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Am. Sub. 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, Fedor, Miller, R., Roberts
Representatives Latta, Evans, D., Hughes, Gilb, Yuko, Boccieri, Bubp, Collier,
Combs, DeBose, DeGeeter, Dolan, Domenick, Driehaus, Evans, C., Faber,
Fende, Flowers, Gibbs, Hagan, Koziura, Law, Mason, McGregor, J.,
McGregor, R., Mitchell, Oelslager, Otterman, Patton, T., Peterson, Raussen,
Reidelbach, Sayre, Schaffer, Schneider, Seaver, Seitz, Smith, G., Stewart, J.,
Trakas, Uecker, Ujvagi, Wagoner, Webster, White, D., White, J., Widener,
Widowfield, Williams

—

A BILL

To amend sections 109.42, 2743.191, 2903.212, 1
2903.213, 2903.214, 2907.02, 2907.07, 2919.26, 2
2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 3
2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 4
2950.11, 2950.13, 2950.14, 2967.12, 2967.121, 5
2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 6
3109.04, 3113.31, 5120.49, 5120.61, 5120.66, and 7
5149.10 and to enact sections 2941.1418, 8
2941.1419, and 2941.1420 of the Revised Code to 9
change the penalties and conditions when a person 10
is convicted of rape or attempted rape and the 11
victim is less than 13; to increase the penalty 12
for importuning and establish a presumption for a 13
prison term if the victim is under 13; to require 14

the Department of Rehabilitation and Correction to 15
notify sheriffs of the release of sex offenders 16
and child-victim oriented offenders and to require 17
BCII to include on its Internet sex offender 18
database, and sheriffs who operate on the Internet 19
a sex offender database, to include on the 20
database the information received about the 21
offender; to provide for the consideration of 22
specified convictions of members of the household 23
of a parent in making child custody 24
determinations; to modify provision regarding 25
protection orders for victims of sexually oriented 26
offenses; and to declare an emergency. 27

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

Section 1. That sections 109.42, 2743.191, 2903.212, 28
2903.213, 2903.214, 2907.02, 2907.07, 2919.26, 2921.34, 2923.02, 29
2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 30
2950.09, 2950.11, 2950.13, 2950.14, 2967.12, 2967.121, 2971.03, 31
2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 3113.31, 5120.49, 32
5120.61, 5120.66, and 5149.10 be amended and sections 2941.1418, 33
2941.1419, and 2941.1420 of the Revised Code be enacted to read as 34
follows: 35

Sec. 109.42. (A) The attorney general shall prepare and have 36
printed a pamphlet that contains a compilation of all statutes 37
relative to victim's rights in which the attorney general lists 38
and explains the statutes in the form of a victim's bill of 39
rights. The attorney general shall distribute the pamphlet to all 40
sheriffs, marshals, municipal corporation and township police 41
departments, constables, and other law enforcement agencies, to 42
all prosecuting attorneys, city directors of law, village 43

solicitors, and other similar chief legal officers of municipal 44
corporations, and to organizations that represent or provide 45
services for victims of crime. The victim's bill of rights set 46
forth in the pamphlet shall contain a description of all of the 47
rights of victims that are provided for in Chapter 2930. or in any 48
other section of the Revised Code and shall include, but not be 49
limited to, all of the following: 50

(1) The right of a victim or a victim's representative to 51
attend a proceeding before a grand jury, in a juvenile case, or in 52
a criminal case pursuant to a subpoena without being discharged 53
from the victim's or representative's employment, having the 54
victim's or representative's employment terminated, having the 55
victim's or representative's pay decreased or withheld, or 56
otherwise being punished, penalized, or threatened as a result of 57
time lost from regular employment because of the victim's or 58
representative's attendance at the proceeding pursuant to the 59
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 60
2945.451 of the Revised Code; 61

(2) The potential availability pursuant to section 2151.359 62
or 2152.61 of the Revised Code of a forfeited recognizance to pay 63
damages caused by a child when the delinquency of the child or 64
child's violation of probation or community control is found to be 65
proximately caused by the failure of the child's parent or 66
guardian to subject the child to reasonable parental authority or 67
to faithfully discharge the conditions of probation or community 68
control; 69

(3) The availability of awards of reparations pursuant to 70
sections 2743.51 to 2743.72 of the Revised Code for injuries 71
caused by criminal offenses; 72

(4) The right of the victim in certain criminal or juvenile 73
cases or a victim's representative to receive, pursuant to section 74

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;

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(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;

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(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;

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(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;

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(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

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motion;	106
(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;	107 108 109 110 111 112 113 114 115 116
(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;	117 118 119
(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;	120 121 122 123 124 125
(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;	126 127 128 129
(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;	130 131 132
(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	133 134 135 136

that notice from the custodial agency of the person at the 137
victim's last address or telephone number provided to the 138
custodial agency, and to receive notice that, if either the 139
victim's address or telephone number changes, it is in the 140
victim's interest to provide the new address or telephone number 141
to the custodial agency; 142

(15) The right of a victim of domestic violence to seek the 143
issuance of a civil protection order pursuant to section 3113.31 144
of the Revised Code, the right of a victim of a violation of 145
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 146
of the Revised Code, a violation of a substantially similar 147
municipal ordinance, or an offense of violence who is a family or 148
household member of the offender at the time of the offense to 149
seek the issuance of a temporary protection order pursuant to 150
section 2919.26 of the Revised Code, and the right of both types 151
of victims to be accompanied by a victim advocate during court 152
proceedings; 153

(16) The right of a victim of a sexually oriented offense 154
that is not a registration-exempt sexually oriented offense or of 155
a child-victim oriented offense that is committed by a person who 156
is convicted of or pleads guilty to an aggravated sexually 157
oriented offense, by a person who is adjudicated a sexual predator 158
or child-victim predator, or, in certain cases, by a person who is 159
determined to be a habitual sex offender or habitual child-victim 160
offender to receive, pursuant to section 2950.10 of the Revised 161
Code, notice that the person has registered with a sheriff under 162
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 163
notice of the person's name, the person's residence that is 164
registered, and the offender's school, institution of higher 165
education, or place of employment address or addresses that are 166
registered, the person's photograph, and a summary of the manner 167
in which the victim must make a request to receive the notice. As 168

used in this division, "sexually oriented offense," "adjudicated a
sexual predator," "habitual sex offender," "registration-exempt
sexually oriented offense," "aggravated sexually oriented
offense," "child-victim oriented offense," "adjudicated a
child-victim predator," and "habitual child-victim offender" have
the same meanings as in section 2950.01 of the Revised Code.

