offender committed 1723  
that offense and to any other prison term previously or 1724  
subsequently imposed upon the offender. 1725

(3) If a prison term is imposed for a violation of division 1726  
(B) of section 2911.01 of the Revised Code, a violation of 1727  
division (A) of section 2913.02 of the Revised Code in which the 1728  
stolen property is a firearm or dangerous ordnance, or a felony 1729  
violation of division (B) of section 2921.331 of the Revised Code, 1730



the offender shall serve that prison term consecutively to any 1731  
other prison term or mandatory prison term previously or 1732  
subsequently imposed upon the offender. 1733

(4) If multiple prison terms are imposed on an offender for 1734  
convictions of multiple offenses, the court may require the 1735  
offender to serve the prison terms consecutively if the court 1736  
finds that the consecutive service is necessary to protect the 1737  
public from future crime or to punish the offender and that 1738  
consecutive sentences are not disproportionate to the seriousness 1739  
of the offender's conduct and to the danger the offender poses to 1740  
the public, and if the court also finds any of the following: 1741

(a) The offender committed one or more of the multiple 1742  
offenses while the offender was awaiting trial or sentencing, was 1743  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1744  
2929.18 of the Revised Code, or was under post-release control for 1745  
a prior offense. 1746

(b) At least two of the multiple offenses were committed as 1747  
part of one or more courses of conduct, and the harm caused by two 1748  
or more of the multiple offenses so committed was so great or 1749  
unusual that no single prison term for any of the offenses 1750  
committed as part of any of the courses of conduct adequately 1751  
reflects the seriousness of the offender's conduct. 1752

(c) The offender's history of criminal conduct demonstrates 1753  
that consecutive sentences are necessary to protect the public 1754  
from future crime by the offender. 1755

(5) If a mandatory prison term is imposed upon an offender 1756  
pursuant to division (D)(5) or (6) of this section, the offender 1757  
shall serve the mandatory prison term consecutively to and prior 1758  
to any prison term imposed for the underlying violation of 1759  
division (A)(1) or (2) of section 2903.06 of the Revised Code 1760  
pursuant to division (A) of this section. If a mandatory prison 1761

term is imposed upon an offender pursuant to division (D)(5) of 1762  
this section, and if a mandatory prison term also is imposed upon 1763  
the offender pursuant to division (D)(6) of this section in 1764  
relation to the same violation, the offender shall serve the 1765  
mandatory prison term imposed pursuant to division (D)(5) of this 1766  
section consecutively to and prior to the mandatory prison term 1767  
imposed pursuant to division (D)(6) of this section and 1768  
consecutively to and prior to any prison term imposed for the 1769  
underlying violation of division (A)(1) or (2) of section 2903.06 1770  
of the Revised Code pursuant to division (A) of this section. 1771

(6) When consecutive prison terms are imposed pursuant to 1772  
division (E)(1), (2), (3), (4), or (5) of this section, the term 1773  
to be served is the aggregate of all of the terms so imposed. 1774

(F) If a court imposes a prison term of a type described in 1775  
division (B) of section 2967.28 of the Revised Code, it shall 1776  
include in the sentence a requirement that the offender be subject 1777  
to a period of post-release control after the offender's release 1778  
from imprisonment, in accordance with that division. If a court 1779  
imposes a prison term of a type described in division (C) of that 1780  
section, it shall include in the sentence a requirement that the 1781  
offender be subject to a period of post-release control after the 1782  
offender's release from imprisonment, in accordance with that 1783  
division, if the parole board determines that a period of 1784  
post-release control is necessary. 1785

(G) If a person is convicted of or pleads guilty to a violent 1786  
sex offense or a designated homicide, assault, or kidnapping 1787  
offense and, in relation to that offense, the offender is 1788  
adjudicated a sexually violent predator, or if a person is 1789  
convicted of or pleads guilty to a violation of division (A)(1)(b) 1790  
or (A)(2) of section 2907.02 or division (A)(4) of section 2907.05 1791  
of the Revised Code committed on or after the effective date of 1792  
this amendment and the court does not impose a sentence of life 1793

without parole when authorized pursuant to division (B) of section 1794  
2907.02 of the Revised Code, the court shall impose sentence upon 1795  
the offender in accordance with section 2971.03 of the Revised 1796  
Code, and Chapter 2971. of the Revised Code applies regarding the 1797  
prison term or term of life imprisonment without parole imposed 1798  
upon the offender and the service of that term of imprisonment. 1799

(H) If a person who has been convicted of or pleaded guilty 1800  
to a felony is sentenced to a prison term or term of imprisonment 1801  
under this section, sections 2929.02 to 2929.06 of the Revised 1802  
Code, section 2971.03 of the Revised Code, or any other provision 1803  
of law, section 5120.163 of the Revised Code applies regarding the 1804  
person while the person is confined in a state correctional 1805  
institution. 1806

(I) If an offender who is convicted of or pleads guilty to a 1807  
felony that is an offense of violence also is convicted of or 1808  
pleads guilty to a specification of the type described in section 1809  
2941.142 of the Revised Code that charges the offender with having 1810  
committed the felony while participating in a criminal gang, the 1811  
court shall impose upon the offender an additional prison term of 1812  
one, two, or three years. 1813

(J) If an offender who is convicted of or pleads guilty to 1814  
aggravated murder, murder, or a felony of the first, second, or 1815  
third degree that is an offense of violence also is convicted of 1816  
or pleads guilty to a specification of the type described in 1817  
section 2941.143 of the Revised Code that charges the offender 1818  
with having committed the offense in a school safety zone or 1819  
towards a person in a school safety zone, the court shall impose 1820  
upon the offender an additional prison term of two years. The 1821  
offender shall serve the additional two years consecutively to and 1822  
prior to the prison term imposed for the underlying offense. 1823

(K) At the time of sentencing, the court may recommend the 1824  
offender for placement in a program of shock incarceration under 1825

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 or if the offender is being sentenced for a violation of division (A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) of section 2907.05 of the Revised Code that the offender committed on or after the effective date of this amendment. 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: 1920

(a) Unless the offense is a violent sex offense or designated 1921  
homicide, assault, or kidnapping offense for which the court is 1922  
required to impose sentence pursuant to division (G) of section 1923  
2929.14 of the Revised Code, if it imposes a prison term for a 1924  
felony of the fourth or fifth degree or for a felony drug offense 1925  
that is a violation of a provision of Chapter 2925. of the Revised 1926  
Code and that is specified as being subject to division (B) of 1927  
section 2929.13 of the Revised Code for purposes of sentencing, 1928  
its reasons for imposing the prison term, based upon the 1929  
overriding purposes and principles of felony sentencing set forth 1930  
in section 2929.11 of the Revised Code, and any factors listed in 1931  
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 1932  
that it found to apply relative to the offender. 1933

(b) If it does not impose a prison term for a felony of the 1934  
first or second degree or for a felony drug offense that is a 1935  
violation of a provision of Chapter 2925. of the Revised Code and 1936  
for which a presumption in favor of a prison term is specified as 1937  
being applicable, its reasons for not imposing the prison term and 1938  
for overriding the presumption, based upon the overriding purposes 1939  
and principles of felony sentencing set forth in section 2929.11 1940  
of the Revised Code, and the basis of the findings it made under 1941  
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 1942

(c) If it imposes consecutive sentences under section 2929.14 1943  
of the Revised Code, its reasons for imposing the consecutive 1944  
sentences; 1945

(d) If the sentence is for one offense and it imposes a 1946  
prison term for the offense that is the maximum prison term 1947  
allowed for that offense by division (A) of section 2929.14 of the 1948  
Revised Code, its reasons for imposing the maximum prison term; 1949

(e) If the sentence is for two or more offenses arising out 1950

of a single incident and it imposes a prison term for those 1951  
offenses that is the maximum prison term allowed for the offense 1952  
of the highest degree by division (A) of section 2929.14 of the 1953  
Revised Code, its reasons for imposing the maximum prison term. 1954

(3) Subject to division (B)(4) of this section, if the 1955  
sentencing court determines at the sentencing hearing that a 1956  
prison term is necessary or required, the court shall do all of 1957  
the following: 1958

(a) Impose a stated prison term; 1959

(b) Notify the offender that, as part of the sentence, the 1960  
parole board may extend the stated prison term for certain 1961  
violations of prison rules for up to one-half of the stated prison 1962  
term; 1963

(c) Notify the offender that the offender will be supervised 1964  
under section 2967.28 of the Revised Code after the offender 1965  
leaves prison if the offender is being sentenced for a felony of 1966  
the first degree or second degree, for a felony sex offense, or 1967  
for a felony of the third degree in the commission of which the 1968  
offender caused or threatened to cause physical harm to a person; 1969

(d) Notify the offender that the offender may be supervised 1970  
under section 2967.28 of the Revised Code after the offender 1971  
leaves prison if the offender is being sentenced for a felony of 1972  
the third, fourth, or fifth degree that is not subject to division 1973  
(B)(3)(c) of this section; 1974

(e) Notify the offender that, if a period of supervision is 1975  
imposed following the offender's release from prison, as described 1976  
in division (B)(3)(c) or (d) of this section, and if the offender 1977  
violates that supervision or a condition of post-release control 1978  
imposed under division (B) of section 2967.131 of the Revised 1979  
Code, the parole board may impose a prison term, as part of the 1980  
sentence, of up to one-half of the stated prison term originally 1981



imposed upon the offender; 1982

(f) Require that the offender not ingest or be injected with 1983  
a drug of abuse and submit to random drug testing as provided in 1984  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 1985  
is applicable to the offender who is serving a prison term, and 1986  
require that the results of the drug test administered under any 1987  
of those sections indicate that the offender did not ingest or was 1988  
not injected with a drug of abuse. 1989

(4) If the offender is being sentenced for a violent sex 1990  
offense or designated homicide, assault, or kidnapping offense 1991  
that the offender committed on or after January 1, 1997, and the 1992  
offender is adjudicated a sexually violent predator in relation to 1993  
that offense, if the offender is being sentenced for a sexually 1994  
oriented offense that is not a registration-exempt sexually 1995  
oriented offense and that the offender committed on or after 1996  
January 1, 1997, and the court imposing the sentence has 1997  
determined pursuant to division (B) of section 2950.09 of the 1998  
Revised Code that the offender is a sexual predator, if the 1999  
offender is being sentenced on or after July 31, 2003, for a 2000  
child-victim oriented offense and the court imposing the sentence 2001  
has determined pursuant to division (B) of section 2950.091 of the 2002  
Revised Code that the offender is a child-victim predator, ~~or~~ if 2003  
the offender is being sentenced for an aggravated sexually 2004  
oriented offense as defined in section 2950.01 of the Revised 2005  
Code, or if the offender is being sentenced for a violation of 2006  
division (A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) 2007  
of section 2907.05 of the Revised Code that the offender committed 2008  
on or after the effective date of this amendment, the court shall 2009  
include in the offender's sentence a statement that the offender 2010  
has been adjudicated a sexual predator, has been adjudicated a 2011  
child victim predator, or has been convicted of or pleaded guilty 2012  
to an aggravated sexually oriented offense, whichever is 2013

applicable, and shall comply with the requirements of section 2014  
2950.03 of the Revised Code. Additionally, in the circumstances 2015  
described in division (G) of section 2929.14 of the Revised Code, 2016  
the court shall impose sentence on the offender as described in 2017  
that division. 2018

(5) If the sentencing court determines at the sentencing 2019  
hearing that a community control sanction should be imposed and 2020  
the court is not prohibited from imposing a community control 2021  
sanction, the court shall impose a community control sanction. The 2022  
court shall notify the offender that, if the conditions of the 2023  
sanction are violated, if the offender commits a violation of any 2024  
law, or if the offender leaves this state without the permission 2025  
of the court or the offender's probation officer, the court may 2026  
impose a longer time under the same sanction, may impose a more 2027  
restrictive sanction, or may impose a prison term on the offender 2028  
and shall indicate the specific prison term that may be imposed as 2029  
a sanction for the violation, as selected by the court from the 2030  
range of prison terms for the offense pursuant to section 2929.14 2031  
of the Revised Code. 2032

(6) Before imposing a financial sanction under section 2033  
2929.18 of the Revised Code or a fine under section 2929.32 of the 2034  
Revised Code, the court shall consider the offender's present and 2035  
future ability to pay the amount of the sanction or fine. 2036

(7) If the sentencing court sentences the offender to a 2037  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 2038  
the Revised Code that is to be served in a local detention 2039  
facility, as defined in section 2929.36 of the Revised Code, and 2040  
if the local detention facility is covered by a policy adopted 2041  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2042  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2043  
and section 2929.37 of the Revised Code, both of the following 2044  
apply: 2045

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

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

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

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

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

(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 2077  
addition to the mandatory prison term or mandatory prison term and 2078  
additional prison term the court imposes, the court also may 2079  
impose a community control sanction on the offender, but the 2080  
offender shall serve all of the prison terms so imposed prior to 2081  
serving the community control sanction. 2082

(D) The sentencing court, pursuant to division (K) of section 2083  
2929.14 of the Revised Code, may recommend placement of the 2084  
offender in a program of shock incarceration under section 2085  
5120.031 of the Revised Code or an intensive program prison under 2086  
section 5120.032 of the Revised Code, disapprove placement of the 2087  
offender in a program or prison of that nature, or make no 2088  
recommendation. If the court recommends or disapproves placement, 2089  
it shall make a finding that gives its reasons for its 2090  
recommendation or disapproval. 2091

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in 2092  
a case who has requested to receive notice under this section 2093  
shall be given notice of the incarceration of the defendant. If an 2094  
alleged juvenile offender is committed to the temporary custody of 2095  
a school, camp, institution, or other facility operated for the 2096  
care of delinquent children or to the legal custody of the 2097  
department of youth services, a victim in a case who has requested 2098  
to receive notice under this section shall be given notice of the 2099  
commitment. Promptly after sentence is imposed upon the defendant 2100  
or the commitment of the alleged juvenile offender is ordered, the 2101  
prosecutor in the case shall notify the victim of the date on 2102  
which the defendant will be released from confinement or the 2103  
prosecutor's reasonable estimate of that date or the date on which 2104  
the alleged juvenile offender will have served the minimum period 2105  
of commitment or the prosecutor's reasonable estimate of that 2106  
date. The prosecutor also shall notify the victim of the name of 2107

the custodial agency of the defendant or alleged juvenile offender 2108  
and tell the victim how to contact that custodial agency. If the 2109  
custodial agency is the department of rehabilitation and 2110  
correction, the prosecutor shall notify the victim of the services 2111  
offered by the office of victims' services pursuant to section 2112  
5120.60 of the Revised Code. If the custodial agency is the 2113  
department of youth services, the prosecutor shall notify the 2114  
victim of the services provided by the office of victims' services 2115  
within the release authority of the department pursuant to section 2116  
5139.55 of the Revised Code and the victim's right pursuant to 2117  
section 5139.56 of the Revised Code to submit a written request to 2118  
the release authority to be notified of actions the release 2119  
authority takes with respect to the alleged juvenile offender. The 2120  
victim shall keep the custodial agency informed of the victim's 2121  
current address and telephone number. 2122

(B)(1) Upon the victim's request, the prosecutor promptly 2123  
shall notify the victim of any hearing for judicial release of the 2124  
defendant pursuant to section 2929.20 of the Revised Code or of 2125  
any hearing for judicial release or early release of the alleged 2126  
juvenile offender pursuant to section 2151.38 of the Revised Code 2127  
and of the victim's right to make a statement under those 2128  
sections. The court shall notify the victim of its ruling in each 2129  
of those hearings and on each of those applications. 2130

(2) If an offender is convicted of or pleads guilty to a 2131  
violent sex offense or designated homicide, assault, or kidnapping 2132  
offense, ~~if~~ the offender is adjudicated a sexually violent 2133  
predator in relation to that crime, and ~~if~~ the offender is 2134  
sentenced to a prison term for that crime pursuant to division 2135  
(A)(3) of section 2971.03 of the Revised Code or if an offender is 2136  
convicted of or pleads guilty to a violation of division (A)(1)(b) 2137  
or (A)(2) of section 2907.02 or division (A)(4) of section 2907.05 2138  
of the Revised Code committed on or after the effective date of 2139

this amendment and the offender is sentenced to a prison term for 2140  
that offense pursuant to division (B) of section 2971.03 of the 2141  
Revised Code, upon the request of the victim of the crime, the 2142  
prosecutor promptly shall notify the victim of any hearing to be 2143  
conducted pursuant to section 2971.05 of the Revised Code to 2144  
determine whether to modify the requirement that the offender 2145  
serve the entire prison term in a state correctional facility in 2146  
accordance with division (C) of that section, whether to continue, 2147  
revise, or revoke any existing modification of that requirement, 2148  
or whether to terminate the prison term in accordance with 2149  
division (D) of that section. The court shall notify the victim of 2150  
any order issued at the conclusion of the hearing. As used in this 2151  
division: 2152

(a) "Adjudicated a sexually violent predator" has the same 2153  
meaning as in section 2929.01 of the Revised Code and a person is 2154  
"adjudicated a sexually violent predator" in the same manner and 2155  
the same circumstances as are described in that section. 2156

(b) "Designated homicide, assault, or kidnapping offense" and 2157  
"violent sex offense" have the same meanings as in section 2971.01 2158  
of the Revised Code. 2159

(C) Upon the victim's request made at any time before the 2160  
particular notice would be due, the custodial agency of a 2161  
defendant or alleged juvenile offender shall give the victim any 2162  
of the following notices that is applicable: 2163

(1) At least three weeks before the adult parole authority 2164  
recommends a pardon or commutation of sentence for the defendant 2165  
or at least three weeks prior to a hearing before the adult parole 2166  
authority regarding a grant of parole to the defendant, notice of 2167  
the victim's right to submit a statement regarding the impact of 2168  
the defendant's release in accordance with section 2967.12 of the 2169  
Revised Code and, if applicable, of the victim's right to appear 2170  
at a full board hearing of the parole board to give testimony as 2171

authorized by section 5149.101 of the Revised Code; 2172

(2) At least three weeks before the defendant is transferred 2173  
to transitional control under section 2967.26 of the Revised Code, 2174  
notice of the pendency of the transfer and of the victim's right 2175  
under that section to submit a statement regarding the impact of 2176  
the transfer; 2177

(3) At least thirty days before the release authority of the 2178  
department of youth services holds a release review, release 2179  
hearing, or discharge review for the alleged juvenile offender, 2180  
notice of the pendency of the review or hearing, of the victim's 2181  
right to make an oral or written statement regarding the impact of 2182  
the crime upon the victim or regarding the possible release or 2183  
discharge, and, if the notice pertains to a hearing, of the 2184  
victim's right to attend and make statements or comments at the 2185  
hearing as authorized by section 5139.56 of the Revised Code; 2186

(4) Prompt notice of the defendant's or alleged juvenile 2187  
offender's escape from a facility of the custodial agency in which 2188  
the defendant was incarcerated or in which the alleged juvenile 2189  
offender was placed after commitment, of the defendant's or 2190  
alleged juvenile offender's absence without leave from a mental 2191  
health or mental retardation and developmental disabilities 2192  
facility or from other custody, and of the capture of the 2193  
defendant or alleged juvenile offender after an escape or absence; 2194

(5) Notice of the defendant's or alleged juvenile offender's 2195  
death while in confinement or custody; 2196

(6) Notice of the defendant's or alleged juvenile offender's 2197  
release from confinement or custody and the terms and conditions 2198  
of the release. 2199

**Sec. 2941.148.** (A)(1) The application of Chapter 2971. of the 2200  
Revised Code to an offender is precluded unless ~~the~~ one of the 2201

following applies: 2202

(a) The offender is charged with a violent sex offense, and 2203  
the indictment, count in the indictment, or information charging 2204  
the violent sex offense also includes a specification that the 2205  
offender is a sexually violent predator, or the offender is 2206  
charged with a designated homicide, assault, or kidnapping 2207  
offense, and the indictment, count in the indictment, or 2208  
information charging the designated homicide, assault, or 2209  
kidnapping offense also includes both a specification of the type 2210  
described in section 2941.147 of the Revised Code and a 2211  
specification that the offender is a sexually violent predator. 2212  
The 2213

(b) The offender is convicted of or pleads guilty to a 2214  
violation of division (A)(1)(b) or (A)(2) of section 2907.02 or 2215  
division (A)(4) of section 2907.05 of the Revised Code committed 2216  
on or after the effective date of this amendment. 2217

(2) A specification required under division (A)(1)(a) of this 2218  
section that ~~the~~ an offender is a sexually violent predator shall 2219  
be stated at the end of the body of the indictment, count, or 2220  
information and shall be stated in substantially the following 2221  
form: 2222

"Specification (or, specification to the first count). The 2223  
grand jury (or insert the person's or prosecuting attorney's name 2224  
when appropriate) further find and specify that the offender is a 2225  
sexually violent predator." 2226

(B) In determining for purposes of this section whether a 2227  
person is a sexually violent predator, all of the factors set 2228  
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 2229  
Code that apply regarding the person may be considered as evidence 2230  
tending to indicate that it is likely that the person will engage 2231  
in the future in one or more sexually violent offenses. 2232



(C) As used in this section, "designated homicide, assault, or kidnapping offense," "violent sex offense," and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code.

**Sec. 2950.01.** As used in this chapter, unless the context clearly requires otherwise:

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

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

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

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

(a) Regarding a person who is an offender, the person previously was convicted of or pleaded guilty to one or more sexually oriented offenses or child-victim oriented offenses or previously was adjudicated a delinquent child for committing one or more sexually oriented offenses or child-victim oriented offenses and was classified a juvenile offender registrant or out-of-state juvenile offender registrant based on one or more of those adjudications, regardless of when the offense was committed

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| and regardless of the person's age at the time of committing the offense.  | 2263<br>2264                                 |
| (b) Regarding a delinquent child, the person previously was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing one or more sexually oriented offenses or child-victim oriented offenses, regardless of when the offense was committed and regardless of the person's age at the time of committing the offense. | 2265<br>2266<br>2267<br>2268<br>2269<br>2270 |
| (C) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.   | 2271<br>2272                                 |
| (D) "Sexually oriented offense" means any of the following:  | 2273   |
| (1) Any of the following violations or offenses committed by a person eighteen years of age or older:  | 2274<br>2275                                 |
| (a) Regardless of the age of the victim of the offense, a violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code;  | 2276<br>2277<br>2278                         |
| (b) Any of the following offenses involving a minor, in the circumstances specified:   | 2279<br>2280                                 |
| (i) A violation of division (A)(4) of section 2905.01 or section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the victim of the offense is under eighteen years of age;  | 2281<br>2282<br>2283                         |
| (ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;   | 2284<br>2285<br>2286<br>2287<br>2288         |
| (iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;   | 2289<br>2290                                 |
| (iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;  | 2291<br>2292                                 |

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

(vi) A violation of division (A)(1), (2), (3), or (5) of section 2905.01, of section 2903.211, 2905.02, 2905.03, or 2905.05, or of former section 2905.04 of the Revised Code, when the victim of the offense is under eighteen years of age and the offense is committed with a sexual motivation.

(c) Regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that is committed with a sexual motivation;

(d) A violent sex offense, or a designated homicide, assault, or kidnapping offense if the offender also was convicted of or pleaded guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the designated homicide, assault, or kidnapping offense;

(e) A violation of section 2907.06 or 2907.08 of the Revised Code when the victim of the offense is eighteen years of age or older, or a violation of section 2903.211 of the Revised Code when the victim of the offense is eighteen years of age or older and the offense is committed with a sexual motivation;

(f) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (D)(1)(a), (b), (c), (d), or (e) of this section;

(g) An attempt to commit, conspiracy to commit, or complicity

|  |      |
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| in committing any offense listed in division (D)(1)(a), (b), (c),  | 2324 |
| (d), (e), or (f) of this section.                                  | 2325 |
| (2) An act committed by a person under eighteen years of age       | 2326 |
| that is any of the following:                                      | 2327 |
| (a) Subject to division (D)(2)(i) of this section, regardless      | 2328 |
| of the age of the victim of the violation, a violation of section  | 2329 |
| 2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code;         | 2330 |
| (b) Subject to division (D)(2)(i) of this section, any of the      | 2331 |
| following acts involving a minor in the circumstances specified:   | 2332 |
| (i) A violation of division (A)(4) of section 2905.01 or           | 2333 |
| section 2907.06 or 2907.08 of the Revised Code, when the victim of | 2334 |
| the violation is under eighteen years of age;                      | 2335 |
| (ii) A violation of section 2907.21 of the Revised Code when       | 2336 |
| the person who is compelled, induced, procured, encouraged,        | 2337 |
| solicited, requested, or facilitated to engage in, paid or agreed  | 2338 |
| to be paid for, or allowed to engage in the sexual activity in     | 2339 |
| question is under eighteen years of age;                           | 2340 |
| (iii) A violation of division (B)(5) of section 2919.22 of         | 2341 |
| the Revised Code when the child who is involved in the violation   | 2342 |
| is under eighteen years of age;                                    | 2343 |
| (iv) A violation of division (A)(1), (2), (3), or (5) of           | 2344 |
| section 2905.01, section 2903.211, or former section 2905.04 of    | 2345 |
| the Revised Code, when the victim of the violation is under        | 2346 |
| eighteen years of age and the offense is committed with a sexual   | 2347 |
| motivation.  | 2348 |
| (c) Subject to division (D)(2)(i) of this section, any of the      | 2349 |
| following:   | 2350 |
| (i) Any violent sex offense that, if committed by an adult,        | 2351 |
| would be a felony of the first, second, third, or fourth degree;   | 2352 |
| (ii) Any designated homicide, assault, or kidnapping offense       | 2353 |

if that offense, if committed by an adult, would be a felony of 2354  
the first, second, third, or fourth degree and if the court 2355  
determined that, if the child was an adult, the child would be 2356  
guilty of a sexual motivation specification regarding that 2357  
offense. 2358

(d) Subject to division (D)(2)(i) of this section, a 2359  
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 2360  
2905.02 of the Revised Code, a violation of division (A) of 2361  
section 2903.04 of the Revised Code, or an attempt to violate any 2362  
of those sections or that division that is committed with a sexual 2363  
motivation; 2364

(e) Subject to division (D)(2)(i) of this section, a 2365  
violation of division (A)(1) or (3) of section 2907.321, division 2366  
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 2367  
section 2907.323 of the Revised Code, or an attempt to violate any 2368  
of those divisions, if the person who violates or attempts to 2369  
violate the division is four or more years older than the minor 2370  
who is the victim of the violation; 2371

(f) Subject to division (D)(2)(i) of this section, a 2372  
violation of section 2907.06 or 2907.08 of the Revised Code when 2373  
the victim of the violation is eighteen years of age or older, or 2374  
a violation of section 2903.211 of the Revised Code when the 2375  
victim of the violation is eighteen years of age or older and the 2376  
offense is committed with a sexual motivation; 2377

(g) Subject to division (D)(2)(i) of this section, any 2378  
violation of any former law of this state, any existing or former 2379  
municipal ordinance or law of another state or the United States, 2380  
any existing or former law applicable in a military court or in an 2381  
Indian tribal court, or any existing or former law of any nation 2382  
other than the United States, that is or was substantially 2383  
equivalent to any offense listed in division (D)(2)(a), (b), (c), 2384

(d), (e), or (f) of this section and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree; 2385  
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(h) Subject to division (D)(2)(i) of this section, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (D)(2)(a), (b), (c), (d), (e), (f), or (g) of this section; 2388  
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(i) If the child's case has been transferred for criminal prosecution under section 2152.12 of the Revised Code, the act is any violation listed in division (D)(1)(a), (b), (c), (d), (e), (f), or (g) of this section or would be any offense listed in any of those divisions if committed by an adult. 2392  
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(E) "Sexual predator" means a person to whom either of the following applies: 2397  
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(1) The person has been convicted of or pleaded guilty to committing a sexually oriented offense that is not a registration-exempt sexually oriented offense and is likely to engage in the future in one or more sexually oriented offenses. 2399  
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(2) The person has been adjudicated a delinquent child for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense, was fourteen years of age or older at the time of committing the offense, was classified a juvenile offender registrant based on that adjudication, and is likely to engage in the future in one or more sexually oriented offenses. 2403  
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(F) "Supervised release" means a release of an offender from a prison term, a term of imprisonment, or another type of confinement that satisfies either of the following conditions: 2410  
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(1) The release is on parole, a conditional pardon, under a community control sanction, under transitional control, or under a 2413  
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post-release control sanction, and it requires the person to  
report to or be supervised by a parole officer, probation officer,  
field officer, or another type of supervising officer.

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

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

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(1) The offender is convicted of or pleads guilty to  
committing, on or after January 1, 1997, a sexually oriented  
offense that is not a registration-exempt sexually oriented  
offense, ~~the~~ and either of the following applies:

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(a) The sexually oriented offense is a violent sex offense or  
a designated homicide, assault, or kidnapping offense, and the  
offender is adjudicated a sexually violent predator in relation to  
that offense.

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(b) The sexually oriented offense is a violation of division  
(A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) of  
section 2907.05 of the Revised Code that the offender committed on  
or after the effective date of this amendment.

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

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(3) The delinquent child is adjudicated a delinquent child 2445  
for committing a sexually oriented offense that is not a 2446  
registration-exempt sexually oriented offense, was fourteen years 2447  
of age or older at the time of committing the offense, and has 2448  
been classified a juvenile offender registrant based on that 2449  
adjudication, and the adjudicating judge or that judge's successor 2450  
in office determines pursuant to division (B) of section 2950.09 2451  
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 2452  
the Revised Code that the delinquent child is a sexual predator. 2453

(4) Prior to January 1, 1997, the offender was convicted of 2454  
or pleaded guilty to, and was sentenced for, a sexually oriented 2455  
offense that is not a registration-exempt sexually oriented 2456  
offense, the offender is imprisoned in a state correctional 2457  
institution on or after January 1, 1997, and the court determines 2458  
pursuant to division (C) of section 2950.09 of the Revised Code 2459  
that the offender is a sexual predator. 2460

(5) Regardless of when the sexually oriented offense was 2461  
committed, the offender or delinquent child is convicted of or 2462  
pleads guilty to, has been convicted of or pleaded guilty to, or 2463  
is adjudicated a delinquent child for committing a sexually 2464  
oriented offense that is not a registration-exempt sexually 2465  
oriented offense in another state, in a federal court, military 2466  
court, or Indian tribal court, or in a court in any nation other 2467  
than the United States, as a result of that conviction, plea of 2468  
guilty, or adjudication, the offender or delinquent child is 2469  
required, under the law of the jurisdiction in which the offender 2470  
was convicted or pleaded guilty or the delinquent child was 2471  
adjudicated, to register as a sex offender until the offender's or 2472  
delinquent child's death, and, on or after July 1, 1997, for 2473  
offenders or January 1, 2002, for delinquent children, the 2474  
offender or delinquent child moves to and resides in this state or 2475  
temporarily is domiciled in this state for more than five days or 2476



the offender is required under section 2950.04 of the Revised Code 2477  
to register a school, institution of higher education, or place of 2478  
employment address in this state, unless a court of common pleas 2479  
or juvenile court determines that the offender or delinquent child 2480  
is not a sexual predator pursuant to division (F) of section 2481  
2950.09 of the Revised Code. 2482

(H) "Sexually violent predator specification," "sexually 2483  
violent offense," "sexual motivation specification," "designated 2484  
homicide, assault, or kidnapping offense," and "violent sex 2485  
offense" have the same meanings as in section 2971.01 of the 2486  
Revised Code. 2487

(I) "Post-release control sanction" and "transitional 2488  
control" have the same meanings as in section 2967.01 of the 2489  
Revised Code. 2490

(J) "Juvenile offender registrant" means a person who is 2491  
adjudicated a delinquent child for committing on or after January 2492  
1, 2002, a sexually oriented offense that is not a 2493  
registration-exempt sexually oriented offense or a child-victim 2494  
oriented offense, who is fourteen years of age or older at the 2495  
time of committing the offense, and who a juvenile court judge, 2496  
pursuant to an order issued under section 2152.82, 2152.83, 2497  
2152.84, or 2152.85 of the Revised Code, classifies a juvenile 2498  
offender registrant and specifies has a duty to comply with 2499  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code if the 2500  
child committed a sexually oriented offense or with sections 2501  
2950.041, 2950.05, and 2950.06 of the Revised Code if the child 2502  
committed a child-victim oriented offense. "Juvenile offender 2503  
registrant" includes a person who, prior to July 31, 2003, was a 2504  
"juvenile sex offender registrant" under the former definition of 2505  
that former term. 2506

(K) "Secure facility" means any facility that is designed and 2507

operated to ensure that all of its entrances and exits are locked 2508  
and under the exclusive control of its staff and to ensure that, 2509  
because of that exclusive control, no person who is 2510  
institutionalized or confined in the facility may leave the 2511  
facility without permission or supervision. 2512

(L) "Out-of-state juvenile offender registrant" means a 2513  
person who is adjudicated a delinquent child in a court in another 2514  
state, in a federal court, military court, or Indian tribal court, 2515  
or in a court in any nation other than the United States for 2516  
committing a sexually oriented offense that is not a 2517  
registration-exempt sexually oriented offense or a child-victim 2518  
oriented offense, who on or after January 1, 2002, moves to and 2519  
resides in this state or temporarily is domiciled in this state 2520  
for more than five days, and who has a duty under section 2950.04 2521  
of the Revised Code to register in this state and the duty to 2522  
otherwise comply with that section and sections 2950.05 and 2523  
2950.06 of the Revised Code if the child committed a sexually 2524  
oriented offense or has a duty under section 2950.041 of the 2525  
Revised Code to register in this state and the duty to otherwise 2526  
comply with that section and sections 2950.05 and 2950.06 of the 2527  
Revised Code if the child committed a child-victim oriented 2528  
offense. "Out-of-state juvenile offender registrant" includes a 2529  
person who, prior to July 31, 2003, was an "out-of-state juvenile 2530  
sex offender registrant" under the former definition of that 2531  
former term. 2532

(M) "Juvenile court judge" includes a magistrate to whom the 2533  
juvenile court judge confers duties pursuant to division (A)(15) 2534  
of section 2151.23 of the Revised Code. 2535

(N) "Adjudicated a delinquent child for committing a sexually 2536  
oriented offense" includes a child who receives a serious youthful 2537  
offender dispositional sentence under section 2152.13 of the 2538  
Revised Code for committing a sexually oriented offense. 2539

(O) "Aggravated sexually oriented offense" means a violation 2540  
of division (A)(1)(b) of section 2907.02 of the Revised Code 2541  
committed on or after June 13, 2002, or a violation of division 2542  
(A)(2) of that section committed on or after July 31, 2003. 2543

(P)(1) "Presumptive registration-exempt sexually oriented 2544  
offense" means any of the following sexually oriented offenses 2545  
described in division (P)(1)(a), (b), (c), (d), or (e) of this 2546  
section, when the offense is committed by a person who previously 2547  
has not been convicted of, pleaded guilty to, or adjudicated a 2548  
delinquent child for committing any sexually oriented offense 2549  
described in division (P)(1)(a), (b), (c), (d), or (e) of this 2550  
section, any other sexually oriented offense, or any child-victim 2551  
oriented offense and when the victim or intended victim of the 2552  
offense is eighteen years of age or older: 2553

(a) Any sexually oriented offense listed in division 2554  
(D)(1)(e) or (D)(2)(f) of this section committed by a person who 2555  
is eighteen years of age or older or, subject to division 2556  
(P)(1)(e) of this section, committed by a person who is under 2557  
eighteen years of age; 2558

(b) Any violation of any former law of this state, any 2559  
existing or former municipal ordinance or law of another state or 2560  
the United States, any existing or former law applicable in a 2561  
military court or in an Indian tribal court, or any existing or 2562  
former law of any nation other than the United States that is 2563  
committed by a person who is eighteen years of age or older and 2564  
that is or was substantially equivalent to any sexually oriented 2565  
offense listed in division (P)(1)(a) of this section; 2566

(c) Subject to division (P)(1)(e) of this section, any 2567  
violation of any former law of this state, any existing or former 2568  
municipal ordinance or law of another state or the United States, 2569  
any existing or former law applicable in a military court or in an 2570

Indian tribal court, or any existing or former law of any nation 2571  
other than the United States that is committed by a person who is 2572  
under eighteen years of age, that is or was substantially 2573  
equivalent to any sexually oriented offense listed in division 2574  
(P)(1)(a) of this section, and that would be a felony of the 2575  
fourth degree if committed by an adult; 2576

(d) Any attempt to commit, conspiracy to commit, or 2577  
complicity in committing any offense listed in division (P)(1)(a) 2578  
or (b) of this section if the person is eighteen years of age or 2579  
older or, subject to division (P)(1)(e) of this section, listed in 2580  
division (P)(1)(a) or (c) of this section if the person is under 2581  
eighteen years of age. 2582

(e) Regarding an act committed by a person under eighteen 2583  
years of age, if the child's case has been transferred for 2584  
criminal prosecution under section 2152.12 of the Revised Code, 2585  
the act is any sexually oriented offense listed in division 2586  
(P)(1)(a), (b), or (d) of this section. 2587

(2) "Presumptive registration-exempt sexually oriented 2588  
offense" does not include any sexually oriented offense described 2589  
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 2590  
is committed by a person who previously has been convicted of, 2591  
pleaded guilty to, or adjudicated a delinquent child for 2592  
committing any sexually oriented offense described in division 2593  
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 2594  
sexually oriented offense. 2595

(Q)(1) "Registration-exempt sexually oriented offense" means 2596  
any presumptive registration-exempt sexually oriented offense, if 2597  
a court does not issue an order under section 2950.021 of the 2598  
Revised Code that removes the presumptive exemption and subjects 2599  
the offender who was convicted of or pleaded guilty to the offense 2600  
to registration under section 2950.04 of the Revised Code and all 2601

other duties and responsibilities generally imposed under this 2602  
chapter upon persons who are convicted of or plead guilty to any 2603  
sexually oriented offense other than a presumptive 2604  
registration-exempt sexually oriented offense or that removes the 2605  
presumptive exemption and potentially subjects the child who was 2606  
adjudicated a delinquent child for committing the offense to 2607  
classification as a juvenile offender registrant under section 2608  
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to 2609  
registration under section 2950.04 of the Revised Code and all 2610  
other duties and responsibilities generally imposed under this 2611  
chapter upon persons who are adjudicated delinquent children for 2612  
committing a sexually oriented offense other than a presumptive 2613  
registration-exempt sexually oriented offense. 2614