(17) The right of a victim of certain sexually violent
offenses committed by an offender who also is convicted of or
pleads guilty to a sexually violent predator specification and who
is sentenced to a prison term pursuant to division (A)(3) of
section 2971.03 of the Revised Code, of a victim of a violation of
division (A)(1)(b) of section 2907.02 of the Revised Code
committed on or after the effective date of this amendment by an
offender who is sentenced for the violation pursuant to division
(B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code, and
of a victim of an attempted rape committed on or after the
effective date of this amendment by an offender who also is
convicted of or pleads guilty to a specification of the type
described in section 2941.1418, 2941.1419, or 2941.1420 of the
Revised Code and is sentenced for the violation pursuant to
division (B)(2)(a), (b), or (c) of section 2971.03, to receive,
pursuant to section 2930.16 of the Revised Code, notice of a
hearing to determine whether to modify the requirement that the
offender serve the entire prison term in a state correctional
facility, whether to continue, revise, or revoke any existing
modification of that requirement, or whether to terminate the
prison term. As used in this division, "sexually violent offense"
and "sexually violent predator specification" have the same
meanings as in section 2971.01 of the Revised Code.

(B)(1)(a) Subject to division (B)(1)(c) of this section, a
prosecuting attorney, assistant prosecuting attorney, city
director of law, assistant city director of law, village

solicitor, assistant village solicitor, or similar chief legal 201
officer of a municipal corporation or an assistant of any of those 202
officers who prosecutes an offense committed in this state, upon 203
first contact with the victim of the offense, the victim's family, 204
or the victim's dependents, shall give the victim, the victim's 205
family, or the victim's dependents a copy of the pamphlet prepared 206
pursuant to division (A) of this section and explain, upon 207
request, the information in the pamphlet to the victim, the 208
victim's family, or the victim's dependents. 209

(b) Subject to division (B)(1)(c) of this section, a law 210
enforcement agency that investigates an offense or delinquent act 211
committed in this state shall give the victim of the offense or 212
delinquent act, the victim's family, or the victim's dependents a 213
copy of the pamphlet prepared pursuant to division (A) of this 214
section at one of the following times: 215

(i) Upon first contact with the victim, the victim's family, 216
or the victim's dependents; 217

(ii) If the offense or delinquent act is an offense of 218
violence, if the circumstances of the offense or delinquent act 219
and the condition of the victim, the victim's family, or the 220
victim's dependents indicate that the victim, the victim's family, 221
or the victim's dependents will not be able to understand the 222
significance of the pamphlet upon first contact with the agency, 223
and if the agency anticipates that it will have an additional 224
contact with the victim, the victim's family, or the victim's 225
dependents, upon the agency's second contact with the victim, the 226
victim's family, or the victim's dependents. 227

If the agency does not give the victim, the victim's family, 228
or the victim's dependents a copy of the pamphlet upon first 229
contact with them and does not have a second contact with the 230
victim, the victim's family, or the victim's dependents, the 231

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,
the victim's family, the victim's dependents, or a victim's
representative any rights under section 2743.51 to 2743.72,
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the
Revised Code or under any other provision of the Revised Code and
does not affect any right under those sections.

(3) A law enforcement agency, a prosecuting attorney or
assistant prosecuting attorney, or a city director of law,
assistant city director of law, village solicitor, assistant
village solicitor, or similar chief legal officer of a municipal
corporation that distributes a copy of the pamphlet prepared
pursuant to division (A) of this section shall not be required to

distribute a copy of an information card or other printed material 264
provided by the clerk of the court of claims pursuant to section 265
2743.71 of the Revised Code. 266

(C) The cost of printing and distributing the pamphlet 267
prepared pursuant to division (A) of this section shall be paid 268
out of the reparations fund, created pursuant to section 2743.191 269
of the Revised Code, in accordance with division (D) of that 270
section. 271

(D) As used in this section: 272

(1) "Victim's representative" has the same meaning as in 273
section 2930.01 of the Revised Code; 274

(2) "Victim advocate" has the same meaning as in section 275
2919.26 of the Revised Code. 276

Sec. 2743.191. (A)(1) There is hereby created in the state 277
treasury the reparations fund, which shall be used only for the 278
following purposes: 279

(a) The payment of awards of reparations that are granted by 280
the attorney general; 281

(b) The compensation of any personnel needed by the attorney 282
general to administer sections 2743.51 to 2743.72 of the Revised 283
Code; 284

(c) The compensation of witnesses as provided in division (J) 285
of section 2743.65 of the Revised Code; 286

(d) Other administrative costs of hearing and determining 287
claims for an award of reparations by the attorney general; 288

(e) The costs of administering sections 2907.28 and 2969.01 289
to 2969.06 of the Revised Code; 290

(f) The costs of investigation and decision-making as 291
certified by the attorney general; 292

(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	293 294 295
(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;	296 297 298
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	299 300 301
(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;	302 303 304 305 306 307
(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 those analyses into the DNA database pursuant to section 109.573 of the Revised Code;	308 309 310 311 312 313
(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(l) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year;	314 315 316 317 318 319 320
(m) The costs of administering the adult parole authority's supervision of sexually violent predators with an active global positioning system device pursuant to <u>division (E) of section</u>	321 322 323

2971.05 of the Revised Code of sexually violent predators who are 324
sentenced to a prison term pursuant to division (A)(3) of section 325
2971.03 of the Revised Code, of offenders who are sentenced to a 326
prison term pursuant to division (B)(1)(a), (b), or (c) of that 327
section for a violation of division (A)(1)(b) of section 2907.02 328
of the Revised Code, and of offenders who are sentenced to a 329
prison term pursuant to division (B)(2)(a), (b), or (c) of section 330
2971.03 of the Revised Code for attempted rape and a specification 331
of the type described in section 2941.1418, 2941.1419, 2941.1420 332
of the Revised Code. 333

(2) All costs paid pursuant to section 2743.70 of the Revised 334
Code, the portions of license reinstatement fees mandated by 335
division (F)(2)(b) of section 4511.191 of the Revised Code to be 336
credited to the fund, the portions of the proceeds of the sale of 337
a forfeited vehicle specified in division (C)(2) of section 338
4503.234 of the Revised Code, payments collected by the department 339
of rehabilitation and correction from prisoners who voluntarily 340
participate in an approved work and training program pursuant to 341
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 342
all moneys collected by the state pursuant to its right of 343
subrogation provided in section 2743.72 of the Revised Code shall 344
be deposited in the fund. 345

(B) In making an award of reparations, the attorney general 346
shall render the award against the state. The award shall be 347
accomplished only through the following procedure, and the 348
following procedure may be enforced by writ of mandamus directed 349
to the appropriate official: 350

(1) The attorney general shall provide for payment of the 351
claimant or providers in the amount of the award only if the 352
amount of the award is fifty dollars or more. 353