(2) "Registration-exempt sexually oriented offense" does not 2615  
include a presumptive registration-exempt sexually oriented 2616  
offense if a court issues an order under section 2950.021 of the 2617  
Revised Code that removes the presumptive exemption and subjects 2618  
the offender or potentially subjects the delinquent child to the 2619  
duties and responsibilities described in division (Q)(1) of this 2620  
section. 2621

(R) "School" and "school premises" have the same meanings as 2622  
in section 2925.01 of the Revised Code. 2623

(S)(1) "Child-victim oriented offense" means any of the 2624  
following: 2625

(a) Subject to division (S)(2) of this section, any of the 2626  
following violations or offenses committed by a person eighteen 2627  
years of age or older, when the victim of the violation is under 2628  
eighteen years of age and is not a child of the person who commits 2629  
the violation: 2630

(i) A violation of division (A)(1), (2), (3), or (5) of 2631  
section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of 2632

|   |  |
|---|--|
| former section 2905.04 of the Revised Code;   | 2633   |
| (ii) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (S)(1)(a)(i) of this section;  | 2634<br>2635<br>2636<br>2637<br>2638<br>2639<br>2640                 |
| (iii) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (S)(1)(a)(i) or (ii) of this section.  | 2641<br>2642<br>2643   |
| (b) Subject to division (S)(2) of this section, an act committed by a person under eighteen years of age that is any of the following, when the victim of the violation is under eighteen years of age and is not a child of the person who commits the violation:  | 2644<br>2645<br>2646<br>2647<br>2648                                 |
| (i) Subject to division (S)(1)(b)(iv) of this section, a violation of division (A)(1), (2), (3), or (5) of section 2905.01 or of former section 2905.04 of the Revised Code;  | 2649<br>2650<br>2651   |
| (ii) Subject to division (S)(1)(b)(iv) of this section, any violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States, that is or was substantially equivalent to any offense listed in division (S)(1)(b)(i) of this section and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree; | 2652<br>2653<br>2654<br>2655<br>2656<br>2657<br>2658<br>2659<br>2660 |
| (iii) Subject to division (S)(1)(b)(iv) of this section, any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (S)(1)(b)(i) or (ii) of  | 2661<br>2662<br>2663   |

this section; 2664

(iv) If the child's case has been transferred for criminal 2665  
prosecution under section 2152.12 of the Revised Code, the act is 2666  
any violation listed in division (S)(1)(a)(i), (ii), or (iii) of 2667  
this section or would be any offense listed in any of those 2668  
divisions if committed by an adult. 2669

(2) "Child-victim oriented offense" does not include any 2670  
offense identified in division (S)(1)(a) or (b) of this section 2671  
that is a sexually violent offense. An offense identified in 2672  
division (S)(1)(a) or (b) of this section that is a sexually 2673  
violent offense is within the definition of a sexually oriented 2674  
offense. 2675

(T)(1) "Habitual child-victim offender" means, except when a 2676  
juvenile judge removes this classification pursuant to division 2677  
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 2678  
the Revised Code, a person to whom both of the following apply: 2679

(a) The person is convicted of or pleads guilty to a 2680  
child-victim oriented offense, or the person is adjudicated a 2681  
delinquent child for committing on or after January 1, 2002, a 2682  
child-victim oriented offense, was fourteen years of age or older 2683  
at the time of committing the offense, and is classified a 2684  
juvenile offender registrant based on that adjudication. 2685

(b) One of the following applies to the person: 2686

(i) Regarding a person who is an offender, the person 2687  
previously was convicted of or pleaded guilty to one or more 2688  
child-victim oriented offenses or previously was adjudicated a 2689  
delinquent child for committing one or more child-victim oriented 2690  
offenses and was classified a juvenile offender registrant or 2691  
out-of-state juvenile offender registrant based on one or more of 2692  
those adjudications, regardless of when the offense was committed 2693  
and regardless of the person's age at the time of committing the 2694

offense. 2695

(ii) Regarding a delinquent child, the person previously was 2696  
convicted of, pleaded guilty to, or was adjudicated a delinquent 2697  
child for committing one or more child-victim oriented offenses, 2698  
regardless of when the offense was committed and regardless of the 2699  
person's age at the time of committing the offense. 2700

(2) "Habitual child-victim offender" includes a person who 2701  
has been convicted of, pleaded guilty to, or adjudicated a 2702  
delinquent child for committing, a child-victim oriented offense 2703  
and who, on and after July 31, 2003, is automatically classified a 2704  
habitual child-victim offender pursuant to division (E) of section 2705  
2950.091 of the Revised Code. 2706

(U) "Child-victim predator" means a person to whom either of 2707  
the following applies: 2708

(1) The person has been convicted of or pleaded guilty to 2709  
committing a child-victim oriented offense and is likely to engage 2710  
in the future in one or more child-victim oriented offenses. 2711

(2) The person has been adjudicated a delinquent child for 2712  
committing a child-victim oriented offense, was fourteen years of 2713  
age or older at the time of committing the offense, was classified 2714  
a juvenile offender registrant based on that adjudication, and is 2715  
likely to engage in the future in one or more child-victim 2716  
oriented offenses. 2717

(V) An offender or delinquent child is "adjudicated as being 2718  
a child-victim predator" or "adjudicated a child-victim predator" 2719  
if any of the following applies and if, regarding a delinquent 2720  
child, that status has not been removed pursuant to section 2721  
2152.84, 2152.85, or 2950.09 of the Revised Code: 2722

(1) The offender or delinquent child has been convicted of, 2723  
pleaded guilty to, or adjudicated a delinquent child for 2724



committing, a child-victim oriented offense and, on and after July 2725  
31, 2003, is automatically classified a child-victim predator 2726  
pursuant to division (A) of section 2950.091 of the Revised Code. 2727

(2) Regardless of when the child-victim oriented offense was 2728  
committed, on or after July 31, 2003, the offender is sentenced 2729  
for a child-victim oriented offense, and the sentencing judge 2730  
determines pursuant to division (B) of section 2950.091 of the 2731  
Revised Code that the offender is a child-victim predator. 2732

(3) The delinquent child is adjudicated a delinquent child 2733  
for committing a child-victim oriented offense, was fourteen years 2734  
of age or older at the time of committing the offense, and has 2735  
been classified a juvenile offender registrant based on that 2736  
adjudication, and the adjudicating judge or that judge's successor 2737  
in office determines pursuant to division (B) of section 2950.09 2738  
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 2739  
the Revised Code that the delinquent child is a child-victim 2740  
predator. 2741

(4) Prior to July 31, 2003, the offender was convicted of or 2742  
pleaded guilty to a child-victim oriented offense, at the time of 2743  
the conviction or guilty plea, the offense was considered a 2744  
sexually oriented offense, on or after July 31, 2003, the offender 2745  
is serving a term of imprisonment in a state correctional 2746  
institution, and the court determines pursuant to division (C) of 2747  
section 2950.091 of the Revised Code that the offender is a 2748  
child-victim predator. 2749

(5) Regardless of when the child-victim oriented offense was 2750  
committed, the offender or delinquent child is convicted, pleads 2751  
guilty, has been convicted, pleaded guilty, or adjudicated a 2752  
delinquent child in a court in another state, in a federal court, 2753  
military court, or Indian tribal court, or in a court in any 2754  
nation other than the United States for committing a child-victim 2755

oriented offense, as a result of that conviction, plea of guilty, 2756  
or adjudication, the offender or delinquent child is required 2757  
under the law of the jurisdiction in which the offender was 2758  
convicted or pleaded guilty or the delinquent child was 2759  
adjudicated, to register as a child-victim offender or sex 2760  
offender until the offender's or delinquent child's death, and, on 2761  
or after July 1, 1997, for offenders or January 1, 2002, for 2762  
delinquent children the offender or delinquent child moves to and 2763  
resides in this state or temporarily is domiciled in this state 2764  
for more than five days or the offender is required under section 2765  
2950.041 of the Revised Code to register a school, institution of 2766  
higher education, or place of employment address in this state, 2767  
unless a court of common pleas or juvenile court determines that 2768  
the offender or delinquent child is not a child-victim predator 2769  
pursuant to division (F) of section 2950.091 of the Revised Code. 2770

(W) "Residential premises" means the building in which a 2771  
residential unit is located and the grounds upon which that 2772  
building stands, extending to the perimeter of the property. 2773  
"Residential premises" includes any type of structure in which a 2774  
residential unit is located, including, but not limited to, 2775  
multi-unit buildings and mobile and manufactured homes. 2776

(X) "Residential unit" means a dwelling unit for residential 2777  
use and occupancy, and includes the structure or part of a 2778  
structure that is used as a home, residence, or sleeping place by 2779  
one person who maintains a household or two or more persons who 2780  
maintain a common household. "Residential unit" does not include a 2781  
halfway house or a community-based correctional facility. 2782

(Y) "Multi-unit building" means a building in which is 2783  
located more than twelve residential units that have entry doors 2784  
that open directly into the unit from a hallway that is shared 2785  
with one or more other units. A residential unit is not considered 2786  
located in a multi-unit building if the unit does not have an 2787

entry door that opens directly into the unit from a hallway that 2788  
is shared with one or more other units or if the unit is in a 2789  
building that is not a multi-unit building as described in this 2790  
division. 2791

(Z) "Community control sanction" has the same meaning as in 2792  
section 2929.01 of the Revised Code. 2793

(AA) "Halfway house" and "community-based correctional 2794  
facility" have the same meanings as in section 2929.01 of the 2795  
Revised Code. 2796

(BB) "Adjudicated a sexually violent predator" has the same 2797  
meaning as in section 2929.01 of the Revised Code, and a person is 2798  
"adjudicated a sexually violent predator" in the same manner and 2799  
the same circumstances as are described in that section. 2800

**Sec. 2950.09.** (A) If a person is convicted of or pleads 2801  
guilty to committing, on or after January 1, 1997, a sexually 2802  
oriented offense that is not a registration-exempt sexually 2803  
oriented offense, and if the sexually oriented offense is a 2804  
violent sex offense or a designated homicide, assault, or 2805  
kidnapping offense and the offender is adjudicated a sexually 2806  
violent predator in relation to that offense, the conviction of or 2807  
plea of guilty to the offense and the adjudication as a sexually 2808  
violent predator automatically classifies the offender as a sexual 2809  
predator for purposes of this chapter. If a person is convicted of 2810  
or pleads guilty to committing on or after the effective date of 2811  
this amendment a sexually oriented offense that is a violation of 2812  
division (A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) 2813  
of section 2907.05 of the Revised Code, the conviction of or plea 2814  
of guilty to the offense automatically classifies the offender as 2815  
a sexual predator for purposes of this chapter. If a person is 2816  
convicted, pleads guilty, or is adjudicated a delinquent child, in 2817  
a court in another state, in a federal court, military court, or 2818

Indian tribal court, or in a court of any nation other than the 2819  
United States for committing a sexually oriented offense that is 2820  
not a registration-exempt sexually oriented offense, and if, as a 2821  
result of that conviction, plea of guilty, or adjudication, the 2822  
person is required, under the law of the jurisdiction in which the 2823  
person was convicted, pleaded guilty, or was adjudicated, to 2824  
register as a sex offender until the person's death, that 2825  
conviction, plea of guilty, or adjudication automatically 2826  
classifies the person as a sexual predator for the purposes of 2827  
this chapter, but the person may challenge that classification 2828  
pursuant to division (F) of this section. In all other cases, a 2829  
person who is convicted of or pleads guilty to, has been convicted 2830  
of or pleaded guilty to, or is adjudicated a delinquent child for 2831  
committing, a sexually oriented offense may be classified as a 2832  
sexual predator for purposes of this chapter only in accordance 2833  
with division (B) or (C) of this section or, regarding delinquent 2834  
children, divisions (B) and (C) of section 2152.83 of the Revised 2835  
Code. 2836

(B)(1)(a) The judge who is to impose sentence on a person who 2837  
is convicted of or pleads guilty to a sexually oriented offense 2838  
that is not a registration-exempt sexually oriented offense shall 2839  
conduct a hearing to determine whether the offender is a sexual 2840  
predator if any of the following circumstances apply: 2841

(i) Regardless of when the sexually oriented offense was 2842  
committed, the offender is to be sentenced on or after January 1, 2843  
1997, for a sexually oriented offense that is not a 2844  
registration-exempt sexually oriented offense and that is not a 2845  
sexually violent offense. 2846

(ii) Regardless of when the sexually oriented offense was 2847  
committed, the offender is to be sentenced on or after January 1, 2848  
1997, for a sexually oriented offense that is not a 2849  
registration-exempt sexually oriented offense and that is not a 2850

violation of division (A)(1)(b) or (A)(2) of section 2907.02 or 2851  
division (A)(4) of section 2907.05 of the Revised Code that the 2852  
offender committed on or after the effective date of this 2853  
amendment, and either of the following applies: the sexually 2854  
oriented offense is a violent sex offense other than a violation 2855  
of division (A)(1)(b) or (A)(2) of section 2907.02 or division 2856  
(A)(4) of section 2907.05 of the Revised Code that the offender 2857  
committed on or after the effective date of this amendment, and a 2858  
sexually violent predator specification was not included in the 2859  
indictment, count in the indictment, or information charging the 2860  
violent sex offense; or the sexually oriented offense is a 2861  
designated homicide, assault, or kidnapping offense and either a 2862  
sexual motivation specification or a sexually violent predator 2863  
specification, or both such specifications, were not included in 2864  
the indictment, count in the indictment, or information charging 2865  
the designated homicide, assault, or kidnapping offense. 2866

(iii) Regardless of when the sexually oriented offense was 2867  
committed, the offender is to be sentenced on or after May 7, 2868  
2002, for a sexually oriented offense that is not a 2869  
registration-exempt sexually oriented offense, and that offender 2870  
was acquitted of a sexually violent predator specification that 2871  
was included in the indictment, count in the indictment, or 2872  
information charging the sexually oriented offense. 2873

(b) The judge who is to impose or has imposed an order of 2874  
disposition upon a child who is adjudicated a delinquent child for 2875  
committing on or after January 1, 2002, a sexually oriented 2876  
offense that is not a registration-exempt sexually oriented 2877  
offense shall conduct a hearing as provided in this division to 2878  
determine whether the child is to be classified as a sexual 2879  
predator if either of the following applies: 2880

(i) The judge is required by section 2152.82 or division (A) 2881  
of section 2152.83 of the Revised Code to classify the child a 2882

juvenile offender registrant. 2883

(ii) Division (B) of section 2152.83 of the Revised Code 2884  
applies regarding the child, the judge conducts a hearing under 2885  
that division for the purposes described in that division, and the 2886  
judge determines at that hearing that the child will be classified 2887  
a juvenile offender registrant. 2888

(2) Regarding an offender, the judge shall conduct the 2889  
hearing required by division (B)(1)(a) of this section prior to 2890  
sentencing and, if the sexually oriented offense for which 2891  
sentence is to be imposed is a felony and if the hearing is being 2892  
conducted under division (B)(1)(a) of this section, the judge may 2893  
conduct it as part of the sentencing hearing required by section 2894  
2929.19 of the Revised Code. Regarding a delinquent child, the 2895  
judge may conduct the hearing required by division (B)(1)(b) of 2896  
this section at the same time as, or separate from, the 2897  
dispositional hearing, as specified in the applicable provision of 2898  
section 2152.82 or 2152.83 of the Revised Code. The court shall 2899  
give the offender or delinquent child and the prosecutor who 2900  
prosecuted the offender or handled the case against the delinquent 2901  
child for the sexually oriented offense notice of the date, time, 2902  
and location of the hearing. At the hearing, the offender or 2903  
delinquent child and the prosecutor shall have an opportunity to 2904  
testify, present evidence, call and examine witnesses and expert 2905  
witnesses, and cross-examine witnesses and expert witnesses 2906  
regarding the determination as to whether the offender or 2907  
delinquent child is a sexual predator. The offender or delinquent 2908  
child shall have the right to be represented by counsel and, if 2909  
indigent, the right to have counsel appointed to represent the 2910  
offender or delinquent child. 2911

(3) In making a determination under divisions (B)(1) and (4) 2912  
of this section as to whether an offender or delinquent child is a 2913  
sexual predator, the judge shall consider all relevant factors, 2914

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| including, but not limited to, all of the following:   | 2915   |
| (a) The offender's or delinquent child's age;  | 2916   |
| (b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;  | 2917<br>2918<br>2919   |
| (c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;  | 2920<br>2921<br>2922   |
| (d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;   | 2923<br>2924<br>2925   |
| (e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;  | 2926<br>2927<br>2928   |
| (f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders; | 2929<br>2930<br>2931<br>2932<br>2933<br>2934<br>2935<br>2936<br>2937 |
| (g) Any mental illness or mental disability of the offender or delinquent child;   | 2938<br>2939   |
| (h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;   | 2940<br>2941<br>2942<br>2943<br>2944                                 |

(i) Whether the offender or delinquent child, during the 2945  
commission of the sexually oriented offense for which sentence is 2946  
to be imposed or the order of disposition is to be made, displayed 2947  
cruelty or made one or more threats of cruelty; 2948

(j) Any additional behavioral characteristics that contribute 2949  
to the offender's or delinquent child's conduct. 2950

(4) After reviewing all testimony and evidence presented at 2951  
the hearing conducted under division (B)(1) of this section and 2952  
the factors specified in division (B)(3) of this section, the 2953  
court shall determine by clear and convincing evidence whether the 2954  
subject offender or delinquent child is a sexual predator. If the 2955  
court determines that the subject offender or delinquent child is 2956  
not a sexual predator, the court shall specify in the offender's 2957  
sentence and the judgment of conviction that contains the sentence 2958  
or in the delinquent child's dispositional order, as appropriate, 2959  
that the court has determined that the offender or delinquent 2960  
child is not a sexual predator and the reason or reasons why the 2961  
court determined that the subject offender or delinquent child is 2962  
not a sexual predator. If the court determines by clear and 2963  
convincing evidence that the subject offender or delinquent child 2964  
is a sexual predator, the court shall specify in the offender's 2965  
sentence and the judgment of conviction that contains the sentence 2966  
or in the delinquent child's dispositional order, as appropriate, 2967  
that the court has determined that the offender or delinquent 2968  
child is a sexual predator and shall specify that the 2969  
determination was pursuant to division (B) of this section. In any 2970  
case in which the sexually oriented offense in question is an 2971  
aggravated sexually oriented offense, the court shall specify in 2972  
the offender's sentence and the judgment of conviction that 2973  
contains the sentence that the offender's offense is an aggravated 2974  
sexually oriented offense. The offender or delinquent child and 2975  
the prosecutor who prosecuted the offender or handled the case 2976



against the delinquent child for the sexually oriented offense in 2977  
question may appeal as a matter of right the court's determination 2978  
under this division as to whether the offender or delinquent child 2979  
is, or is not, a sexual predator. 2980

(5) A hearing shall not be conducted under division (B) of 2981  
this section regarding an offender if ~~the~~ either of the following 2982  
applies: 2983

(a) The sexually oriented offense in question is a sexually 2984  
violent offense, ~~if~~ the indictment, count in the indictment, or 2985  
information charging the offense also included a sexually violent 2986  
predator specification, and ~~if~~ the offender is convicted of or 2987  
pleads guilty to that sexually violent predator specification. 2988

(b) The sexually oriented offense in question is a violation 2989  
of division (A)(1)(b) or (A)(2) of section 2907.02 or division 2990  
(A)(4) of section 2907.05 of the Revised Code that the offender 2991  
committed on or after the effective date of this amendment. 2992

(C)(1) If a person was convicted of or pleaded guilty to a 2993  
sexually oriented offense that is not a registration-exempt 2994  
sexually oriented offense prior to January 1, 1997, if the person 2995  
was not sentenced for the offense on or after January 1, 1997, and 2996  
if, on or after January 1, 1997, the offender is serving a term of 2997  
imprisonment in a state correctional institution, the department 2998  
of rehabilitation and correction shall do whichever of the 2999  
following is applicable: 3000

(a) If the sexually oriented offense was an offense described 3001  
in division (D)(1)(c) of section 2950.01 of the Revised Code or 3002  
was a violent sex offense, the department shall notify the court 3003  
that sentenced the offender of this fact, and the court shall 3004  
conduct a hearing to determine whether the offender is a sexual 3005  
predator. 3006

(b) If division (C)(1)(a) of this section does not apply, the 3007

department shall determine whether to recommend that the offender  
be adjudicated a sexual predator. In making a determination under  
this division as to whether to recommend that the offender be  
adjudicated a sexual predator, the department shall consider all  
relevant factors, including, but not limited to, all of the  
factors specified in divisions (B)(2) and (3) of this section. If  
the department determines that it will recommend that the offender  
be adjudicated a sexual predator, it immediately shall send the  
recommendation to the court that sentenced the offender. If the  
department determines that it will not recommend that the offender  
be adjudicated a sexual predator, it immediately shall send its  
determination to the court that sentenced the offender. In all  
cases, the department shall enter its determination and  
recommendation in the offender's institutional record, and the  
court shall proceed in accordance with division (C)(2) of this  
section.