(2) The expense shall be charged against all available 354
unencumbered moneys in the fund. 355

(3) If sufficient unencumbered moneys do not exist in the 356
fund, the attorney general shall make application for payment of 357
the award out of the emergency purposes account or any other 358
appropriation for emergencies or contingencies, and payment out of 359
this account or other appropriation shall be authorized if there 360
are sufficient moneys greater than the sum total of then pending 361
emergency purposes account requests or requests for releases from 362
the other appropriations. 363

(4) If sufficient moneys do not exist in the account or any 364
other appropriation for emergencies or contingencies to pay the 365
award, the attorney general shall request the general assembly to 366
make an appropriation sufficient to pay the award, and no payment 367
shall be made until the appropriation has been made. The attorney 368
general shall make this appropriation request during the current 369
biennium and during each succeeding biennium until a sufficient 370
appropriation is made. If, prior to the time that an appropriation 371
is made by the general assembly pursuant to this division, the 372
fund has sufficient unencumbered funds to pay the award or part of 373
the award, the available funds shall be used to pay the award or 374
part of the award, and the appropriation request shall be amended 375
to request only sufficient funds to pay that part of the award 376
that is unpaid. 377

(C) The attorney general shall not make payment on a decision 378
or order granting an award until all appeals have been determined 379
and all rights to appeal exhausted, except as otherwise provided 380
in this section. If any party to a claim for an award of 381
reparations appeals from only a portion of an award, and a 382
remaining portion provides for the payment of money by the state, 383
that part of the award calling for the payment of money by the 384
state and not a subject of the appeal shall be processed for 385
payment as described in this section. 386

(D) The attorney general shall prepare itemized bills for the 387

costs of printing and distributing the pamphlet the attorney 388
general prepares pursuant to section 109.42 of the Revised Code. 389
The itemized bills shall set forth the name and address of the 390
persons owed the amounts set forth in them. 391

(E) As used in this section, "DNA analysis" and "DNA 392
specimen" have the same meanings as in section 109.573 of the 393
Revised Code. 394

Sec. 2903.212. (A) Except when the complaint involves a 395
person who is a family or household member as defined in section 396
2919.25 of the Revised Code, if a person is charged with a 397
violation of section 2903.21, 2903.211, 2903.22, or 2911.211 of 398
the Revised Code ~~or~~ a violation of a municipal ordinance that is 399
substantially similar to one of those sections, or a sexually 400
oriented offense and if the person, at the time of the alleged 401
violation, was subject to the terms of any order issued pursuant 402
to section 2903.213, 2933.08, or 2945.04 of the Revised Code or 403
previously had been convicted of or pleaded guilty to a violation 404
of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised 405
Code that involves the same complainant ~~or~~ a violation of a 406
municipal ordinance that is substantially similar to one of those 407
sections and that involves the same complainant, or a sexually 408
oriented offense that involves the same complainant, the court 409
shall consider all of the following, in addition to any other 410
circumstances considered by the court and notwithstanding any 411
provisions to the contrary contained in Criminal Rule 46, before 412
setting the amount and conditions of the bail for the person: 413

(1) Whether the person has a history of violence toward the 414
complainant or a history of other violent acts; 415

(2) The mental health of the person; 416

(3) Whether the person has a history of violating the orders 417

of any court or governmental entity; 418

(4) Whether the person is potentially a threat to any other 419
person; 420

(5) Whether setting bail at a high level will interfere with 421
any treatment or counseling that the person is undergoing. 422

(B) Any court that has jurisdiction over violations of 423
section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised 424
Code ~~or~~, violations of a municipal ordinance that is substantially 425
similar to one of those sections, or sexually oriented offenses 426
may set a schedule for bail to be used in cases involving those 427
violations. The schedule shall require that a judge consider all 428
of the factors listed in division (A) of this section and may 429
require judges to set bail at a certain level or impose other 430
reasonable conditions related to a release on bail or on 431
recognizance if the history of the alleged offender or the 432
circumstances of the alleged offense meet certain criteria in the 433
schedule. 434

(C) As used in this section, "sexually oriented offense" has 435
the same meaning as in section 2950.01 of the Revised Code. 436

Sec. 2903.213. (A) Except when the complaint involves a 437
person who is a family or household member as defined in section 438
2919.25 of the Revised Code, upon the filing of a complaint that 439
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 440
2903.211, 2903.22, or 2911.211 of the Revised Code ~~or~~, a violation 441
of a municipal ordinance substantially similar to section 2903.13, 442
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 443
the commission of a sexually oriented offense, the complainant, 444
the alleged victim, or a family or household member of an alleged 445
victim may file a motion that requests the issuance of a 446
protection order as a pretrial condition of release of the alleged 447

offender, in addition to any bail set under Criminal Rule 46. The 448
motion shall be filed with the clerk of the court that has 449
jurisdiction of the case at any time after the filing of the 450
complaint. If the complaint involves a person who is a family or 451
household member, the complainant, the alleged victim, or the 452
family or household member may file a motion for a temporary 453
protection order pursuant to section 2919.26 of the Revised Code. 454

(B) A motion for a protection order under this section shall 455
be prepared on a form that is provided by the clerk of the court, 456
and the form shall be substantially as follows: 457

"Motion for Protection Order 458
..... 459
Name and address of court 460

State of Ohio 461

v. No. 462

..... 463

Name of Defendant 464

(Name of person), moves the court to issue a protection order 465
containing terms designed to ensure the safety and protection of 466
the complainant or the alleged victim in the above-captioned case, 467
in relation to the named defendant, pursuant to its authority to 468
issue a protection order under section 2903.213 of the Revised 469
Code. 470

A complaint, a copy of which has been attached to this 471
motion, has been filed in this court charging the named defendant 472
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 473
2903.211, 2903.22, or 2911.211 of the Revised Code ~~or~~ a violation 474
of a municipal ordinance substantially similar to section 2903.13, 475
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 476
the commission of a sexually oriented offense. 477

I understand that I must appear before the court, at a time 478

set by the court not later than the next day that the court is in session after the filing of this motion, for a hearing on the motion, and that any protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the attached complaint.

..... 488

Signature of person 489

..... 490

Address of person" 491

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a protection order under this section, but not later than the next day that the court is in session after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender

refrain from entering the residence, school, business, or place of
employment of the complainant or the alleged victim, the order
shall clearly state that the order cannot be waived or nullified
by an invitation to the alleged offender from the complainant, the
alleged victim, or a family or household member to enter the
residence, school, business, or place of employment or by the
alleged offender's entry into one of those places otherwise upon
the consent of the complainant, the alleged victim, or a family or
household member.

(b) Division (C)(2)(a) of this section does not limit any
discretion of a court to determine that an alleged offender
charged with a violation of section 2919.27 of the Revised Code,
with a violation of a municipal ordinance substantially equivalent
to that section, or with contempt of court, which charge is based
on an alleged violation of a protection order issued under this
section, did not commit the violation or was not in contempt of
court.

(D)(1) Except when the complaint involves a person who is a
family or household member as defined in section 2919.25 of the
Revised Code, upon the filing of a complaint that alleges a
violation specified in division (A) of this section, the court,
upon its own motion, may issue a protection order under this
section as a pretrial condition of release of the alleged offender
if it finds that the safety and protection of the complainant or
the alleged victim may be impaired by the continued presence of
the alleged offender.

(2) If the court issues a protection order under this section
as an ex parte order, it shall conduct, as soon as possible after
the issuance of the order but not later than the next day that the
court is in session after its issuance, a hearing to determine
whether the order should remain in effect, be modified, or be
revoked. The hearing shall be conducted under the standards set

forth in division (C) of this section. 542

(3) If a municipal court or a county court issues a 543
protection order under this section and if, subsequent to the 544
issuance of the order, the alleged offender who is the subject of 545
the order is bound over to the court of common pleas for 546
prosecution of a felony arising out of the same activities as 547
those that were the basis of the complaint upon which the order is 548
based, notwithstanding the fact that the order was issued by a 549
municipal court or county court, the order shall remain in effect, 550
as though it were an order of the court of common pleas, while the 551
charges against the alleged offender are pending in the court of 552
common pleas, for the period of time described in division (E)(2) 553
of this section, and the court of common pleas has exclusive 554
jurisdiction to modify the order issued by the municipal court or 555
county court. This division applies when the alleged offender is 556
bound over to the court of common pleas as a result of the person 557
waiving a preliminary hearing on the felony charge, as a result of 558
the municipal court or county court having determined at a 559
preliminary hearing that there is probable cause to believe that 560
the felony has been committed and that the alleged offender 561
committed it, as a result of the alleged offender having been 562
indicted for the felony, or in any other manner. 563

(E) A protection order that is issued as a pretrial condition 564
of release under this section: 565

(1) Is in addition to, but shall not be construed as a part 566
of, any bail set under Criminal Rule 46; 567

(2) Is effective only until the disposition, by the court 568
that issued the order or, in the circumstances described in 569
division (D)(3) of this section, by the court of common pleas to 570
which the alleged offender is bound over for prosecution, of the 571
criminal proceeding arising out of the complaint upon which the 572

order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint filed under this section;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.

(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a protection order under this section.

(G)(1) A copy of a protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(3) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and

time of the agency's receipt of the order. 604

(3) Regardless of whether the petitioner has registered the 605
protection order in the county in which the officer's agency has 606
jurisdiction, any officer of a law enforcement agency shall 607
enforce a protection order issued pursuant to this section in 608
accordance with the provisions of the order. 609

(H) Upon a violation of a protection order issued pursuant to 610
this section, the court may issue another protection order under 611
this section, as a pretrial condition of release, that modifies 612
the terms of the order that was violated. 613

(I) Notwithstanding any provision of law to the contrary and 614
regardless of whether a protection order is issued or a consent 615
agreement is approved by a court of another county or by a court 616
of another state, no court or unit of state or local government 617
shall charge any fee, cost, deposit, or money in connection with 618
the filing of a motion pursuant to this section, in connection 619
with the filing, issuance, registration, or service of a 620
protection order or consent agreement, or for obtaining certified 621
copies of a protection order or consent agreement. 622

(J) As used in this section, "sexually oriented offense" has 623
the same meaning as in section 2950.01 of the Revised Code. 624

Sec. 2903.214. (A) As used in this section: 625

(1) "Court" means the court of common pleas of the county in 626
which the person to be protected by the protection order resides. 627

(2) "Victim advocate" means a person who provides support and 628
assistance for a person who files a petition under this section. 629

(3) "Family or household member" has the same meaning as in 630
section 3113.31 of the Revised Code. 631

(4) "Protection order issued by a court of another state" has 632

the same meaning as in section 2919.27 of the Revised Code. 633

(5) "Sexually oriented offense" has the same meaning as in 634
section 2950.01 of the Revised Code. 635

(B) The court has jurisdiction over all proceedings under 636
this section. 637

(C) A person may seek relief under this section for the 638
person, or any parent or adult household member may seek relief 639
under this section on behalf of any other family or household 640
member, by filing a petition with the court. The petition shall 641
contain or state both of the following: 642

(1) An allegation that the respondent engaged in a violation 643
of section 2903.211 of the Revised Code against the person to be 644
protected by the protection order or committed a sexually oriented 645
offense against the person to be protected by the protection 646
order, including a description of the nature and extent of the 647
violation; 648

(2) A request for relief under this section. 649

(D)(1) If a person who files a petition pursuant to this 650
section requests an ex parte order, the court shall hold an ex 651
parte hearing as soon as possible after the petition is filed, but 652
not later than the next day that the court is in session after the 653
petition is filed. The court, for good cause shown at the ex parte 654
hearing, may enter any temporary orders, with or without bond, 655
that the court finds necessary for the safety and protection of 656
the person to be protected by the order. Immediate and present 657
danger to the person to be protected by the protection order 658
constitutes good cause for purposes of this section. Immediate and 659
present danger includes, but is not limited to, situations in 660
which the respondent has threatened the person to be protected by 661
the protection order with bodily harm or in which the respondent 662
previously has been convicted of or pleaded guilty to a violation 663

of section 2903.211 of the Revised Code or a sexually oriented 664
offense against the person to be protected by the protection 665
order. 666

(2)(a) If the court, after an ex parte hearing, issues a 667
protection order described in division (E) of this section, the 668
court shall schedule a full hearing for a date that is within ten 669
court days after the ex parte hearing. The court shall give the 670
respondent notice of, and an opportunity to be heard at, the full 671
hearing. The court shall hold the full hearing on the date 672
scheduled under this division unless the court grants a 673
continuance of the hearing in accordance with this division. Under 674
any of the following circumstances or for any of the following 675
reasons, the court may grant a continuance of the full hearing to 676
a reasonable time determined by the court: 677

(i) Prior to the date scheduled for the full hearing under 678
this division, the respondent has not been served with the 679
petition filed pursuant to this section and notice of the full 680
hearing. 681

(ii) The parties consent to the continuance. 682

(iii) The continuance is needed to allow a party to obtain 683
counsel. 684

(iv) The continuance is needed for other good cause. 685

(b) An ex parte order issued under this section does not 686
expire because of a failure to serve notice of the full hearing 687
upon the respondent before the date set for the full hearing under 688
division (D)(2)(a) of this section or because the court grants a 689
continuance under that division. 690