(2)(a) If the department of rehabilitation and correction  
sends to a court a notice under division (C)(1)(a) of this  
section, the court shall conduct a hearing to determine whether  
the subject offender is a sexual predator. If, pursuant to  
division (C)(1)(b) of this section, the department sends to a  
court a recommendation that an offender be adjudicated a sexual  
predator, the court is not bound by the department's  
recommendation, and the court shall conduct a hearing to determine  
whether the offender is a sexual predator. In any case, the court  
shall not make a determination as to whether the offender is, or  
is not, a sexual predator without a hearing. The court may hold  
the hearing and make the determination prior to the offender's  
release from imprisonment or at any time within one year following  
the offender's release from that imprisonment.

(b) If, pursuant to division (C)(1)(b) of this section, the  
department sends to the court a determination that it is not

recommending that an offender be adjudicated a sexual predator, 3040  
the court shall not make any determination as to whether the 3041  
offender is, or is not, a sexual predator but shall determine 3042  
whether the offender previously has been convicted of or pleaded 3043  
guilty to a sexually oriented offense other than the offense in 3044  
relation to which the department made its determination or 3045  
previously has been convicted of or pleaded guilty to a 3046  
child-victim oriented offense. 3047

The court may conduct a hearing to determine whether the 3048  
offender previously has been convicted of or pleaded guilty to a 3049  
sexually oriented offense or a child-victim oriented offense but 3050  
may make the determination without a hearing. However, if the 3051  
court determines that the offender previously has been convicted 3052  
of or pleaded guilty to such an offense, it shall not impose a 3053  
requirement that the offender be subject to the community 3054  
notification provisions contained in sections 2950.10 and 2950.11 3055  
of the Revised Code without a hearing. In determining whether to 3056  
impose the community notification requirement, the court, in the 3057  
circumstances described in division (E)(2) of this section, shall 3058  
apply the presumption specified in that division. The court shall 3059  
include in the offender's institutional record any determination 3060  
made under this division as to whether the offender previously has 3061  
been convicted of or pleaded guilty to a sexually oriented offense 3062  
or child-victim oriented offense, and, as such, whether the 3063  
offender is a habitual sex offender. 3064

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) 3065  
of this section, the court shall give the offender and the 3066  
prosecutor who prosecuted the offender for the sexually oriented 3067  
offense, or that prosecutor's successor in office, notice of the 3068  
date, time, and place of the hearing. If the hearing is scheduled 3069  
under division (C)(2)(a) of this section to determine whether the 3070  
offender is a sexual predator, the prosecutor who is given the 3071

notice may contact the department of rehabilitation and correction 3072  
and request that the department provide to the prosecutor all 3073  
information the department possesses regarding the offender that 3074  
is relevant and necessary for use in making the determination as 3075  
to whether the offender is a sexual predator and that is not 3076  
privileged or confidential under law. If the prosecutor makes a 3077  
request for that information, the department promptly shall 3078  
provide to the prosecutor all information the department possesses 3079  
regarding the offender that is not privileged or confidential 3080  
under law and that is relevant and necessary for making that 3081  
determination. A hearing scheduled under division (C)(2)(a) of 3082  
this section to determine whether the offender is a sexual 3083  
predator shall be conducted in the manner described in division 3084  
(B)(1) of this section regarding hearings conducted under that 3085  
division and, in making a determination under this division as to 3086  
whether the offender is a sexual predator, the court shall 3087  
consider all relevant factors, including, but not limited to, all 3088  
of the factors specified in divisions (B)(2) and (3) of this 3089  
section. After reviewing all testimony and evidence presented at 3090  
the sexual predator hearing and the factors specified in divisions 3091  
(B)(2) and (3) of this section, the court shall determine by clear 3092  
and convincing evidence whether the offender is a sexual predator. 3093  
If the court determines at the sexual predator hearing that the 3094  
offender is not a sexual predator, it also shall determine whether 3095  
the offender previously has been convicted of or pleaded guilty to 3096  
a sexually oriented offense other than the offense in relation to 3097  
which the hearing is being conducted. 3098

Upon making its determinations at the sexual predator 3099  
hearing, the court shall proceed as follows: 3100

(i) If the court determines that the offender is not a sexual 3101  
predator and that the offender previously has not been convicted 3102  
of or pleaded guilty to a sexually oriented offense other than the 3103

offense in relation to which the hearing is being conducted and 3104  
previously has not been convicted of or pleaded guilty to a 3105  
child-victim oriented offense, it shall include in the offender's 3106  
institutional record its determinations and the reason or reasons 3107  
why it determined that the offender is not a sexual predator. 3108

(ii) If the court determines that the offender is not a 3109  
sexual predator but that the offender previously has been 3110  
convicted of or pleaded guilty to a sexually oriented offense 3111  
other than the offense in relation to which the hearing is being 3112  
conducted or previously has been convicted of or pleaded guilty to 3113  
a child-victim oriented offense, it shall include in the 3114  
offender's institutional record its determination that the 3115  
offender is not a sexual predator but is a habitual sex offender 3116  
and the reason or reasons why it determined that the offender is 3117  
not a sexual predator, shall attach the determinations and the 3118  
reason or reasons to the offender's sentence, shall specify that 3119  
the determinations were pursuant to division (C) of this section, 3120  
shall provide a copy of the determinations and the reason or 3121  
reasons to the offender, to the prosecuting attorney, and to the 3122  
department of rehabilitation and correction, and may impose a 3123  
requirement that the offender be subject to the community 3124  
notification provisions contained in sections 2950.10 and 2950.11 3125  
of the Revised Code. In determining whether to impose the 3126  
community notification requirements, the court, in the 3127  
circumstances described in division (E)(2) of this section, shall 3128  
apply the presumption specified in that division. The offender 3129  
shall not be subject to those community notification provisions 3130  
relative to the sexually oriented offense in question if the court 3131  
does not so impose the requirement described in this division. If 3132  
the court imposes that requirement, the offender may appeal the 3133  
judge's determination that the offender is a habitual sex 3134  
offender. 3135

(iii) If the court determines by clear and convincing 3136  
evidence that the offender is a sexual predator, it shall enter 3137  
its determination in the offender's institutional record, shall 3138  
attach the determination to the offender's sentence, shall specify 3139  
that the determination was pursuant to division (C) of this 3140  
section, and shall provide a copy of the determination to the 3141  
offender, to the prosecuting attorney, and to the department of 3142  
rehabilitation and correction. The offender and the prosecutor may 3143  
appeal as a matter of right the judge's determination under 3144  
divisions (C)(2)(a) and (c) of this section as to whether the 3145  
offender is, or is not, a sexual predator. 3146

If the hearing is scheduled under division (C)(2)(b) of this 3147  
section to determine whether the offender previously has been 3148  
convicted of or pleaded guilty to a sexually oriented offense or a 3149  
child-victim oriented offense or whether to subject the offender 3150  
to the community notification provisions contained in sections 3151  
2950.10 and 2950.11 of the Revised Code, upon making the 3152  
determination, the court shall attach the determination or 3153  
determinations to the offender's sentence, shall provide a copy to 3154  
the offender, to the prosecuting attorney, and to the department 3155  
of rehabilitation and correction and may impose a requirement that 3156  
the offender be subject to the community notification provisions. 3157  
In determining whether to impose the community notification 3158  
requirements, the court, in the circumstances described in 3159  
division (E)(2) of this section, shall apply the presumption 3160  
specified in that division. The offender shall not be subject to 3161  
the community notification provisions relative to the sexually 3162  
oriented offense in question if the court does not so impose the 3163  
requirement described in this division. If the court imposes that 3164  
requirement, the offender may appeal the judge's determination 3165  
that the offender is a habitual sex offender. 3166

(3) The changes made in divisions (C)(1) and (2) of this 3167

section that take effect on July 31, 2003, do not require a court  
to conduct a new hearing under those divisions for any offender  
regarding a sexually oriented offense if, prior to July 31, 2003,  
the court previously conducted a hearing under those divisions  
regarding that offense to determine whether the offender was a  
sexual predator. The changes made in divisions (C)(1) and (2) of  
this section that take effect on July 31, 2003, do not require a  
court to conduct a hearing under those divisions for any offender  
regarding a sexually oriented offense if, prior to July 31, 2003,  
and pursuant to those divisions, the department of rehabilitation  
and correction recommended that the offender be adjudicated a  
sexual predator regarding that offense, and the court denied the  
recommendation and determined that the offender was not a sexual  
predator without a hearing, provided that this provision does not  
apply if the sexually oriented offense in question was an offense  
described in division (D)(1)(c) of section 2950.01 of the Revised  
Code.

(D)(1) Division (D)(1) of this section does not apply to any  
person who has been convicted of or pleaded guilty to a sexually  
oriented offense. Division (D) of this section applies only to  
delinquent children as provided in Chapter 2152. of the Revised  
Code. A person who has been adjudicated a delinquent child for  
committing a sexually oriented offense that is not a  
registration-exempt sexually oriented offense and who has been  
classified by a juvenile court judge a juvenile offender  
registrant or, if applicable, additionally has been determined by  
a juvenile court judge to be a sexual predator or habitual sex  
offender, may petition the adjudicating court for a  
reclassification or declassification pursuant to section 2152.85  
of the Revised Code.

A judge who is reviewing a sexual predator determination for  
a delinquent child under section 2152.84 or 2152.85 of the Revised

Code shall comply with this section. At the hearing, the judge shall consider all relevant evidence and information, including, but not limited to, the factors set forth in division (B)(3) of this section. The judge shall not enter a determination that the delinquent child no longer is a sexual predator unless the judge determines by clear and convincing evidence that the delinquent child is unlikely to commit a sexually oriented offense in the future. If the judge enters a determination under this division that the delinquent child no longer is a sexual predator, the judge shall notify the bureau of criminal identification and investigation of the determination and shall include in the notice a statement of the reason or reasons why it determined that the delinquent child no longer is a sexual predator. Upon receipt of the notification, the bureau promptly shall notify the sheriff with whom the delinquent child most recently registered under section 2950.04 or 2950.05 of the Revised Code of the determination that the delinquent child no longer is a sexual predator.

(2) If an offender who has been convicted of or pleaded guilty to a sexually oriented offense is classified a sexual predator pursuant to division (A) of this section or has been adjudicated a sexual predator relative to the offense as described in division (B) or (C) of this section, subject to division (F) of this section, the classification or adjudication of the offender as a sexual predator is permanent and continues in effect until the offender's death and in no case shall the classification or adjudication be removed or terminated.

(E)(1) If a person is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is not a registration-exempt sexually oriented offense, the judge who is to impose sentence on the offender shall determine, prior to sentencing, whether the offender previously



has been convicted of or pleaded guilty to, or adjudicated a  
delinquent child for committing, a sexually oriented offense or a  
child-victim oriented offense and is a habitual sex offender. The  
judge who is to impose or has imposed an order of disposition upon  
a child who is adjudicated a delinquent child for committing on or  
after January 1, 2002, a sexually oriented offense that is not a  
registration-exempt sexually oriented offense shall determine,  
prior to entering the order classifying the delinquent child a  
juvenile offender registrant, whether the delinquent child  
previously has been convicted of or pleaded guilty to, or  
adjudicated a delinquent child for committing, a sexually oriented  
offense or a child-victim oriented offense and is a habitual sex  
offender, if either of the following applies:

(a) The judge is required by section 2152.82 or division (A)  
of section 2152.83 of the Revised Code to classify the child a  
juvenile offender registrant;

(b) Division (B) of section 2152.83 of the Revised Code  
applies regarding the child, the judge conducts a hearing under  
that division for the purposes described in that division, and the  
judge determines at that hearing that the child will be classified  
a juvenile offender registrant.

(2) If, under division (E)(1) of this section, the judge  
determines that the offender or delinquent child previously has  
not been convicted of or pleaded guilty to, or been adjudicated a  
delinquent child for committing, a sexually oriented offense or a  
child-victim oriented offense or that the offender otherwise does  
not satisfy the criteria for being a habitual sex offender, the  
judge shall specify in the offender's sentence or in the order  
classifying the delinquent child a juvenile offender registrant  
that the judge has determined that the offender or delinquent  
child is not a habitual sex offender.

If, under division (E)(1) of this section, the judge 3263  
determines that the offender or delinquent child previously has 3264  
been convicted of or pleaded guilty to, or been adjudicated a 3265  
delinquent child for committing, a sexually oriented offense or a 3266  
child-victim oriented offense and that the offender satisfies all 3267  
other criteria for being a habitual sex offender, the offender or 3268  
delinquent child is a habitual sex offender or habitual 3269  
child-victim offender and the court shall determine whether to 3270  
impose a requirement that the offender or delinquent child be 3271  
subject to the community notification provisions contained in 3272  
sections 2950.10 and 2950.11 of the Revised Code. In making the 3273  
determination regarding the possible imposition of the community 3274  
notification requirement, if at least two of the sexually oriented 3275  
offenses or child-victim oriented offenses that are the basis of 3276  
the habitual sex offender or habitual child-victim offender 3277  
determination were committed against a victim who was under 3278  
eighteen years of age, it is presumed that subjecting the offender 3279  
or delinquent child to the community notification provisions is 3280  
necessary in order to comply with the determinations, findings, 3281  
and declarations of the general assembly regarding sex offenders 3282  
and child-victim offenders that are set forth in section 2950.02 3283  
of the Revised Code. When a judge determines as described in this 3284  
division that an offender or delinquent child is a habitual sex 3285  
offender or a habitual child-victim offender, the judge shall 3286  
specify in the offender's sentence and the judgment of conviction 3287  
that contains the sentence or in the order classifying the 3288  
delinquent child a juvenile offender registrant that the judge has 3289  
determined that the offender or delinquent child is a habitual sex 3290  
offender and may impose a requirement in that sentence and 3291  
judgment of conviction or in that order that the offender or 3292  
delinquent child be subject to the community notification 3293  
provisions contained in sections 2950.10 and 2950.11 of the 3294  
Revised Code. Unless the habitual sex offender also has been 3295

adjudicated a sexual predator relative to the sexually oriented 3296  
offense in question or the habitual sex offender was convicted of 3297  
or pleaded guilty to an aggravated sexually oriented offense, the 3298  
offender or delinquent child shall be subject to those community 3299  
notification provisions only if the court imposes the requirement 3300  
described in this division in the offender's sentence and the 3301  
judgment of conviction or in the order classifying the delinquent 3302  
child a juvenile offender registrant. If the court determines 3303  
pursuant to this division or division (C)(2) of this section that 3304  
an offender is a habitual sex offender, the determination is 3305  
permanent and continues in effect until the offender's death, and 3306  
in no case shall the determination be removed or terminated. 3307

If a court in another state, a federal court, military court, 3308  
or Indian tribal court, or a court in any nation other than the 3309  
United States determines a person to be a habitual sex offender in 3310  
that jurisdiction, the person is considered to be determined to be 3311  
a habitual sex offender in this state. If the court in the other 3312  
state, the federal court, military court, or Indian tribal court, 3313  
or the court in the nation other than the United States subjects 3314  
the habitual sex offender to community notification regarding the 3315  
person's place of residence, the person, as much as is 3316  
practicable, is subject to the community notification provisions 3317  
regarding the person's place of residence that are contained in 3318  
sections 2950.10 and 2950.11 of the Revised Code, unless the court 3319  
that so subjected the person to community notification determines 3320  
that the person no longer is subject to community notification. 3321

(F)(1) An offender or delinquent child classified as a sexual 3322  
predator may petition the court of common pleas or, for a 3323  
delinquent child, the juvenile court of the county in which the 3324  
offender or delinquent child resides or temporarily is domiciled 3325  
to enter a determination that the offender or delinquent child is 3326  
not an adjudicated sexual predator in this state for purposes of 3327

the registration and other requirements of this chapter or the 3328  
community notification provisions contained in sections 2950.10 3329  
and 2950.11 of the Revised Code if all of the following apply: 3330

(a) The offender or delinquent child was convicted of, 3331  
pleaded guilty to, or was adjudicated a delinquent child for 3332  
committing, a sexually oriented offense that is not a 3333  
registration-exempt sexually oriented offense in another state, in 3334  
a federal court, a military court, or Indian tribal court, or in a 3335  
court of any nation other than the United States. 3336

(b) As a result of the conviction, plea of guilty, or 3337  
adjudication described in division (F)(1)(a) of this section, the 3338  
offender or delinquent child is required under the law of the 3339  
jurisdiction under which the offender or delinquent child was 3340  
convicted, pleaded guilty, or was adjudicated to register as a sex 3341  
offender until the offender's or delinquent child's death. 3342

(c) The offender or delinquent child was automatically 3343  
classified a sexual predator under division (A) of this section in 3344  
relation to the conviction, guilty plea, or adjudication described 3345  
in division (F)(1)(a) of this section. 3346

(2) The court may enter a determination that the offender or 3347  
delinquent child filing the petition described in division (F)(1) 3348  
of this section is not an adjudicated sexual predator in this 3349  
state for purposes of the registration and other requirements of 3350  
this chapter or the community notification provisions contained in 3351  
sections 2950.10 and 2950.11 of the Revised Code only if the 3352  
offender or delinquent child proves by clear and convincing 3353  
evidence that the requirement of the other jurisdiction that the 3354  
offender or delinquent child register as a sex offender until the 3355  
offender's or delinquent child's death is not substantially 3356  
similar to a classification as a sexual predator for purposes of 3357  
this chapter. If the court enters a determination that the 3358

offender or delinquent child is not an adjudicated sexual predator 3359  
in this state for those purposes, the court shall include in the 3360  
determination a statement of the reason or reasons why it so 3361  
determined. 3362