(3) If a person who files a petition pursuant to this section 691
does not request an ex parte order, or if a person requests an ex 692
parte order but the court does not issue an ex parte order after 693

an ex parte hearing, the court shall proceed as in a normal civil
action and grant a full hearing on the matter. 694
695

(E)(1) After an ex parte or full hearing, the court may issue 696
any protection order, with or without bond, that contains terms 697
designed to ensure the safety and protection of the person to be 698
protected by the protection order, including, but not limited to, 699
a requirement that the respondent refrain from entering the 700
residence, school, business, or place of employment of the 701
petitioner or family or household member. If the court includes a 702
requirement that the respondent refrain from entering the 703
residence, school, business, or place of employment of the 704
petitioner or family or household member in the order, it also 705
shall include in the order provisions of the type described in 706
division (E)(5) of this section. 707

(2)(a) Any protection order issued pursuant to this section 708
shall be valid until a date certain but not later than five years 709
from the date of its issuance. 710

(b) Any protection order issued pursuant to this section may 711
be renewed in the same manner as the original order was issued. 712

(3) A court may not issue a protection order that requires a 713
petitioner to do or to refrain from doing an act that the court 714
may require a respondent to do or to refrain from doing under 715
division (E)(1) of this section unless all of the following apply: 716

(a) The respondent files a separate petition for a protection 717
order in accordance with this section. 718

(b) The petitioner is served with notice of the respondent's 719
petition at least forty-eight hours before the court holds a 720
hearing with respect to the respondent's petition, or the 721
petitioner waives the right to receive this notice. 722

(c) If the petitioner has requested an ex parte order 723

pursuant to division (D) of this section, the court does not delay 724
any hearing required by that division beyond the time specified in 725
that division in order to consolidate the hearing with a hearing 726
on the petition filed by the respondent. 727

(d) After a full hearing at which the respondent presents 728
evidence in support of the request for a protection order and the 729
petitioner is afforded an opportunity to defend against that 730
evidence, the court determines that the petitioner has committed a 731
violation of section 2903.211 of the Revised Code against the 732
person to be protected by the protection order issued pursuant to 733
this section, has committed a sexually oriented offense against 734
the person to be protected by the protection order, or has 735
violated a protection order issued pursuant to section 2903.213 of 736
the Revised Code relative to the person to be protected by the 737
protection order issued pursuant to this section. 738

(4) No protection order issued pursuant to this section shall 739
in any manner affect title to any real property. 740

(5)(a) If the court issues a protection order under this 741
section that includes a requirement that the alleged offender 742
refrain from entering the residence, school, business, or place of 743
employment of the petitioner or a family or household member, the 744
order shall clearly state that the order cannot be waived or 745
nullified by an invitation to the alleged offender from the 746
complainant to enter the residence, school, business, or place of 747
employment or by the alleged offender's entry into one of those 748
places otherwise upon the consent of the petitioner or family or 749
household member. 750

(b) Division (E)(5)(a) of this section does not limit any 751
discretion of a court to determine that an alleged offender 752
charged with a violation of section 2919.27 of the Revised Code, 753
with a violation of a municipal ordinance substantially equivalent 754

to that section, or with contempt of court, which charge is based 755
on an alleged violation of a protection order issued under this 756
section, did not commit the violation or was not in contempt of 757
court. 758

(F)(1) The court shall cause the delivery of a copy of any 759
protection order that is issued under this section to the 760
petitioner, to the respondent, and to all law enforcement agencies 761
that have jurisdiction to enforce the order. The court shall 762
direct that a copy of the order be delivered to the respondent on 763
the same day that the order is entered. 764

(2) All law enforcement agencies shall establish and maintain 765
an index for the protection orders delivered to the agencies 766
pursuant to division (F)(1) of this section. With respect to each 767
order delivered, each agency shall note on the index the date and 768
time that it received the order. 769

(3) Regardless of whether the petitioner has registered the 770
protection order in the county in which the officer's agency has 771
jurisdiction pursuant to division (M) of this section, any officer 772
of a law enforcement agency shall enforce a protection order 773
issued pursuant to this section by any court in this state in 774
accordance with the provisions of the order, including removing 775
the respondent from the premises, if appropriate. 776

(G) Any proceeding under this section shall be conducted in 777
accordance with the Rules of Civil Procedure, except that a 778
protection order may be obtained under this section with or 779
without bond. An order issued under this section, other than an ex 780
parte order, that grants a protection order, or that refuses to 781
grant a protection order, is a final, appealable order. The 782
remedies and procedures provided in this section are in addition 783
to, and not in lieu of, any other available civil or criminal 784
remedies. 785

(H) The filing of proceedings under this section does not 786
excuse a person from filing any report or giving any notice 787
required by section 2151.421 of the Revised Code or by any other 788
law. 789

(I) Any law enforcement agency that investigates an alleged 790
violation of section 2903.211 of the Revised Code or an alleged 791
commission of a sexually oriented offense shall provide 792
information to the victim and the family or household members of 793
the victim regarding the relief available under this section and 794
section 2903.213 of the Revised Code. 795

(J) Notwithstanding any provision of law to the contrary and 796
regardless of whether a protection order is issued or a consent 797
agreement is approved by a court of another county or by a court 798
of another state, no court or unit of state or local government 799
shall charge any fee, cost, deposit, or money in connection with 800
the filing of a petition pursuant to this section, in connection 801
with the filing, issuance, registration, or service of a 802
protection order or consent agreement, or for obtaining a 803
certified copy of a protection order or consent agreement. 804

(K)(1) A person who violates a protection order issued under 805
this section is subject to the following sanctions: 806

(a) Criminal prosecution for a violation of section 2919.27 807
of the Revised Code, if the violation of the protection order 808
constitutes a violation of that section; 809

(b) Punishment for contempt of court. 810

(2) The punishment of a person for contempt of court for 811
violation of a protection order issued under this section does not 812
bar criminal prosecution of the person for a violation of section 813
2919.27 of the Revised Code. However, a person punished for 814
contempt of court is entitled to credit for the punishment imposed 815
upon conviction of a violation of that section, and a person 816

convicted of a violation of that section shall not subsequently be 817
punished for contempt of court arising out of the same activity. 818

(L) In all stages of a proceeding under this section, a 819
petitioner may be accompanied by a victim advocate. 820

(M)(1) A petitioner who obtains a protection order under this 821
section or a protection order under section 2903.213 of the 822
Revised Code may provide notice of the issuance or approval of the 823
order to the judicial and law enforcement officials in any county 824
other than the county in which the order is issued by registering 825
that order in the other county pursuant to division (M)(2) of this 826
section and filing a copy of the registered order with a law 827
enforcement agency in the other county in accordance with that 828
division. A person who obtains a protection order issued by a 829
court of another state may provide notice of the issuance of the 830
order to the judicial and law enforcement officials in any county 831
of this state by registering the order in that county pursuant to 832
section 2919.272 of the Revised Code and filing a copy of the 833
registered order with a law enforcement agency in that county. 834

(2) A petitioner may register a protection order issued 835
pursuant to this section or section 2903.213 of the Revised Code 836
in a county other than the county in which the court that issued 837
the order is located in the following manner: 838

(a) The petitioner shall obtain a certified copy of the order 839
from the clerk of the court that issued the order and present that 840
certified copy to the clerk of the court of common pleas or the 841
clerk of a municipal court or county court in the county in which 842
the order is to be registered. 843

(b) Upon accepting the certified copy of the order for 844
registration, the clerk of the court of common pleas, municipal 845
court, or county court shall place an endorsement of registration 846
on the order and give the petitioner a copy of the order that 847

bears that proof of registration. 848

(3) The clerk of each court of common pleas, municipal court, 849
or county court shall maintain a registry of certified copies of 850
protection orders that have been issued by courts in other 851
counties pursuant to this section or section 2903.213 of the 852
Revised Code and that have been registered with the clerk. 853

Sec. 2907.02. (A)(1) No person shall engage in sexual conduct 854
with another who is not the spouse of the offender or who is the 855
spouse of the offender but is living separate and apart from the 856
offender, when any of the following applies: 857

(a) For the purpose of preventing resistance, the offender 858
substantially impairs the other person's judgment or control by 859
administering any drug, intoxicant, or controlled substance to the 860
other person surreptitiously or by force, threat of force, or 861
deception. 862

(b) The other person is less than thirteen years of age, 863
whether or not the offender knows the age of the other person. 864

(c) The other person's ability to resist or consent is 865
substantially impaired because of a mental or physical condition 866
or because of advanced age, and the offender knows or has 867
reasonable cause to believe that the other person's ability to 868
resist or consent is substantially impaired because of a mental or 869
physical condition or because of advanced age. 870

(2) No person shall engage in sexual conduct with another 871
when the offender purposely compels the other person to submit by 872
force or threat of force. 873

(B) Whoever violates this section is guilty of rape, a felony 874
of the first degree. If the offender under division (A)(1)(a) of 875
this section substantially impairs the other person's judgment or 876
control by administering any controlled substance described in 877

section 3719.41 of the Revised Code to the other person 878
surreptitiously or by force, threat of force, or deception, the 879
prison term imposed upon the offender shall be one of the prison 880
terms prescribed for a felony of the first degree in section 881
2929.14 of the Revised Code that is not less than five years. ~~If~~ 882
~~the~~ Except as otherwise provided in this division, notwithstanding 883
sections 2929.11 to 2929.14 of the Revised Code, an offender under 884
division (A)(1)(b) of this section ~~purposely compels the victim to~~ 885
~~submit by force or threat of force or if the victim under division~~ 886
~~(A)(1)(b) of this section is less than ten years of age, whoever~~ 887
~~violates division (A)(1)(b) of this section shall be imprisoned~~ 888
~~for life~~ shall be sentenced to a prison term or term of life 889
imprisonment pursuant to section 2971.03 of the Revised Code. If 890
an offender is convicted of or pleads guilty to a violation of 891
division (A)(1)(b) of this section, if the offender was less than 892
sixteen years of age at the time the offender committed the 893
violation of that division, and if the offender during or 894
immediately after the commission of the offense did not cause 895
serious physical harm to the victim, the victim was ten years of 896
age or older at the time of the commission of the violation, and 897
the offender has not previously been convicted of or pleaded 898
guilty to a violation of this section or a substantially similar 899
existing or former law of this state, another state, or the United 900
States, the court shall not sentence the offender to a prison term 901
or term of life imprisonment pursuant to section 2971.03 of the 902
Revised Code, and instead the court shall sentence the offender as 903
otherwise provided in this division. If ~~the~~ an offender under 904
division (A)(1)(b) of this section previously has been convicted 905
of or pleaded guilty to violating division (A)(1)(b) of this 906
section or to violating ~~a~~ an existing or former law of this state, 907
another state, ~~or~~ the United States that is substantially similar 908
to division (A)(1)(b) of this section ~~or,~~ if the offender during 909
or immediately after the commission of the offense caused serious 910

physical harm to the victim, ~~whoever violates division (A)(1)(b)~~ 911
~~of this section shall be imprisoned for life or if the victim~~ 912
under division (A)(1)(b) of this section is less than ten years of 913
age, in lieu of sentencing the offender to a prison term or term 914
of life imprisonment pursuant to section 2971.03 of the Revised 915
Code, the court may impose upon the offender a term of life 916
without parole. If the court imposes a term of life without parole 917
pursuant to this division, division (F) of section 2971.03 of the 918
Revised Code applies, and the offender automatically is classified 919
a sexual predator, as described in that division. 920

(C) A victim need not prove physical resistance to the 921
offender in prosecutions under this section. 922

(D) Evidence of specific instances of the victim's sexual 923
activity, opinion evidence of the victim's sexual activity, and 924
reputation evidence of the victim's sexual activity shall not be 925
admitted under this section unless it involves evidence of the 926
origin of semen, pregnancy, or disease, or the victim's past 927
sexual activity with the offender, and only to the extent that the 928
court finds that the evidence is material to a fact at issue in 929
the case and that its inflammatory or prejudicial nature does not 930
outweigh its probative value. 931

Evidence of specific instances of the defendant's sexual 932
activity, opinion evidence of the defendant's sexual activity, and 933
reputation evidence of the defendant's sexual activity shall not 934
be admitted under this section unless it involves evidence of the 935
origin of semen, pregnancy, or disease, the defendant's past 936
sexual activity with the victim, or is admissible against the 937
defendant under section 2945.59 of the Revised Code, and only to 938
the extent that the court finds that the evidence is material to a 939
fact at issue in the case and that its inflammatory or prejudicial 940
nature does not outweigh its probative value. 941

(E) Prior to taking testimony or receiving evidence of any 942

sexual activity of the victim or the defendant in a proceeding 943
under this section, the court shall resolve the admissibility of 944
the proposed evidence in a hearing in chambers, which shall be 945
held at or before preliminary hearing and not less than three days 946
before trial, or for good cause shown during the trial. 947

(F) Upon approval by the court, the victim may be represented 948
by counsel in any hearing in chambers or other proceeding to 949
resolve the admissibility of evidence. If the victim is indigent 950
or otherwise is unable to obtain the services of counsel, the 951
court, upon request, may appoint counsel to represent the victim 952
without cost to the victim. 953

(G) It is not a defense to a charge under division (A)(2) of 954
this section that the offender and the victim were married or were 955
cohabiting at the time of the commission of the offense. 956