(G) If, prior to ~~the effective date of this section July 31,~~ 3363  
2003, an offender or delinquent child was adjudicated a sexual 3364  
predator or was determined to be a habitual sex offender under 3365  
this section or section 2152.82, 2152.83, 2152.84, or 2152.85 of 3366  
the Revised Code and if, on and after July 31, 2003, the sexually 3367  
oriented offense upon which the classification or determination 3368  
was based no longer is considered a sexually oriented offense but 3369  
instead is a child-victim oriented offense, notwithstanding the 3370  
redesignation of that offense, on and after July 31, 2003, all of 3371  
the following apply: 3372

(1) Divisions (A)(1) or (2) or (E)(1) and (2) of section 3373  
2950.091 of the Revised Code apply regarding the offender or 3374  
child, and the judge's classification or determination made prior 3375  
to July 31, 2003, shall be considered for all purposes to be a 3376  
classification or determination that classifies the offender or 3377  
child as described in those divisions. 3378

(2) The offender's or child's classification or determination 3379  
under divisions (A)(1) or (2) or (E)(1) and (2) of section 3380  
2950.091 of the Revised Code shall be considered, for purposes of 3381  
section 2950.07 of the Revised Code and for all other purposes, to 3382  
be a continuation of the classification or determination made 3383  
prior to July 31, 2003. 3384

(3) The offender's or child's duties under this chapter 3385  
relative to that classification or determination shall be 3386  
considered for all purposes to be a continuation of the duties 3387  
related to that classification or determination as they existed 3388  
prior to July 31, 2003. 3389

**Sec. 2950.11.** (A) As used in this section, "specified 3390  
geographical notification area" means the geographic area or areas 3391  
within which the attorney general, by rule adopted under section 3392  
2950.13 of the Revised Code, requires the notice described in 3393  
division (B) of this section to be given to the persons identified 3394  
in divisions (A)(2) to (8) of this section. If a person is 3395  
convicted of or pleads guilty to, or has been convicted of or 3396  
pleaded guilty to, either a sexually oriented offense that is not 3397  
a registration-exempt sexually oriented offense or a child-victim 3398  
oriented offense, or a person is adjudicated a delinquent child 3399  
for committing either a sexually oriented offense that is not a 3400  
registration-exempt sexually oriented offense or a child-victim 3401  
oriented offense and is classified a juvenile offender registrant 3402  
or is an out-of-state juvenile offender registrant based on that 3403  
adjudication, and if the offender or delinquent child is in any 3404  
category specified in division (F)(1)(a), (b), or (c) of this 3405  
section, the sheriff with whom the offender or delinquent child 3406  
has most recently registered under section 2950.04, 2950.041, or 3407  
2950.05 of the Revised Code and the sheriff to whom the offender 3408  
or delinquent child most recently sent a notice of intent to 3409  
reside under section 2950.04 or 2950.041 of the Revised Code, 3410  
within the period of time specified in division (C) of this 3411  
section, shall provide a written notice containing the information 3412  
set forth in division (B) of this section to all of the persons 3413  
described in divisions (A)(1) to (9) of this section. If the 3414  
sheriff has sent a notice to the persons described in those 3415  
divisions as a result of receiving a notice of intent to reside 3416  
and if the offender or delinquent child registers a residence 3417  
address that is the same residence address described in the notice 3418  
of intent to reside, the sheriff is not required to send an 3419  
additional notice when the offender or delinquent child registers. 3420  
The sheriff shall provide the notice to all of the following 3421

persons: 3422

(1)(a) Any occupant of each residential unit that is located 3423  
within one thousand feet of the offender's or delinquent child's 3424  
residential premises, that is located within the county served by 3425  
the sheriff, and that is not located in a multi-unit building. 3426  
Division (D)(3) of this section applies regarding notices required 3427  
under this division. 3428

(b) If the offender or delinquent child resides in a 3429  
multi-unit building, any occupant of each residential unit that is 3430  
located in that multi-unit building and that shares a common 3431  
hallway with the offender or delinquent child. For purposes of 3432  
this division, an occupant's unit shares a common hallway with the 3433  
offender or delinquent child if the entrance door into the 3434  
occupant's unit is located on the same floor and opens into the 3435  
same hallway as the entrance door to the unit the offender or 3436  
delinquent child occupies. Division (D)(3) of this section applies 3437  
regarding notices required under this division. 3438

(c) The building manager, or the person the building owner or 3439  
condominium unit owners association authorizes to exercise 3440  
management and control, of each multi-unit building that is 3441  
located within one thousand feet of the offender's or delinquent 3442  
child's residential premises, including a multi-unit building in 3443  
which the offender or delinquent child resides, and that is 3444  
located within the county served by the sheriff. In addition to 3445  
notifying the building manager or the person authorized to 3446  
exercise management and control in the multi-unit building under 3447  
this division, the sheriff shall post a copy of the notice 3448  
prominently in each common entryway in the building and any other 3449  
location in the building the sheriff determines appropriate. The 3450  
manager or person exercising management and control of the 3451  
building shall permit the sheriff to post copies of the notice 3452

under this division as the sheriff determines appropriate. In lieu 3453  
of posting copies of the notice as described in this division, a 3454  
sheriff may provide notice to all occupants of the multi-unit 3455  
building by mail or personal contact; if the sheriff so notifies 3456  
all the occupants, the sheriff is not required to post copies of 3457  
the notice in the common entryways to the building. Division 3458  
(D)(3) of this section applies regarding notices required under 3459  
this division. 3460

(d) All additional persons who are within any category of 3461  
neighbors of the offender or delinquent child that the attorney 3462  
general by rule adopted under section 2950.13 of the Revised Code 3463  
requires to be provided the notice and who reside within the 3464  
county served by the sheriff; 3465

(2) The executive director of the public children services 3466  
agency that has jurisdiction within the specified geographical 3467  
notification area and that is located within the county served by 3468  
the sheriff; 3469

(3)(a) The superintendent of each board of education of a 3470  
school district that has schools within the specified geographical 3471  
notification area and that is located within the county served by 3472  
the sheriff; 3473

(b) The principal of the school within the specified 3474  
geographical notification area and within the county served by the 3475  
sheriff that the delinquent child attends; 3476

(c) If the delinquent child attends a school outside of the 3477  
specified geographical notification area or outside of the school 3478  
district where the delinquent child resides, the superintendent of 3479  
the board of education of a school district that governs the 3480  
school that the delinquent child attends and the principal of the 3481  
school that the delinquent child attends. 3482

(4)(a) The appointing or hiring officer of each chartered 3483



nonpublic school located within the specified geographical 3484  
notification area and within the county served by the sheriff or 3485  
of each other school located within the specified geographical 3486  
notification area and within the county served by the sheriff and 3487  
that is not operated by a board of education described in division 3488  
(A)(3) of this section; 3489

(b) Regardless of the location of the school, the appointing 3490  
or hiring officer of a chartered nonpublic school that the 3491  
delinquent child attends. 3492

(5) The director, head teacher, elementary principal, or site 3493  
administrator of each preschool program governed by Chapter 3301. 3494  
of the Revised Code that is located within the specified 3495  
geographical notification area and within the county served by the 3496  
sheriff; 3497

(6) The administrator of each child day-care center or type A 3498  
family day-care home that is located within the specified 3499  
geographical notification area and within the county served by the 3500  
sheriff, and the provider of each certified type B family day-care 3501  
home that is located within the specified geographical 3502  
notification area and within the county served by the sheriff. As 3503  
used in this division, "child day-care center," "type A family 3504  
day-care home," and "certified type B family day-care home" have 3505  
the same meanings as in section 5104.01 of the Revised Code. 3506

(7) The president or other chief administrative officer of 3507  
each institution of higher education, as defined in section 3508  
2907.03 of the Revised Code, that is located within the specified 3509  
geographical notification area and within the county served by the 3510  
sheriff, and the chief law enforcement officer of the state 3511  
university law enforcement agency or campus police department 3512  
established under section 3345.04 or 1713.50 of the Revised Code, 3513  
if any, that serves that institution; 3514

(8) The sheriff of each county that includes any portion of 3515  
the specified geographical notification area; 3516

(9) If the offender or delinquent child resides within the 3517  
county served by the sheriff, the chief of police, marshal, or 3518  
other chief law enforcement officer of the municipal corporation 3519  
in which the offender or delinquent child resides or, if the 3520  
offender or delinquent child resides in an unincorporated area, 3521  
the constable or chief of the police department or police district 3522  
police force of the township in which the offender or delinquent 3523  
child resides. 3524

(B) The notice required under division (A) of this section 3525  
shall include all of the following information regarding the 3526  
subject offender or delinquent child: 3527

(1) The offender's or delinquent child's name; 3528

(2) The address or addresses of the offender's residence, 3529  
school, institution of higher education, or place of employment, 3530  
as applicable, or the delinquent child's residence address or 3531  
addresses; 3532

(3) The sexually oriented offense or child-victim oriented 3533  
offense of which the offender was convicted, to which the offender 3534  
pleaded guilty, or for which the child was adjudicated a 3535  
delinquent child; 3536

(4) All of the following statements that are applicable: 3537

(a) A statement that the offender has been adjudicated a 3538  
sexual predator, a statement that the offender has been convicted 3539  
of or pleaded guilty to an aggravated sexually oriented offense, a 3540  
statement that the delinquent child has been adjudicated a sexual 3541  
predator and that, as of the date of the notice, the court has not 3542  
entered a determination that the delinquent child no longer is a 3543  
sexual predator, or a statement that the sentencing or reviewing 3544

judge has determined that the offender or delinquent child is a  
habitual sex offender and that, as of the date of the notice, the  
determination regarding a delinquent child has not been removed  
pursuant to section 2152.84 or 2152.85 of the Revised Code;

(b) A statement that the offender has been adjudicated a  
child-victim predator, a statement that the delinquent child has  
been adjudicated a child-victim predator and that, as of the date  
of the notice, the court has not entered a determination that the  
delinquent child no longer is a child-victim predator, or a  
statement that the sentencing or reviewing judge has determined  
that the offender or delinquent child is a habitual child-victim  
offender and that, as of the date of the notice, the determination  
regarding a delinquent child has not been removed pursuant to  
section 2152.84 or 2152.85 of the Revised Code;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child  
registers under section 2950.04, 2950.041, or 2950.05 of the  
Revised Code or to whom the offender or delinquent child most  
recently sent a notice of intent to reside under section 2950.04  
or 2950.041 of the Revised Code is required by division (A) of  
this section to provide notices regarding an offender or  
delinquent child and if, pursuant to that requirement, the sheriff  
provides a notice to a sheriff of one or more other counties in  
accordance with division (A)(8) of this section, the sheriff of  
each of the other counties who is provided notice under division  
(A)(8) of this section shall provide the notices described in  
divisions (A)(1) to (7) and (A)(9) of this section to each person  
or entity identified within those divisions that is located within  
the specified geographical notification area and within the county  
served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this

section to provide notices regarding an offender or delinquent 3576  
child shall provide the notice to the neighbors that are described 3577  
in division (A)(1) of this section and the notices to law 3578  
enforcement personnel that are described in divisions (A)(8) and 3579  
(9) of this section as soon as practicable, but no later than five 3580  
days after the offender sends the notice of intent to reside to 3581  
the sheriff and again no later than five days after the offender 3582  
or delinquent child registers with the sheriff or, if the sheriff 3583  
is required by division (C) of this section to provide the 3584  
notices, no later than five days after the sheriff is provided the 3585  
notice described in division (A)(8) of this section. 3586

A sheriff required by division (A) or (C) of this section to 3587  
provide notices regarding an offender or delinquent child shall 3588  
provide the notices to all other specified persons that are 3589  
described in divisions (A)(2) to (7) of this section as soon as 3590  
practicable, but not later than seven days after the offender or 3591  
delinquent child registers with the sheriff or, if the sheriff is 3592  
required by division (C) of this section to provide the notices, 3593  
no later than five days after the sheriff is provided the notice 3594  
described in division (A)(8) of this section. 3595

(2) If an offender or delinquent child in relation to whom 3596  
division (A) of this section applies verifies the offender's or 3597  
delinquent child's current residence, school, institution of 3598  
higher education, or place of employment address, as applicable, 3599  
with a sheriff pursuant to section 2950.06 of the Revised Code, 3600  
the sheriff may provide a written notice containing the 3601  
information set forth in division (B) of this section to the 3602  
persons identified in divisions (A)(1) to (9) of this section. If 3603  
a sheriff provides a notice pursuant to this division to the 3604  
sheriff of one or more other counties in accordance with division 3605  
(A)(8) of this section, the sheriff of each of the other counties 3606  
who is provided the notice under division (A)(8) of this section 3607

may provide, but is not required to provide, a written notice 3608  
containing the information set forth in division (B) of this 3609  
section to the persons identified in divisions (A)(1) to (7) and 3610  
(A)(9) of this section. 3611

(3) A sheriff may provide notice under division (A)(1)(a) or 3612  
(b) of this section, and may provide notice under division 3613  
(A)(1)(c) of this section to a building manager or person 3614  
authorized to exercise management and control of a building, by 3615  
mail, by personal contact, or by leaving the notice at or under 3616  
the entry door to a residential unit. For purposes of divisions 3617  
(A)(1)(a) and (b) of this section, and the portion of division 3618  
(A)(1)(c) of this section relating to the provision of notice to 3619  
occupants of a multi-unit building by mail or personal contact, 3620  
the provision of one written notice per unit is deemed as 3621  
providing notice to all occupants of that unit. 3622

(E) All information that a sheriff possesses regarding a 3623  
sexual predator, a habitual sex offender, a child-victim predator, 3624  
or a habitual child-victim offender that is described in division 3625  
(B) of this section and that must be provided in a notice required 3626  
under division (A) or (C) of this section or that may be provided 3627  
in a notice authorized under division (D)(2) of this section is a 3628  
public record that is open to inspection under section 149.43 of 3629  
the Revised Code. 3630

The sheriff shall not cause to be publicly disseminated by 3631  
means of the internet any of the information described in this 3632  
division that is provided by a sexual predator, habitual sex 3633  
offender, child-victim predator, or habitual child-victim offender 3634  
who is a juvenile offender registrant, except when the act that is 3635  
the basis of the child's classification as a juvenile offender 3636  
registrant is a violation of, or an attempt to commit a violation 3637  
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 3638  
was committed with a purpose to gratify the sexual needs or 3639

desires of the child, a violation of section 2907.02 of the Revised Code, or an attempt to commit a violation of that section.

(F)(1) The duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories, if the other criteria set forth in division (A) or (C) of this section, whichever is applicable, are satisfied:

(a) The offender or delinquent child has been adjudicated a sexual predator relative to the sexually oriented offense for which the offender or delinquent child has the duty to register under section 2950.04 of the Revised Code or has been adjudicated a child-victim predator relative to the child-victim oriented offense for which the offender or child has the duty to register under section 2950.041 of the Revised Code, and the court has not subsequently determined pursuant to section 2152.84 or 2152.85 of the Revised Code regarding a delinquent child that the delinquent child no longer is a sexual predator or no longer is a child-victim predator, whichever is applicable.

(b) The offender or delinquent child has been determined pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, division (B) of section 2152.83, section 2152.84, or section 2152.85 of the Revised Code to be a habitual sex offender or a habitual child-victim offender, the court has imposed a requirement under that division or section subjecting the habitual sex offender or habitual child-victim offender to this section, and the determination has not been removed pursuant to section 2152.84 or 2152.85 of the Revised Code regarding a delinquent child.

(c) The sexually oriented offense for which the offender has the duty to register under section 2950.04 of the Revised Code is an aggravated sexually oriented offense, regardless of whether the

offender has been adjudicated a sexual predator relative to the 3671  
offense or has been determined to be a habitual sex offender. 3672

(2) The notification provisions of this section do not apply 3673  
regarding a person who is convicted of or pleads guilty to, has 3674  
been convicted of or pleaded guilty to, or is adjudicated a 3675  
delinquent child for committing, a sexually oriented offense or a 3676  
child-victim oriented offense, who is not in the category 3677  
specified in either division (F)(1)(a) or (c) of this section, and 3678  
who is determined pursuant to division (C)(2) or (E) of section 3679  
2950.09 or 2950.091, division (B) of section 2152.83, section 3680  
2152.84, or section 2152.85 of the Revised Code to be a habitual 3681  
sex offender or habitual child-victim offender unless the 3682  
sentencing or reviewing court imposes a requirement in the 3683  
offender's sentence and in the judgment of conviction that 3684  
contains the sentence or in the delinquent child's adjudication, 3685  
or imposes a requirement as described in division (C)(2) of 3686  
section 2950.09 or 2950.091 of the Revised Code, that subjects the 3687  
offender or the delinquent child to the provisions of this 3688  
section. 3689

(G) The department of job and family services shall compile, 3690  
maintain, and update in January and July of each year, a list of 3691  
all agencies, centers, or homes of a type described in division 3692  
(A)(2) or (6) of this section that contains the name of each 3693  
agency, center, or home of that type, the county in which it is 3694  
located, its address and telephone number, and the name of an 3695  
administrative officer or employee of the agency, center, or home. 3696  
The department of education shall compile, maintain, and update in 3697  
January and July of each year, a list of all boards of education, 3698  
schools, or programs of a type described in division (A)(3), (4), 3699  
or (5) of this section that contains the name of each board of 3700  
education, school, or program of that type, the county in which it 3701  
is located, its address and telephone number, the name of the 3702

superintendent of the board or of an administrative officer or 3703  
employee of the school or program, and, in relation to a board of 3704  
education, the county or counties in which each of its schools is 3705  
located and the address of each such school. The Ohio board of 3706  
regents shall compile, maintain, and update in January and July of 3707  
each year, a list of all institutions of a type described in 3708  
division (A)(7) of this section that contains the name of each 3709  
such institution, the county in which it is located, its address 3710  
and telephone number, and the name of its president or other chief 3711  
administrative officer. A sheriff required by division (A) or (C) 3712  
of this section, or authorized by division (D)(2) of this section, 3713  
to provide notices regarding an offender or delinquent child, or a 3714  
designee of a sheriff of that type, may request the department of 3715  
job and family services, department of education, or Ohio board of 3716  
regents, by telephone, in person, or by mail, to provide the 3717  
sheriff or designee with the names, addresses, and telephone 3718  
numbers of the appropriate persons and entities to whom the 3719  
notices described in divisions (A)(2) to (7) of this section are 3720  
to be provided. Upon receipt of a request, the department or board 3721  
shall provide the requesting sheriff or designee with the names, 3722  
addresses, and telephone numbers of the appropriate persons and 3723  
entities to whom those notices are to be provided. 3724