Sec. 2907.07. (A) No person shall solicit a person who is 957
less than thirteen years of age to engage in sexual activity with 958
the offender, whether or not the offender knows the age of such 959
person. 960

(B) No person shall solicit another, not the spouse of the 961
offender, to engage in sexual conduct with the offender, when the 962
offender is eighteen years of age or older and four or more years 963
older than the other person, and the other person is thirteen 964
years of age or older but less than sixteen years of age, whether 965
or not the offender knows the age of the other person. 966

(C) No person shall solicit another by means of a 967
telecommunications device, as defined in section 2913.01 of the 968
Revised Code, to engage in sexual activity with the offender when 969
the offender is eighteen years of age or older and either of the 970
following applies: 971

(1) The other person is less than thirteen years of age, and 972

the offender knows that the other person is less than thirteen 973
years of age or is reckless in that regard. 974

(2) The other person is a law enforcement officer posing as a 975
person who is less than thirteen years of age, and the offender 976
believes that the other person is less than thirteen years of age 977
or is reckless in that regard. 978

(D) No person shall solicit another by means of a 979
telecommunications device, as defined in section 2913.01 of the 980
Revised Code, to engage in sexual activity with the offender when 981
the offender is eighteen years of age or older and either of the 982
following applies: 983

(1) The other person is thirteen years of age or older but 984
less than sixteen years of age, the offender knows that the other 985
person is thirteen years of age or older but less than sixteen 986
years of age or is reckless in that regard, and the offender is 987
four or more years older than the other person. 988

(2) The other person is a law enforcement officer posing as a 989
person who is thirteen years of age or older but less than sixteen 990
years of age, the offender believes that the other person is 991
thirteen years of age or older but less than sixteen years of age 992
or is reckless in that regard, and the offender is four or more 993
years older than the age the law enforcement officer assumes in 994
posing as the person who is thirteen years of age or older but 995
less than sixteen years of age. 996

(E) Divisions (C) and (D) of this section apply to any 997
solicitation that is contained in a transmission via a 998
telecommunications device that either originates in this state or 999
is received in this state. 1000

(F) Whoever violates this section is guilty of importuning. A 1001
violation of division (A) or (C) of this section is a felony of 1002
the ~~fourth~~ third degree on a first offense and a felony of the 1003

~~third~~ second degree on each subsequent offense. Notwithstanding 1004
division (C) of section 2929.13 of the Revised Code, there is a 1005
presumption that a prison term shall be imposed for a violation of 1006
division (A) or (C) of this section as described in division (D) 1007
of section 2929.13 of the Revised Code. A violation of division 1008
(B) or (D) of this section is a felony of the fifth degree on a 1009
first offense and a felony of the fourth degree on each subsequent 1010
offense. 1011

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 1012
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1013
2911.211 of the Revised Code if the alleged victim of the 1014
violation was a family or household member at the time of the 1015
violation, a violation of a municipal ordinance that is 1016
substantially similar to any of those sections if the alleged 1017
victim of the violation was a family or household member at the 1018
time of the violation, any offense of violence if the alleged 1019
victim of the offense was a family or household member at the time 1020
of the commission of the offense, or any sexually oriented offense 1021
if the alleged victim of the offense was a family or household 1022
member at the time of the commission of the offense, the 1023
complainant, the alleged victim, or a family or household member 1024
of an alleged victim may file, or, if in an emergency the alleged 1025
victim is unable to file, a person who made an arrest for the 1026
alleged violation or offense under section 2935.03 of the Revised 1027
Code may file on behalf of the alleged victim, a motion that 1028
requests the issuance of a temporary protection order as a 1029
pretrial condition of release of the alleged offender, in addition 1030
to any bail set under Criminal Rule 46. The motion shall be filed 1031
with the clerk of the court that has jurisdiction of the case at 1032
any time after the filing of the complaint. 1033

(2) For purposes of section 2930.09 of the Revised Code, all 1034
stages of a proceeding arising out of a complaint alleging the 1035

commission of a violation ~~or~~, offense of violence, or sexually oriented offense described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v.

No.

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with (name of the specified violation ~~or~~, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation ~~or~~, offense of violence, or sexually oriented offense charged), or charging the named defendant with a violation of a municipal ordinance that is substantially similar

to (section of the Revised Code 1067
designating the specified violation ~~or~~, offense of violence, or 1068
sexually oriented offense charged) involving a family or household 1069
member. 1070

I understand that I must appear before the court, at a time 1071
set by the court within twenty-four hours after the filing of this 1072
motion, for a hearing on the motion or that, if I am unable to 1073
appear because of hospitalization or a medical condition resulting 1074
from the offense alleged in the complaint, a person who can 1075
provide information about my need for a temporary protection order 1076
must appear before the court in lieu of my appearing in court. I 1077
understand that any temporary protection order granted pursuant to 1078
this motion is a pretrial condition of release and is effective 1079
only until the disposition of the criminal proceeding arising out 1080
of the attached complaint, or the issuance of a civil protection 1081
order or the approval of a consent agreement, arising out of the 1082
same activities as those that were the basis of the complaint, 1083
under section 3113.31 of the Revised Code. 1084

..... 1085

Signature of person 1086

(or signature of the arresting officer who filed the motion on 1087
behalf of the alleged victim) 1088

..... 1089

Address of person (or office address of the arresting officer who 1090
filed the motion on behalf of the alleged victim)" 1091

(C)(1) As soon as possible after the filing of a motion that 1092
requests the issuance of a temporary protection order, but not 1093
later than twenty-four hours after the filing of the motion, the 1094
court shall conduct a hearing to determine whether to issue the 1095
order. The person who requested the order shall appear before the 1096
court and provide the court with the information that it requests 1097

concerning the basis of the motion. If the person who requested
the order is unable to appear and if the court finds that the
failure to appear is because of the person's hospitalization or
medical condition resulting from the offense alleged in the
complaint, another person who is able to provide the court with
the information it requests may appear in lieu of the person who
requested the order. If the court finds that the safety and
protection of the complainant, alleged victim, or any other family
or household member of the alleged victim may be impaired by the
continued presence of the alleged offender, the court may issue a
temporary protection order, as a pretrial condition of release,
that contains terms designed to ensure the safety and protection
of the complainant, alleged victim, or the family or household
member, including a requirement that the alleged offender refrain
from entering the residence, school, business, or place of
employment of the complainant, alleged victim, or the family or
household member.