(H)(1) Upon the motion of the offender or the prosecuting 3725  
attorney of the county in which the offender was convicted of or 3726  
pleaded guilty to the sexually oriented offense or child-victim 3727  
oriented offense for which the offender is subject to community 3728  
notification under this section, or upon the motion of the 3729  
sentencing judge or that judge's successor in office, the judge 3730  
may schedule a hearing to determine whether the interests of 3731  
justice would be served by suspending the community notification 3732  
requirement under this section in relation to the offender. The 3733  
judge may dismiss the motion without a hearing but may not issue 3734



an order suspending the community notification requirement without 3735  
a hearing. At the hearing, all parties are entitled to be heard, 3736  
and the judge shall consider all of the factors set forth in 3737  
division (B)(3) of section 2950.09 of the Revised Code. If, at the 3738  
conclusion of the hearing, the judge finds that the offender has 3739  
proven by clear and convincing evidence that the offender is 3740  
unlikely to commit in the future a sexually oriented offense or a 3741  
child-victim oriented offense and if the judge finds that 3742  
suspending the community notification requirement is in the 3743  
interests of justice, the judge may suspend the application of 3744  
this section in relation to the offender. The order shall contain 3745  
both of these findings. 3746

The judge promptly shall serve a copy of the order upon the 3747  
sheriff with whom the offender most recently registered under 3748  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 3749  
the bureau of criminal identification and investigation. 3750

An order suspending the community notification requirement 3751  
does not suspend or otherwise alter an offender's duties to comply 3752  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3753  
Revised Code and does not suspend the victim notification 3754  
requirement under section 2950.10 of the Revised Code. 3755

(2) A prosecuting attorney, a sentencing judge or that 3756  
judge's successor in office, and an offender who is subject to the 3757  
community notification requirement under this section may 3758  
initially make a motion under division (H)(1) of this section upon 3759  
the expiration of twenty years after the offender's duty to comply 3760  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3761  
Revised Code begins in relation to the offense for which the 3762  
offender is subject to community notification. After the initial 3763  
making of a motion under division (H)(1) of this section, 3764  
thereafter, the prosecutor, judge, and offender may make a 3765  
subsequent motion under that division upon the expiration of five 3766

years after the judge has entered an order denying the initial 3767  
motion or the most recent motion made under that division. 3768

(3) The offender and the prosecuting attorney have the right 3769  
to appeal an order approving or denying a motion made under 3770  
division (H)(1) of this section. 3771

(4) ~~Division~~ Divisions (H)(1) to (3) of this section ~~does~~ do 3772  
not apply to any of the following types of offender: 3773

(a) A person who is convicted of or pleads guilty to a 3774  
violent sex offense or designated homicide, assault, or kidnapping 3775  
offense and who, in relation to that offense, is adjudicated a 3776  
sexually violent predator; 3777

(b) A person who is convicted of or pleads guilty to a 3778  
sexually oriented offense that is a violation of division 3779  
(A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) of 3780  
section 2907.05 of the Revised Code that the person committed on 3781  
or after the effective date of this amendment. 3782

(c) A habitual sex offender or habitual child-victim oriented 3783  
offender who is subject to community notification who, subsequent 3784  
to being subjected to community notification, has pleaded guilty 3785  
to or been convicted of a sexually oriented offense or a 3786  
child-victim oriented offense; 3787

~~(e)~~(d) A sexual predator or child-victim predator who is not 3788  
adjudicated a sexually violent predator who, subsequent to being 3789  
subjected to community notification, has pleaded guilty to or been 3790  
convicted of a sexually oriented offense or child-victim oriented 3791  
offense. 3792

**Sec. 2967.12.** (A) Except as provided in division (G) of this 3793  
section, at least three weeks before the adult parole authority 3794  
recommends any pardon or commutation of sentence, or grants any 3795  
parole, the authority shall send a notice of the pendency of the 3796

pardon, commutation, or parole, setting forth the name of the 3797  
person on whose behalf it is made, the offense of which the person 3798  
was convicted or to which the person pleaded guilty, the time of 3799  
conviction or the guilty plea, and the term of the person's 3800  
sentence, to the prosecuting attorney and the judge of the court 3801  
of common pleas of the county in which the indictment against the 3802  
person was found. If there is more than one judge of that court of 3803  
common pleas, the authority shall send the notice to the presiding 3804  
judge. The department of rehabilitation and correction, at the 3805  
same time that it provides the notice to the prosecuting attorney 3806  
and judge under this division, also shall post on the database it 3807  
maintains pursuant to section 5120.66 of the Revised Code the 3808  
offender's name and all of the information specified in division 3809  
(A)(1)(c)(iii) of that section. 3810

(B) If a request for notification has been made pursuant to 3811  
section 2930.16 of the Revised Code, the adult parole authority 3812  
also shall give notice to the victim or the victim's 3813  
representative prior to recommending any pardon or commutation of 3814  
sentence for, or granting any parole to, the person. The authority 3815  
shall provide the notice at the same time as the notice required 3816  
by division (A) of this section and shall include in the notice 3817  
the information required to be set forth in that notice. The 3818  
notice also shall inform the victim or the victim's representative 3819  
that the victim or representative may send a written statement 3820  
relative to the victimization and the pending action to the adult 3821  
parole authority and that, if the authority receives any written 3822  
statement prior to recommending a pardon or commutation or 3823  
granting a parole for a person, the authority will consider the 3824  
statement before it recommends a pardon or commutation or grants a 3825  
parole. If the person is being considered for parole, the notice 3826  
shall inform the victim or the victim's representative that a full 3827  
board hearing of the parole board may be held and that the victim 3828  
or victim's representative may contact the office of victims' 3829

services for further information. If the person being considered 3830  
for parole was convicted of or pleaded guilty to violating section 3831  
2903.01 or 2903.02 of the Revised Code, the notice shall inform 3832  
the victim of that offense, the victim's representative, or a 3833  
member of the victim's immediate family that the victim, the 3834  
victim's representative, and the victim's immediate family have 3835  
the right to give testimony at a full board hearing of the parole 3836  
board and that the victim or victim's representative may contact 3837  
the office of victims' services for further information. As used 3838  
in this division, "the victim's immediate family" means the 3839  
mother, father, spouse, sibling, or child of the victim. 3840

(C) When notice of the pendency of any pardon, commutation of 3841  
sentence, or parole has been given to a judge or prosecutor or 3842  
posted on the database as provided in division (A) of this section 3843  
and a hearing on the pardon, commutation, or parole is continued 3844  
to a date certain, the authority shall provide notice of the 3845  
further consideration of the pardon, commutation, or parole at 3846  
least ten days before the further consideration. The notice of the 3847  
further consideration shall be provided to the proper judge and 3848  
prosecuting attorney by mail at least ten days before the further 3849  
consideration, and, if the initial notice was posted on the 3850  
database as provided in division (A) of this section, the notice 3851  
of the further consideration shall be posted on the database at 3852  
least ten days before the further consideration. When notice of 3853  
the pendency of any pardon, commutation, or parole has been given 3854  
as provided in division (B) of this section and the hearing on it 3855  
is continued to a date certain, the authority shall give notice of 3856  
the further consideration to the victim or the victim's 3857  
representative in accordance with section 2930.03 of the Revised 3858  
Code. 3859

(D) In case of an application for the pardon or commutation 3860  
of sentence of a person sentenced to capital punishment, the 3861

governor may modify the requirements of notification and 3862  
publication if there is not sufficient time for compliance with 3863  
the requirements before the date fixed for the execution of 3864  
sentence. 3865

(E) If an offender is serving a prison term imposed under 3866  
division (A)(3) or (B) of section 2971.03 of the Revised Code and 3867  
if the parole board terminates its control over the offender's 3868  
service of that term pursuant to section 2971.04 of the Revised 3869  
Code, the parole board immediately shall provide written notice of 3870  
its termination of control or the transfer of control to the 3871  
entities and persons specified in section 2971.04 of the Revised 3872  
Code. 3873

(F) The failure of the adult parole authority to comply with 3874  
the notice or posting provisions of division (A), (B), or (C) of 3875  
this section or the failure of the parole board to comply with the 3876  
notice provisions of division (E) of this section do not give any 3877  
rights or any grounds for appeal or post-conviction relief to the 3878  
person serving the sentence. 3879

(G) Divisions (A), (B), and (C) of this section do not apply 3880  
to any release of a person that is of the type described in 3881  
division (B)(2)(b) of section 5120.031 of the Revised Code. 3882

(H) In addition to and independent of the right of a victim 3883  
to make a statement as described in division (A) of this section 3884  
or pursuant to section 2930.17 of the Revised Code or to otherwise 3885  
make a statement, the authority for a judge or prosecuting 3886  
attorney to furnish statements and information, make 3887  
recommendations, and give testimony as described in division (A) 3888  
of this section, the right of a prosecuting attorney, judge, or 3889  
victim to give testimony or submit a statement at a full parole 3890  
board hearing pursuant to section 5149.101 of the Revised Code, 3891  
and any other right or duty of a person to present information or 3892

make a statement, any person may send to the adult parole 3893  
authority at any time prior to the authority's recommending a 3894  
pardon or commutation or granting a parole for the offender a 3895  
written statement relative to the offense and the pending action. 3896

**Sec. 2967.121.** (A) Subject to division (C) of this section, 3897  
at least two weeks before any convict who is serving a sentence 3898  
for committing a felony of the first, second, or third degree is 3899  
released from confinement in any state correctional institution 3900  
pursuant to a pardon, commutation of sentence, parole, or 3901  
completed prison term, the adult parole authority shall send 3902  
notice of the release to the prosecuting attorney of the county in 3903  
which the indictment of the convict was found. 3904

(B) The notice required by division (A) of this section may 3905  
be contained in a weekly list of all felons of the first, second, 3906  
or third degree who are scheduled for release. The notice shall 3907  
contain all of the following: 3908

(1) The name of the convict being released; 3909

(2) The date of the convict's release; 3910

(3) The offense for the violation of which the convict was 3911  
convicted and incarcerated; 3912

(4) The date of the convict's conviction pursuant to which 3913  
the convict was incarcerated; 3914

(5) The sentence imposed for that conviction; 3915

(6) The length of any supervision that the convict will be 3916  
under; 3917

(7) The name, business address, and business phone number of 3918  
the convict's supervising officer; 3919

(8) The address at which the convict will reside. 3920

(C) Divisions (A) and (B) of this section do not apply to the 3921

release from confinement of an offender if the offender is serving 3922  
a prison term imposed under division (A)(3) or (B) of section 3923  
2971.03 of the Revised Code, if the court pursuant to section 3924  
2971.05 of the Revised Code modifies the requirement that the 3925  
offender serve that entire term in a state correctional 3926  
institution, and if the release from confinement is pursuant to 3927  
that modification. In a case of that type, the court that modifies 3928  
the requirement promptly shall provide written notice of the 3929  
modification and the order that modifies the requirement or 3930  
revises the modification to the offender, the department of 3931  
rehabilitation and correction, the prosecuting attorney, and any 3932  
state agency or political subdivision that is affected by the 3933  
order. 3934

**Sec. 2971.03.** (A) Notwithstanding divisions (A), (B), (C), 3935  
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 3936  
2929.13, or another section of the Revised Code, other than 3937  
divisions (D) and (E) of section 2929.14 of the Revised Code, that 3938  
authorizes or requires a specified prison term or a mandatory 3939  
prison term for a person who is convicted of or pleads guilty to a 3940  
felony or that specifies the manner and place of service of a 3941  
prison term or term of imprisonment, the court shall impose a 3942  
sentence upon a person who is convicted of or pleads guilty to a 3943  
violent sex offense and who also is convicted of or pleads guilty 3944  
to a sexually violent predator specification that was included in 3945  
the indictment, count in the indictment, or information charging 3946  
that offense, and upon a person who is convicted of or pleads 3947  
guilty to a designated homicide, assault, or kidnapping offense 3948  
and also is convicted of or pleads guilty to both a sexual 3949  
motivation specification and a sexually violent predator 3950  
specification that were included in the indictment, count in the 3951  
indictment, or information charging that offense, as follows: 3952

(1) If the offense for which the sentence is being imposed is aggravated murder and if the court does not impose upon the offender a sentence of death, it shall impose upon the offender a term of life imprisonment without parole. If the court sentences the offender to death and the sentence of death is vacated, overturned, or otherwise set aside, the court shall impose upon the offender a term of life imprisonment without parole.

(2) If the offense for which the sentence is being imposed is murder, if the offense is rape committed in violation of division (A)(1)(b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force or when the victim was less than ten years of age, if the offense is rape committed in violation of division (A)(1)(b) of section 2907.02 of the Revised Code and the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of a law of another state or the United States that is substantially similar to division (A)(1)(b) of section 2907.02 of the Revised Code or the offender during or immediately after the commission of the rape caused serious physical harm to the victim, or if the offense is an offense other than aggravated murder or murder for which a term of life imprisonment may be imposed, it shall impose upon the offender a term of life imprisonment without parole.

(3)(a) Except as otherwise provided in division (A)(3)(b), (c), ~~or~~ (d), or (e) or (A)(4) of this section, if the offense for which the sentence is being imposed is an offense other than aggravated murder, other than murder, ~~or~~, other than rape committed in violation of division (A)(1)(b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force or when the victim was less than ten years of age, other than rape committed in violation of division (A)(1)(b) of section 2907.02 of the Revised Code when the



offender previously has been convicted of or has pleaded guilty to 3985  
either rape committed in violation of that division or a violation 3986  
of a law of another state or the United States that is 3987  
substantially similar to division (A)(1)(b) of section 2907.02 of 3988  
the Revised Code or when the offender during or immediately after 3989  
the commission of the rape caused serious physical harm to the 3990  
victim, and other than an offense for which a term of life 3991  
imprisonment may be imposed, it shall impose an indefinite prison 3992  
term consisting of a minimum term fixed by the court from among 3993  
the range of terms available as a definite term for the offense, 3994  
but not less than two years, and a maximum term of life 3995  
imprisonment. 3996

(b) Except as otherwise provided in division (A)(4) of this 3997  
section, if the offense for which the sentence is being imposed is 3998  
kidnapping that is a felony of the first degree, it shall impose 3999  
an indefinite prison term consisting of a minimum term fixed by 4000  
the court that is not less than ten years, and a maximum term of 4001  
life imprisonment. 4002

(c) Except as otherwise provided in division (A)(4) of this 4003  
section, if the offense for which the sentence is being imposed is 4004  
kidnapping that is a felony of the second degree, it shall impose 4005  
an indefinite prison term consisting of a minimum term fixed by 4006  
the court that is not less than eight years, and a maximum term of 4007  
life imprisonment. 4008

(d) Except as otherwise provided in division (A)(4) of this 4009  
section, if the offense for which the sentence is being imposed is 4010  
rape for which a term of life imprisonment is not imposed under 4011  
~~section 2907.02 of the Revised Code or~~ division (A)(2) of this 4012  
section or division (B) of section 2907.02 of the Revised Code, it 4013  
shall impose an indefinite prison term as follows: 4014

(i) If the rape is committed on or after the effective date 4015  
of this amendment in violation of division (A)(1)(b) or (A)(2) of 4016

section 2907.02 of the Revised Code, it shall impose an indefinite 4017  
prison term consisting of a minimum term of twenty-five years and 4018  
a maximum term of life imprisonment. 4019

(ii) If the rape is committed prior to the effective date of 4020  
this amendment or the rape is committed on or after the effective 4021  
date of this amendment other than in violation of division 4022  
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, it 4023  
shall impose an indefinite prison term consisting of a minimum 4024  
term fixed by the court that is not less than ten years, and a 4025  
maximum term of life imprisonment. 4026

(e) Except as otherwise provided in division (A)(4) of this 4027  
section, if the offense for which the sentence is being imposed is 4028  
gross sexual imposition in violation of division (A)(4) of section 4029  
2907.05 of the Revised Code that the person committed on or after 4030  
the effective date of this amendment, it shall impose an 4031  
indefinite prison term as follows: 4032

(i) Except as otherwise provided in division (A)(3)(e)(ii) of 4033  
this section, it shall impose an indefinite prison term consisting 4034  
of a minimum term of fifteen years and a maximum term of life 4035  
imprisonment. 4036

(ii) If the offender previously has been convicted of or 4037  
pleaded guilty to a violation of section 2907.05 of the Revised 4038  
Code, it shall impose an indefinite prison term consisting of a 4039  
minimum term of twenty-five years and a maximum term of life 4040  
imprisonment. 4041

(4) For any offense for which the sentence is being imposed, 4042  
if the offender previously has been convicted of or pleaded guilty 4043  
to a violent sex offense and also to a sexually violent predator 4044  
specification that was included in the indictment, count in the 4045  
indictment, or information charging that offense, or previously 4046  
has been convicted of or pleaded guilty to a designated homicide, 4047

assault, or kidnapping offense and also to both a sexual 4048  
motivation specification and a sexually violent predator 4049  
specification that were included in the indictment, count in the 4050  
indictment, or information charging that offense, it shall impose 4051  
upon the offender a term of life imprisonment without parole. 4052

(B) Notwithstanding section 2929.13, division (A), (B), (C), 4053  
or (F) of section 2929.14, or another section of the Revised Code 4054  
other than division (B) of section 2907.02 or divisions (D) and 4055  
(E) of section 2929.14 of the Revised Code that authorizes or 4056  
requires a specified prison term or a mandatory prison term for a 4057  
person who is convicted of or pleads guilty to a felony or that 4058  
specifies the manner and place of service of a prison term or term 4059  
of imprisonment, if a person is convicted of or pleads guilty to a 4060  
violation of division (A)(1)(b) or (A)(2) of section 2907.02 or 4061  
division (A)(4) of section 2907.05 of the Revised Code that the 4062  
person committed on or after the effective date of this amendment, 4063  
if division (A) of this section does not apply regarding the 4064  
person, and if the court does not impose a sentence of life 4065  
without parole when authorized pursuant to division (B) of section 4066  
2907.02 of the Revised Code, the court shall impose upon the 4067  
person an indefinite prison term as follows: 4068

(1) If the offense for which the sentence is being imposed is 4069  
rape in violation of division (A)(1)(b) or (A)(2) of section 4070  
2907.02 of the Revised Code, it shall impose an indefinite prison 4071  
term consisting of a minimum term of twenty-five years and a 4072  
maximum term of life imprisonment. 4073

(2) Except as otherwise provided in division (B)(3) of this 4074  
section, if the offense for which the sentence is being imposed is 4075  
gross sexual imposition in violation of division (A)(4) of section 4076  
2907.05 of the Revised Code, it shall impose an indefinite prison 4077  
term consisting of a minimum term of fifteen years and a maximum 4078  
term of life imprisonment. 4079

(3) If the offense for which the sentence is being imposed is gross sexual imposition in violation of division (A)(4) of section 2907.05 of the Revised Code and the offender previously has been convicted of or pleaded guilty to a violation of section 2907.05 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

(C)(1) If the offender is sentenced to a prison term pursuant to division (A)(3) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board terminates its control in accordance with section 2971.04 of the Revised Code.

~~(C)(1)~~(2) Except as provided in division ~~(C)(2)~~(3) of this section, an offender sentenced to a prison term or term of life imprisonment without parole pursuant to division (A) of this section shall serve the entire prison term or term of life imprisonment in a state correctional institution. The offender is not eligible for judicial release under section 2929.20 of the Revised Code.

~~(2)~~(3) For a prison term imposed pursuant to division (A)(3) or (B) of this section, the court, in accordance with section 2971.05 of the Revised Code, may terminate the prison term or modify the requirement that the offender serve the entire term in a state correctional institution if all of the following apply:

(a) The offender has served at least the minimum term imposed as part of that prison term.

(b) The parole board, pursuant to section 2971.04 of the Revised Code, has terminated its control over the offender's service of that prison term.

(c) The court has held a hearing and found, by clear and convincing evidence, one of the following:

(i) In the case of termination of the prison term, that the offender is unlikely to commit a sexually violent offense in the future;

(ii) In the case of modification of the requirement, that the offender does not represent a substantial risk of physical harm to others.

~~(3)~~(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A)(1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (D) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A)(3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that

offense, or is convicted of or pleads guilty to a designated 4142  
homicide, assault, or kidnapping offense and also is convicted of 4143  
or pleads guilty to both a sexual motivation specification and a 4144  
sexually violent predator specification that were included in the 4145  
indictment, count in the indictment, or information charging that 4146  
offense, the conviction of or plea of guilty to the offense and 4147  
the sexually violent predator specification automatically 4148  
classifies the offender as a sexual predator for purposes of 4149  
Chapter 2950. of the Revised Code. If an offender is convicted of 4150  
or pleads guilty to committing on or after the effective date of 4151  
this amendment a violation of division (A)(1)(b) or (A)(2) of 4152  
section 2907.02 or division (A)(4) of section 2907.05 of the 4153  
Revised Code, the conviction of or plea of guilty to the offense 4154  
automatically classifies the offender as a sexual predator for 4155  
purposes of Chapter 2950. of the Revised Code. The classification 4156  
pursuant to this division of ~~the an~~ offender as a sexual predator 4157  
for purposes of ~~that chapter~~ Chapter 2950. of the Revised Code is 4158  
permanent and continues until the offender's death as described in 4159  
division (D)(2) of section 2950.09 of the Revised Code. 4160

**Sec. 2971.04.** (A) If an offender is serving a prison term 4161  
imposed under division (A)(3) or (B) of section 2971.03 of the 4162  
Revised Code, at any time after the offender has served the 4163  
minimum term imposed under that sentence, the parole board may 4164  
terminate its control over the offender's service of the prison 4165  
term. The parole board initially shall determine whether to 4166  
terminate its control over the offender's service of the prison 4167  
term upon the completion of the offender's service of the minimum 4168  
term under the sentence and shall make subsequent determinations 4169  
at least once every two years after that first determination. The 4170  
parole board shall not terminate its control over the offender's 4171  
service of the prison term unless it finds at a hearing that the 4172  
offender does not represent a substantial risk of physical harm to 4173

others. Prior to determining whether to terminate its control over 4174  
the offender's service of the prison term, the parole board shall 4175  
request the department of rehabilitation and correction to prepare 4176  
pursuant to section 5120.61 of the Revised Code an update of the 4177  
most recent risk assessment and report relative to the offender. 4178  
The offender has the right to be present at any hearing held under 4179  
this section. At the hearing, the offender and the prosecuting 4180  
attorney may make a statement and present evidence as to whether 4181  
the parole board should terminate its control over the offender's 4182  
service of the prison term. In making its determination as to 4183  
whether to terminate its control over the offender's service of 4184  
the prison term, the parole board may follow the standards and 4185  
guidelines adopted by the department of rehabilitation and 4186  
correction under section 5120.49 of the Revised Code and shall 4187  
consider the updated risk assessment and report relating to the 4188  
offender prepared by the department pursuant to section 5120.61 of 4189  
the Revised Code in response to the request made under this 4190  
division and any statements or evidence submitted by the offender 4191  
or the prosecuting attorney. If the parole board terminates its 4192  
control over an offender's service of a prison term imposed under 4193  
division (A)(3) or (B) of section 2971.03 of the Revised Code, it 4194  
shall recommend to the court modifications to the requirement that 4195  
the offender serve the entire term in a state correctional 4196  
institution. The court is not bound by the recommendations 4197  
submitted by the parole board. 4198

(B) If the parole board terminates its control over an 4199  
offender's service of a prison term imposed pursuant to division 4200  
(A)(3) or (B) of section 2971.03 of the Revised Code, the parole 4201  
board immediately shall provide written notice of its termination 4202  
of control to the department of rehabilitation and correction, the 4203  
court, and the prosecuting attorney, and, after the board's 4204  
termination of its control, the court shall have control over the 4205  
offender's service of that prison term. 4206

After the transfer, the court shall have control over the 4207  
offender's service of that prison term for the offender's entire 4208  
life, subject to the court's termination of the term pursuant to 4209  
section 2971.05 of the Revised Code. 4210

(C) If control over the offender's service of the prison term 4211  
is transferred to the court, all of the following apply: 4212

(1) The offender shall not be released solely as a result of 4213  
the transfer of control over the service of that prison term. 4214

(2) The offender shall not be permitted solely as a result of 4215  
the transfer to serve a portion of that term in a place other than 4216  
a state correctional institution. 4217

(3) The offender shall continue serving that term in a state 4218  
correctional institution, subject to the following: 4219

(a) A release pursuant to a pardon, commutation, or reprieve; 4220

(b) A modification or termination of the term by the court 4221  
pursuant to this chapter. 4222

**Sec. 2971.05.** (A)(1) After control over an offender's service 4223  
of a prison term imposed pursuant to division (A)(3) or (B) of 4224  
section 2971.03 of the Revised Code has been transferred pursuant 4225  
to section 2971.04 of the Revised Code to the court, the court 4226  
shall schedule, within thirty days of any of the following, a 4227  
hearing on whether to modify in accordance with division (C) of 4228  
this section the requirement that the offender serve the entire 4229  
prison term in a state correctional institution or to terminate 4230  
the prison term in accordance with division (D) of this section: 4231

(a) Control over the offender's service of a prison term is 4232  
transferred pursuant to section 2971.04 of the Revised Code to the 4233  
court, and no hearing to modify the requirement has been held; 4234

(b) Two years elapse after the most recent prior hearing held 4235



pursuant to division (A)(1) or (2) of this section; 4236

(c) The prosecuting attorney, the department of 4237  
rehabilitation and correction, or the adult parole authority 4238  
requests the hearing, and recommends that the requirement be 4239  
modified or that the offender's prison term be terminated. 4240

(2) After control over the offender's service of a prison 4241  
term has been transferred pursuant to section 2971.04 of the 4242  
Revised Code to the court, the court, within thirty days of either 4243  
of the following, shall conduct a hearing on whether to modify in 4244  
accordance with division (C) of this section the requirement that 4245  
the offender serve the entire prison term in a state correctional 4246  
institution, whether to continue, revise, or revoke an existing 4247  
modification of that requirement, or whether to terminate the term 4248  
in accordance with division (D) of this section: 4249

(a) The requirement that the offender serve the entire prison 4250  
term in a state correctional institution has been modified, and 4251  
the offender is taken into custody for any reason. 4252

(b) The department of rehabilitation and correction or the 4253  
prosecuting attorney notifies the court pursuant to section 4254  
2971.06 of the Revised Code regarding a known or suspected 4255  
violation of a term or condition of the modification or a belief 4256  
that there is a substantial likelihood that the offender has 4257  
committed or is about to commit a sexually violent offense. 4258

(3) After control over the offender's service of a prison 4259  
term has been transferred pursuant to section 2971.04 of the 4260  
Revised Code to the court, the court, in any of the following 4261  
circumstances, may conduct a hearing within thirty days to 4262  
determine whether to modify in accordance with division (C) of 4263  
this section the requirement that the offender serve the entire 4264  
prison term in a state correctional institution, whether to 4265  
continue, revise, or revoke an existing modification of that 4266

requirement, or whether to terminate the sentence in accordance  
with division (D) of this section:

(a) The offender requests the hearing;

(b) Upon the court's own motion;

(c) One or more examiners who have conducted a psychological  
examination and assessment of the offender file a statement that  
states that there no longer is a likelihood that the offender will  
engage in the future in a sexually violent offense.

(B)(1) Before a court holds a hearing pursuant to division  
(A) of this section, the court shall provide notice of the date,  
time, place, and purpose of the hearing to the offender, the  
prosecuting attorney, the department of rehabilitation and  
correction, and the adult parole authority and shall request the  
department to prepare pursuant to section 5120.61 of the Revised  
Code an update of the most recent risk assessment and report  
relative to the offender. The offender has the right to be present  
at any hearing held under this section. At the hearing, the  
offender and the prosecuting attorney may make a statement and  
present evidence as to whether the requirement that the offender  
serve the entire prison term in a state correctional institution  
should or should not be modified, whether the existing  
modification of the requirement should be continued, revised, or  
revoked, and whether the prison term should or should not be  
terminated.

(2) At a hearing held pursuant to division (A) of this  
section, the court may and, if the hearing is held pursuant to  
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall  
determine by clear and convincing evidence whether the offender is  
unlikely to commit a sexually violent offense in the future.

(3) At the conclusion of the hearing held pursuant to  
division (A) of this section, the court may order that the

requirement that the offender serve the entire prison term in a  
state correctional institution be continued, that the requirement  
be modified pursuant to division (C) of this section, that an  
existing modification be continued, revised, or revoked pursuant  
to division (C) of this section, or that the prison term be  
terminated pursuant to division (D) of this section.

(C)(1) If, at the conclusion of a hearing held pursuant to  
division (A) of this section, the court determines by clear and  
convincing evidence that the offender will not represent a  
substantial risk of physical harm to others, the court may modify  
the requirement that the offender serve the entire prison term  
imposed under division (A)(3) or (B) of section 2971.03 of the  
Revised Code in a state correctional institution in a manner that  
the court considers appropriate. If the court modifies the  
requirement, ~~the offender is subject to~~ for an offender whose  
prison term was imposed pursuant to division (A)(3) of section  
2971.03 of the Revised Code, the court shall order the adult  
parole authority to supervise the offender and shall require that  
the authority's supervision under of the offender be pursuant to  
division (E) of this section. If the court modifies the  
requirement for an offender whose prison term was imposed pursuant  
to division (B) of section 2971.03 of the Revised Code, the court  
shall order the adult parole authority to supervise the offender  
and may require that the authority's supervision of the offender  
be pursuant to division (E) of this section.

(2) The modification of the requirement does not terminate  
the prison term but serves only to suspend the requirement that  
the offender serve the entire term in a state correctional  
institution. The prison term shall remain in effect for the  
offender's entire life unless the court terminates the prison term  
pursuant to division (D) of this section. The offender shall  
remain under the jurisdiction of the court for the offender's

entire life unless the court so terminates the prison term. The  
modification of the requirement does not terminate the  
classification of the offender, as described in division (F) of  
section 2971.03 of the Revised Code, as a sexual predator for  
purposes of Chapter 2950. of the Revised Code, and the offender is  
subject to supervision, including supervision under division (E)  
of this section if the court required the supervision of the  
offender to be pursuant to that division.

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(3) If the court revokes the modification under  
consideration, the court shall order that the offender be returned  
to the custody of the department of rehabilitation and correction  
to continue serving the prison term to which the modification  
applied, and section 2971.06 of the Revised Code applies regarding  
the offender.

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(D)(1) If, at the conclusion of a hearing held pursuant to  
division (A) of this section, the court determines by clear and  
convincing evidence that the offender is unlikely to commit a  
sexually violent offense in the future, the court may terminate  
the offender's prison term imposed under division (A)(3) or (B) of  
section 2971.03 of the Revised Code, subject to the offender  
satisfactorily completing the period of conditional release  
required by this division and, if applicable, compliance with  
division (E) of this section. If the court terminates the prison  
term, the court shall place the offender on conditional release  
for five years, ~~require the offender to comply with division (E)  
of this section,~~ notify the adult parole authority of its  
determination and of the termination of the prison term, and order  
the adult parole authority to supervise the offender during the  
five-year period of conditional release ~~and~~ or, if division (E)  
applies to the offender, to supervise the offender pursuant to and  
for the period of time specified in that division. If the court  
terminates the prison term for an offender whose prison term was

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imposed pursuant to division (A)(3) of section 2971.03 of the 4362  
Revised Code, the court shall require that the authority's 4363  
supervision of the offender be pursuant to division (E) of this 4364  
section. If the court terminates the prison term for an offender 4365  
whose prison term was imposed pursuant to division (B) of section 4366  
2971.03 of the Revised Code, the court may require that the 4367  
authority's supervision of the offender be pursuant to division 4368  
(E) of this section. Upon receipt of a notice from a court 4369  
pursuant to this division, the adult parole authority shall 4370  
supervise the offender who is the subject of the notice during the 4371  
five-year period of conditional release, periodically notify the 4372  
court of the offender's activities during that five-year period of 4373  
conditional release, and file with the court no later than thirty 4374  
days prior to the expiration of the five-year period of 4375  
conditional release a written recommendation as to whether the 4376  
termination of the offender's prison term should be finalized, 4377  
whether the period of conditional release should be extended, or 4378  
whether another type of action authorized pursuant to this chapter 4379  
should be taken. 4380

(2) Upon receipt of a recommendation of the adult parole 4381  
authority filed pursuant to ~~this~~ division (D)(1) of this section, 4382  
the court shall hold a hearing to determine whether to finalize 4383  
the termination of the offender's prison term, to extend the 4384  
period of conditional release, or to take another type of action 4385  
authorized pursuant to this chapter. The court shall hold the 4386  
hearing no later than the date on which the five-year period of 4387  
conditional release terminates and shall provide notice of the 4388  
date, time, place, and purpose of the hearing to the offender and 4389  
to the prosecuting attorney. At the hearing, the offender, the 4390  
prosecuting attorney, and the adult parole authority employee who 4391  
supervised the offender during the period of conditional release 4392  
may make a statement and present evidence. 4393

(2) If the court determines at the hearing to extend an 4394  
offender's period of conditional release, it may do so for 4395  
additional periods of one year in the same manner as the original 4396  
period of conditional release, and, except as otherwise described 4397  
in this division, all procedures and requirements that applied to 4398  
the original period of conditional release apply to the additional 4399  
period of extended conditional release unless the court modifies a 4400  
procedure or requirement. If an offender's period of conditional 4401  
release is extended as described in this division, all references 4402  
to a five-year period of conditional release that are contained in 4403  
division (D)(1) of this section shall be construed, in applying 4404  
the provisions of that division to the extension, as being 4405  
references to the one-year period of the extension of the 4406  
conditional release. 4407

If the court determines at the hearing to take another type 4408  
of action authorized pursuant to this chapter, it may do so in the 4409  
same manner as if the action had been taken at any other stage of 4410  
the proceedings under this chapter. As used in this division, 4411  
"another type of action" includes the revocation of the 4412  
conditional release and the return of the offender to a state 4413  
correctional institution to continue to serve the prison term. 4414

If the court determines at the hearing to finalize the 4415  
termination of the offender's prison term, it shall notify the 4416  
department of rehabilitation and correction, the department shall 4417  
enter into its records a final release and issue to the offender a 4418  
certificate of final release, and the prison term thereafter shall 4419  
be considered completed and terminated in every way. 4420

(3) The termination of ~~the~~ an offender's prison term pursuant 4421  
to division (D)(1) or (2) of this section does not affect the 4422  
classification of the offender, as described in division (F) of 4423  
section 2971.03 of the Revised Code, as a sexual predator for 4424  
purposes of Chapter 2950. of the Revised Code, ~~and~~ does not 4425

terminate the adult parole authority's supervision of a ~~sexually~~ 4426  
~~violent predator~~ the offender, and, if the court had required the 4427  
supervision of the offender to be pursuant to division (E) of this 4428  
section, does not terminate the supervision of the offender with 4429  
an active global positioning system device, pursuant to that 4430  
division ~~(E) of this section~~. The classification of the offender 4431  
as a sexual predator is permanent and continues until the 4432  
offender's death as described in division (D)(2) of section 4433  
2950.09 of the Revised Code. 4434

(E) ~~The adult parole authority shall supervise~~ If a prison 4435  
term imposed upon an offender whose prison term pursuant to 4436  
division (A)(3) of section 2971.03 of the Revised Code is modified 4437  
as provided in division (C) of this section or ~~whose prison term~~ 4438  
~~is~~ terminated as provided in division (D) of this section, the 4439  
adult parole authority shall supervise the offender with an active 4440  
global positioning system device during any time period in which 4441  
the offender is not incarcerated in a state correctional 4442  
institution. ~~Unless~~ If a prison term imposed upon an offender 4443  
pursuant to division (B) of section 2971.03 of the Revised Code is 4444  
modified as provided in division (C) of this section or terminated 4445  
as provided in division (D) of this section, and if the court 4446  
requires that the adult parole authority's supervision of the 4447  
offender be pursuant to this division, the authority shall 4448  
supervise the offender with an active global positioning system 4449  
device during any time period in which the offender is not 4450  
incarcerated in a state correctional institution. If the adult 4451  
parole authority is required to supervise the offender with an 4452  
active global positioning system device as described in this 4453  
division, unless the court removes the offender's classification 4454  
as a sexually violent predator, ~~an~~ regarding an offender whose 4455  
prison term was imposed under division (A)(3) of section 2971.03 4456  
of the Revised Code or terminates the requirement that supervision 4457  
of the offender be pursuant to this division regarding an offender 4458

whose prison term was imposed under division (B) of section 2971.03 of the Revised Code, the offender is subject to supervision with an active global positioning system pursuant to this division for the offender's entire life. The costs of administering the supervision of ~~sexually violent~~ offenders with an active global positioning system device pursuant to this division shall be paid out of funds from the reparations fund, created pursuant to section 2743.191 of the Revised Code. This division shall only apply to a sexually violent predator sentenced pursuant to division (A)(3) of section 2971.03 of the Revised Code who is released from the custody of the department of rehabilitation and correction on or after ~~the effective date of this amendment~~ September 29, 2005 or an offender sentenced pursuant to division (B) of section 2971.03 of the Revised Code on or after the effective date of this amendment.

**Sec. 2971.06.** If an offender is serving a prison term imposed under division (A)(3) or (B) of section 2971.03 of the Revised Code, if, pursuant to section 2971.05 of the Revised Code, the court modifies the requirement that the offender serve the entire prison term in a state correctional institution or places the offender on conditional release, and if, at any time after the offender has been released from serving the term in an institution, the department of rehabilitation and correction or the prosecuting attorney learns or obtains information indicating that the offender has violated a term or condition of the modification or conditional release or believes there is a substantial likelihood that the offender has committed or is about to commit a sexually violent offense, all of the following apply:

(A) The department or the prosecuting attorney may contact a peace officer, parole officer, or probation officer and request the officer to take the offender into custody. If the department contacts a peace officer, parole officer, or probation officer and



requests that the offender be taken into custody, the department 4491  
shall notify the prosecuting attorney that it made the request and 4492  
shall provide the reasons for which it made the request. Upon 4493  
receipt of a request that an offender be taken into custody, a 4494  
peace officer, parole officer, or probation officer shall take the 4495  
offender in question into custody and promptly shall notify the 4496  
department and the prosecuting attorney, in writing, that the 4497  
offender was taken into custody. After the offender has been taken 4498  
into custody, the department or the prosecuting attorney shall 4499  
notify the court of the violation or the belief that there is a 4500  
substantial likelihood that the offender has committed or is about 4501  
to commit a sexually violent offense, and the prosecuting attorney 4502  
may request that the court, pursuant to section 2971.05 of the 4503  
Revised Code, revise the modification. An offender may be held in 4504  
custody under this provision for no longer than thirty days, 4505  
pending a determination pursuant to section 2971.05 of the Revised 4506  
Code of whether the modification of the requirement that the 4507  
offender serve the entire prison term in a state correctional 4508  
institution should be revised. If the court fails to make a 4509  
determination under that section regarding the prosecuting 4510  
attorney's request within thirty days after the offender was taken 4511  
into custody, the offender shall be released from custody and 4512  
shall be subject to the same terms and conditions as existed under 4513  
the then-existing modification of the requirement that the 4514  
offender serve the entire prison term in a state correctional 4515  
institution, provided that if the act that resulted in the 4516  
offender being taken into custody under this division is a 4517  
criminal offense and if the offender is arrested for that act, the 4518  
offender may be retained in custody in accordance with the 4519  
applicable law. 4520

(B) If the offender is not taken into custody pursuant to 4521  
division (A) of this section, the department or the prosecuting 4522

attorney shall notify the court of the known or suspected 4523  
violation or of the belief that there is a substantial likelihood 4524  
that the offender has committed or is about to commit a sexually 4525  
violent offense. If the department provides the notification to 4526  
the court, it also shall notify the prosecuting attorney that it 4527  
provided the notification and shall provide the reasons for which 4528  
it provided the notification. The prosecuting attorney may request 4529  
that the court, pursuant to section 2971.05 of the Revised Code, 4530  
revise the modification. 4531

**Sec. 2971.07.** (A) This chapter does not apply to any offender 4532  
unless the offender is convicted of or pleads guilty to a violent 4533  
sex offense and also is convicted of or pleads guilty to a 4534  
sexually violent predator specification that was included in the 4535  
indictment, count in the indictment, or information charging that 4536  
offense ~~or~~, unless the offender is convicted of or pleads guilty 4537  
to a designated homicide, assault, or kidnapping offense and also 4538  
is convicted of or pleads guilty to both a sexual motivation 4539  
specification and a sexually violent predator specification that 4540  
were included in the indictment, count in the indictment, or 4541  
information charging that offense, or unless the offender is 4542  
convicted of or pleads guilty to a violation of division (A)(1)(b) 4543  
or (A)(2) of section 2907.02 or division (A)(4) of section 2907.05 4544  
of the Revised Code that the offender committed on or after the 4545  
effective date of this amendment and the court does not sentence 4546  
the offender to a term of life without parole pursuant to division 4547  
(B) of section 2907.02 of the Revised Code. 4548

(B) This chapter does not limit or affect a court that 4549  
sentences an offender who is convicted of or pleads guilty to a 4550  
violent sex offense and also is convicted of or pleads guilty to a 4551  
sexually violent predator specification ~~or~~, a court that sentences 4552  
an offender who is convicted of or pleads guilty to a designated 4553

homicide, assault, or kidnapping offense and also is convicted of 4554  
or pleads guilty to both a sexual motivation specification and a 4555  
sexually violent predator specification, or a court that sentences 4556  
an offender who is convicted of or pleads guilty to a violation of 4557  
division (A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) 4558  
of section 2907.05 of the Revised Code committed on or after the 4559  
effective date of this amendment in imposing upon the offender any 4560  
financial sanction under section 2929.18 or any other section of 4561  
the Revised Code, or, except as specifically provided in this 4562  
chapter, any other sanction that is authorized or required for the 4563  
offense or violation by any other provision of law. 4564

(C) If an offender is sentenced to a prison term under 4565  
division (A)(3) or (B) of section 2971.03 of the Revised Code and 4566  
if, pursuant to section 2971.05 of the Revised Code, the court 4567  
modifies the requirement that the offender serve the entire prison 4568  
term in a state correctional institution or places the offender on 4569  
conditional release that involves the placement of the offender 4570  
under the supervision of the adult parole authority, authorized 4571  
field officers of the authority who are engaged within the scope 4572  
of their supervisory duties or responsibilities may search, with 4573  
or without a warrant, the person of the offender, the place of 4574  
residence of the offender, and a motor vehicle, another item of 4575  
tangible or intangible personal property, or any other real 4576  
property in which the offender has the express or implied 4577  
permission of a person with a right, title, or interest to use, 4578  
occupy, or possess if the field officer has reasonable grounds to 4579  
believe that the offender is not abiding by the law or otherwise 4580  
is not complying with the terms and conditions of the offender's 4581  
modification or release. The authority shall provide each offender 4582  
with a written notice that informs the offender that authorized 4583  
field officers of the authority who are engaged within the scope 4584  
of their supervisory duties or responsibilities may conduct those 4585  
types of searches during the period of the modification or release 4586

if they have reasonable grounds to believe that the offender is 4587  
not abiding by the law or otherwise is not complying with the 4588  
terms and conditions of the offender's modification or release. 4589

**Sec. 5120.49.** The department of rehabilitation and 4590  
correction, by rule adopted under Chapter 119. of the Revised 4591  
Code, shall prescribe standards and guidelines to be used by the 4592  
parole board in determining, pursuant to section 2971.04 of the 4593  
Revised Code, whether it should terminate its control over an 4594  
offender's service of a prison term imposed upon the offender 4595  
under division (A)(3) of section 2971.03 of the Revised Code for 4596  
conviction of or a plea of guilty to a violent sex offense and a 4597  
sexually violent predator specification or for conviction of or a 4598  
plea of guilty to a designated homicide, assault, or kidnapping 4599  
offense and both a sexual motivation specification and a sexually 4600  
violent predator specification or imposed upon the offender under 4601  
division (B) of section 2971.03 of the Revised Code for conviction 4602  
of or a plea of guilty to a violation of division (A)(1)(b) or 4603  
(A)(2) of section 2907.02 or division (A)(4) of section 2907.05 of 4604  
the Revised Code committed on or after the effective date of this 4605  
amendment. The rules shall include provisions that specify that 4606  
the parole board may not terminate its control over an offender's 4607  
service of a prison term imposed upon the offender under ~~that~~ 4608  
~~division~~ either of the specified divisions until after the 4609  
offender has served the minimum term imposed as part of that 4610  
prison term and until the parole board has determined that the 4611  
offender does not represent a substantial risk of physical harm to 4612  
others. 4613

**Sec. 5120.61.** (A)(1) Not later than ninety days after ~~the~~ 4614  
~~effective date of this section~~ January 1, 1997, the department of 4615  
rehabilitation and correction shall adopt standards that it will 4616  
use under this section to assess a criminal offender who is 4617

convicted of or pleads guilty to a violent sex offense or 4618  
designated homicide, assault, or kidnapping offense and is 4619  
adjudicated a sexually violent predator in relation to that 4620  
offense or who is convicted of or pleads guilty to a violation of 4621  
division (A)(1)(b) or (A)(2) of section 2907.02 or division (A)(4) 4622  
of section 2907.05 of the Revised Code committed on or after the 4623  
effective date of this amendment. The department may periodically 4624  
revise the standards. 4625

(2) When the department is requested by the parole board or 4626  
the court to provide a risk assessment report of the offender 4627  
under section 2971.04 or 2971.05 of the Revised Code, it shall 4628  
assess the offender and complete the assessment as soon as 4629  
possible after the offender has commenced serving the prison term 4630  
or term of life imprisonment without parole imposed under division 4631  
(A) or (B) of section 2971.03 of the Revised Code. Thereafter, the 4632  
department shall update a risk assessment report pertaining to an 4633  
offender as follows: 4634

(a) Periodically, in the discretion of the department, 4635  
provided that each report shall be updated no later than two years 4636  
after its initial preparation or most recent update; 4637

(b) Upon the request of the parole board for use in 4638  
determining pursuant to section 2971.04 of the Revised Code 4639  
whether it should terminate its control over an offender's service 4640  
of a prison term imposed upon the offender under division (A)(3) 4641  
or (B) of section 2971.03 of the Revised Code; 4642

(c) Upon the request of the court. 4643

(3) After the department of rehabilitation and correction 4644  
assesses an offender pursuant to division (A)(2) of this section, 4645  
it shall prepare a report that contains its risk assessment for 4646  
the offender or, if a risk assessment report previously has been 4647  
prepared, it shall update the risk assessment report. 4648

(4) The department of rehabilitation and correction shall 4649  
provide each risk assessment report that it prepares or updates 4650  
pursuant to this section regarding an offender to all of the 4651  
following: 4652

(a) The parole board for its use in determining pursuant to 4653  
section 2971.04 of the Revised Code whether it should terminate 4654  
its control over an offender's service of a prison term imposed 4655  
upon the offender under division (A)(3) or (B) of section 2971.03 4656  
of the Revised Code, if the parole board has not terminated its 4657  
control over the offender; 4658

(b) The court for use in determining, pursuant to section 4659  
2971.05 of the Revised Code, whether to modify the requirement 4660  
that the offender serve the entire prison term imposed upon the 4661  
offender under division (A)(3) or (B) of section 2971.03 of the 4662  
Revised Code in a state correctional institution, whether to 4663  
revise any modification previously made, or whether to terminate 4664  
the prison term; 4665

(c) The prosecuting attorney who prosecuted the case, or the 4666  
successor in office to that prosecuting attorney; 4667

(d) The offender. 4668

(B) When the department of rehabilitation and correction 4669  
provides a risk assessment report regarding an offender to the 4670  
parole board or court pursuant to division (A)(4)(a) or (b) of 4671  
this section, the department, prior to the parole board's or 4672  
court's hearing, also shall provide to the offender or to the 4673  
offender's attorney of record a copy of the report and a copy of 4674  
any other relevant documents the department possesses regarding 4675  
the offender that the department does not consider to be 4676  
confidential. 4677

(C) As used in this section: 4678

(1) "Adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(2) "Designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code.

**Sec. 5120.66.** (A) Within ninety days after ~~the effective date of this section~~ November 23, 2005, but not before January 1, 2006, the department of rehabilitation and correction shall establish and operate on the internet a database that contains all of the following:

(1) For each inmate in the custody of the department under a sentence imposed for a conviction of or plea of guilty to any offense, all of the following information:

(a) The inmate's name;

(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's custody, the name of the offense, the Revised Code section of which the offense is a violation, the gender of each victim of the offense if those facts are known, whether each victim of the offense was an adult or child if those facts are known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense, and either the date on which the inmate will be eligible for parole relative to the offense if the prison term or term of imprisonment is an indefinite term or life term or the date on

which the term ends if the prison term is a definite term; 4709

(c) All of the following information that is applicable 4710  
regarding the inmate: 4711

(i) If known to the department prior to the conduct of any 4712  
hearing for judicial release of the defendant pursuant to section 4713  
2929.20 of the Revised Code in relation to any prison term or term 4714  
of imprisonment the inmate is serving for any offense, notice of 4715  
the fact that the inmate will be having a hearing regarding a 4716  
possible grant of judicial release, the date of the hearing, and 4717  
the right of any person pursuant to division (J) of that section 4718  
to submit to the court a written statement regarding the possible 4719  
judicial release; 4720

(ii) If the inmate is serving a prison term pursuant to 4721  
division (A)(3) of section 2971.03 of the Revised Code as a 4722  
sexually violent predator who committed a sexually violent offense 4723  
or a prison term pursuant to division (B) of section 2971.03 of 4724  
the Revised Code imposed for a violation of division (A)(1)(b) or 4725  
(A)(2) of section 2907.02 or division (A)(4) of section 2907.05 of 4726  
the Revised Code committed on or after the effective date of this 4727  
amendment, prior to the conduct of any hearing pursuant to section 4728  
2971.05 of the Revised Code to determine whether to modify the 4729  
requirement that the inmate serve the entire prison term in a 4730  
state correctional facility in accordance with division (C) of 4731  
that section, whether to continue, revise, or revoke any existing 4732  
modification of that requirement, or whether to terminate the 4733  
prison term in accordance with division (D) of that section, 4734  
notice of the fact that the inmate will be having a hearing 4735  
regarding those determinations and of the date of the hearing; 4736

(iii) At least three weeks before the adult parole authority 4737  
recommends a pardon or commutation of sentence for the inmate or 4738  
at least three weeks prior to a hearing before the adult parole 4739



authority regarding a grant of parole to the inmate in relation to 4740  
any prison term or term of imprisonment the inmate is serving for 4741  
any offense, notice of the fact that the inmate might be under 4742  
consideration for a pardon or commutation of sentence or will be 4743  
having a hearing regarding a possible grant of parole, of the date 4744  
of any hearing regarding a possible grant of parole, and of the 4745  
right of any person to submit a written statement regarding the 4746  
pending action; 4747

(iv) At least three weeks before the inmate has a hearing 4748  
regarding a transfer to transitional control under section 2967.26 4749  
of the Revised Code in relation to any prison term or term of 4750  
imprisonment the inmate is serving for any offense, notice of the 4751  
pendency of the transfer, of the date of the possible transfer, 4752  
and of the right of any person to submit a statement regarding the 4753  
possible transfer; 4754

(v) Prompt notice of the inmate's escape from any facility in 4755  
which the inmate was incarcerated and of the capture of the inmate 4756  
after an escape; 4757

(vi) Notice of the inmate's death while in confinement; 4758

(vii) Prior to the release of the inmate from confinement, 4759  
notice of the fact that the inmate will be released, of the date 4760  
of the release, and, if applicable, of the standard terms and 4761  
conditions of the release; 4762

(viii) Notice of the inmate's judicial release. 4763

(2) Information as to where a person can send written 4764  
statements of the types referred to in divisions (A)(1)(c)(i), 4765  
(iii), and (iv) of this section. 4766

(B)(1) The department shall update the database required 4767  
under division (A) of this section every twenty-four hours to 4768  
ensure that the information it contains is accurate and current. 4769

(2) The database required under division (A) of this section 4770  
is a public record open for inspection under section 149.43 of the 4771  
Revised Code. The department shall make the database searchable by 4772  
inmate name and by the county and zip code where the offender 4773  
intends to reside after release from a state correctional 4774  
institution if this information is known to the department. 4775

(3) The database required under division (A) of this section 4776  
may contain information regarding inmates who are listed in the 4777  
database in addition to the information described in that 4778  
division. 4779

(4) No information included on the database required under 4780  
division (A) of this section shall identify or enable the 4781  
identification of any victim of any offense committed by an 4782  
inmate. 4783

(C) The failure of the department to comply with the 4784  
requirements of division (A) or (B) of this section does not give 4785  
any rights or any grounds for appeal or post-conviction relief to 4786  
any inmate. 4787

(D) This section, and the related provisions of sections 4788  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 4789  
in the act in which this section was enacted, shall be known as 4790  
"Laura's Law." 4791

**Sec. 5149.10.** (A) The parole board shall consist of up to 4792  
twelve members, one of whom shall be designated as chairperson by 4793  
the director of the department of rehabilitation and correction 4794  
and who shall continue as chairperson until a successor is 4795  
designated, and any other personnel that are necessary for the 4796  
orderly performance of the duties of the board. In addition to the 4797  
rules authorized by section 5149.02 of the Revised Code, the chief 4798  
of the adult parole authority, subject to the approval of the 4799

chief of the division of parole and community services and subject 4800  
to this section, shall adopt rules governing the proceedings of 4801  
the parole board. The rules shall provide for the convening of 4802  
full board hearings, the procedures to be followed in full board 4803  
hearings, and general procedures to be followed in other hearings 4804  
of the board and by the board's hearing officers. The rules also 4805  
shall require agreement by a majority of all the board members to 4806  
any recommendation of clemency transmitted to the governor. 4807

When the board members sit as a full board, the chairperson 4808  
shall preside. The chairperson shall also allocate the work of the 4809  
parole board among the board members. The full board shall meet at 4810  
least once each month. In the case of a tie vote on the full 4811  
board, the chief of the adult parole authority shall cast the 4812  
deciding vote. The chairperson may designate a person to serve in 4813  
the chairperson's place. 4814

Except as otherwise provided in division (B) of this section, 4815  
no person shall be appointed a member of the board who is not 4816  
qualified by education or experience in correctional work, 4817  
including law enforcement, prosecution of offenses, advocating for 4818  
the rights of victims of crime, probation, or parole, in law, in 4819  
social work, or in a combination of the three categories. 4820

(B) The director of rehabilitation and correction, in 4821  
consultation with the governor, shall appoint one member of the 4822  
board, who shall be a person who has been a victim of crime or who 4823  
is a member of a victim's family or who represents an organization 4824  
that advocates for the rights of victims of crime. After 4825  
appointment, this member shall be an unclassified employee of the 4826  
department of rehabilitation and correction. 4827

The initial appointment shall be for a term ending four years 4828  
after the effective date of this amendment. Thereafter, the term 4829  
of office of the member appointed under this division shall be for 4830  
four years, with each term ending on the same day of the same 4831

month as did the term that it succeeds. The member shall hold 4832  
office from the date of appointment until the end of the term for 4833  
which the member was appointed and may be reappointed. Vacancies 4834  
shall be filled in the manner provided for original appointments. 4835  
Any member appointed under this division to fill a vacancy 4836  
occurring prior to the expiration date of the term for which the 4837  
member's predecessor was appointed shall hold office as a member 4838  
for the remainder of that term. The member appointed under this 4839  
division shall continue in office subsequent to the expiration 4840  
date of the member's term until the member's successor takes 4841  
office or until a period of sixty days has elapsed, whichever 4842  
occurs first. 4843

The member appointed under this division shall be compensated 4844  
in the same manner as other board members and shall be reimbursed 4845  
for actual and necessary expenses incurred in the performance of 4846  
the members' duties. The member may vote on all cases heard by the 4847  
full board under section 5149.101 of the Revised Code, has such 4848  
duties as are assigned by the chairperson of the board, and shall 4849  
coordinate the member's activities with the office of victims' 4850  
services created under section 5120.60 of the Revised Code. 4851

As used in this division, "crime," "member of the victim's 4852  
family," and "victim" have the meanings given in section 2930.01 4853  
of the Revised Code. 4854

(C) The chairperson shall submit all recommendations for or 4855  
against clemency directly to the governor. 4856

(D) The chairperson shall transmit to the chief of the adult 4857  
parole authority all determinations for or against parole made by 4858  
the board. Parole determinations are final and are not subject to 4859  
review or change by the chief. 4860

(E) In addition to its duties pertaining to parole and 4861  
clemency, if an offender is sentenced to a prison term pursuant to 4862

division (A)(3) or (B) of section 2971.03 of the Revised Code, the 4863  
parole board shall have control over the offender's service of the 4864  
prison term during the entire term unless the board terminates its 4865  
control in accordance with section 2971.04 of the Revised Code. 4866  
The parole board may terminate its control over the offender's 4867  
service of the prison term only in accordance with section 2971.04 4868  
of the Revised Code. 4869

**Section 2.** That existing sections 109.42, 2743.191, 2907.02, 4870  
2907.05, 2921.34, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 4871  
2941.148, 2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 2971.03, 4872  
2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, and 4873  
5149.10 of the Revised Code are hereby repealed. 4874

**Section 3.** Section 2930.16 of the Revised Code is presented 4875  
in this act as a composite of the section as amended by both Am. 4876  
Sub. H.B. 375 and Am. Sub. H.B. 473 of the 125th General Assembly. 4877  
The General Assembly, applying the principle stated in division 4878  
(B) of section 1.52 of the Revised Code that amendments are to be 4879  
harmonized if reasonably capable of simultaneous operation, finds 4880  
that the composite is the resulting version of the section in 4881  
effect prior to the effective date of the section as presented in 4882  
this act. 4883