(2)(a) If the court issues a temporary protection order that
includes a requirement that the alleged offender refrain from
entering the residence, school, business, or place of employment
of the complainant, the alleged victim, or the family or household
member, the order shall state clearly that the order cannot be
waived or nullified by an invitation to the alleged offender from
the complainant, alleged victim, or family or household member to
enter the residence, school, business, or place of employment or
by the alleged offender's entry into one of those places otherwise
upon the consent of the complainant, alleged victim, or family or
household member.

(b) Division (C)(2)(a) of this section does not limit any
discretion of a court to determine that an alleged offender
charged with a violation of section 2919.27 of the Revised Code,
with a violation of a municipal ordinance substantially equivalent

to that section, or with contempt of court, which charge is based 1130
on an alleged violation of a temporary protection order issued 1131
under this section, did not commit the violation or was not in 1132
contempt of court. 1133

(D)(1) Upon the filing of a complaint that alleges a 1134
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1135
Revised Code if the alleged victim of the violation was a family 1136
or household member at the time of the violation, a violation of a 1137
municipal ordinance that is substantially similar to any of those 1138
sections if the alleged victim of the violation was a family or 1139
household member at the time of the violation, any offense of 1140
violence if the alleged victim of the offense was a family or 1141
household member at the time of the commission of the offense, or 1142
any sexually oriented offense if the alleged victim of the offense 1143
was a family or household member at the time of the commission of 1144
the offense, the court, upon its own motion, may issue a temporary 1145
protection order as a pretrial condition of release if it finds 1146
that the safety and protection of the complainant, alleged victim, 1147
or other family or household member of the alleged offender may be 1148
impaired by the continued presence of the alleged offender. 1149

(2) If the court issues a temporary protection order under 1150
this section as an ex parte order, it shall conduct, as soon as 1151
possible after the issuance of the order, a hearing in the 1152
presence of the alleged offender not later than the next day on 1153
which the court is scheduled to conduct business after the day on 1154
which the alleged offender was arrested or at the time of the 1155
appearance of the alleged offender pursuant to summons to 1156
determine whether the order should remain in effect, be modified, 1157
or be revoked. The hearing shall be conducted under the standards 1158
set forth in division (C) of this section. 1159

(3) An order issued under this section shall contain only 1160
those terms authorized in orders issued under division (C) of this 1161

section.

1162

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

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(E) A temporary protection order that is issued as a pretrial condition of release under this section:

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(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

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(2) Is effective only until the occurrence of either of the following:

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(a) The disposition, by the court that issued the order or, in the circumstances described in division (D)(4) of this section, by the court of common pleas to which the alleged offender is

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bound over for prosecution, of the criminal proceeding arising out 1193
of the complaint upon which the order is based; 1194

(b) The issuance of a protection order or the approval of a 1195
consent agreement, arising out of the same activities as those 1196
that were the basis of the complaint upon which the order is 1197
based, under section 3113.31 of the Revised Code; 1198

(3) Shall not be construed as a finding that the alleged 1199
offender committed the alleged offense, and shall not be 1200
introduced as evidence of the commission of the offense at the 1201
trial of the alleged offender on the complaint upon which the 1202
order is based. 1203

(F) A person who meets the criteria for bail under Criminal 1204
Rule 46 and who, if required to do so pursuant to that rule, 1205
executes or posts bond or deposits cash or securities as bail, 1206
shall not be held in custody pending a hearing before the court on 1207
a motion requesting a temporary protection order. 1208

(G)(1) A copy of any temporary protection order that is 1209
issued under this section shall be issued by the court to the 1210
complainant, to the alleged victim, to the person who requested 1211
the order, to the defendant, and to all law enforcement agencies 1212
that have jurisdiction to enforce the order. The court shall 1213
direct that a copy of the order be delivered to the defendant on 1214
the same day that the order is entered. If a municipal court or a 1215
county court issues a temporary protection order under this 1216
section and if, subsequent to the issuance of the order, the 1217
defendant who is the subject of the order is bound over to the 1218
court of common pleas for prosecution as described in division 1219

(D)(4) of this section, the municipal court or county court shall 1220
direct that a copy of the order be delivered to the court of 1221
common pleas to which the defendant is bound over. 1222

(2) All law enforcement agencies shall establish and maintain 1223

an index for the temporary protection orders delivered to the 1224
agencies pursuant to division (G)(1) of this section. With respect 1225
to each order delivered, each agency shall note on the index, the 1226
date and time of the receipt of the order by the agency. 1227

(3) A complainant, alleged victim, or other person who 1228
obtains a temporary protection order under this section may 1229
provide notice of the issuance of the temporary protection order 1230
to the judicial and law enforcement officials in any county other 1231
than the county in which the order is issued by registering that 1232
order in the other county in accordance with division (N) of 1233
section 3113.31 of the Revised Code and filing a copy of the 1234
registered protection order with a law enforcement agency in the 1235
other county in accordance with that division. 1236
1237

(4) Any officer of a law enforcement agency shall enforce a 1238
temporary protection order issued by any court in this state in 1239
accordance with the provisions of the order, including removing 1240
the defendant from the premises, regardless of whether the order 1241
is registered in the county in which the officer's agency has 1242
jurisdiction as authorized by division (G)(3) of this section. 1243

(H) Upon a violation of a temporary protection order, the 1244
court may issue another temporary protection order, as a pretrial 1245
condition of release, that modifies the terms of the order that 1246
was violated. 1247

(I)(1) As used in divisions (I)(1) and (2) of this section, 1248
"defendant" means a person who is alleged in a complaint to have 1249
committed a violation ~~of~~ offense of violence, or sexually 1250
oriented offense of the type described in division (A) of this 1251
section. 1252

(2) If a complaint is filed that alleges that a person 1253
committed a violation ~~of~~ offense of violence, or sexually 1254

oriented offense of the type described in division (A) of this 1255
section, the court may not issue a temporary protection order 1256
under this section that requires the complainant, the alleged 1257
victim, or another family or household member of the defendant to 1258
do or refrain from doing an act that the court may require the 1259
defendant to do or refrain from doing under a temporary protection 1260
order unless both of the following apply: 1261

(a) The defendant has filed a separate complaint that alleges 1262
that the complainant, alleged victim, or other family or household 1263
member in question who would be required under the order to do or 1264
refrain from doing the act committed a violation or offense of 1265
violence of the type described in division (A) of this section. 1266

(b) The court determines that both the complainant, alleged 1267
victim, or other family or household member in question who would 1268
be required under the order to do or refrain from doing the act 1269
and the defendant acted primarily as aggressors, that neither the 1270
complainant, alleged victim, or other family or household member 1271
in question who would be required under the order to do or refrain 1272
from doing the act nor the defendant acted primarily in 1273
self-defense, and, in accordance with the standards and criteria 1274
of this section as applied in relation to the separate complaint 1275
filed by the defendant, that it should issue the order to require 1276
the complainant, alleged victim, or other family or household 1277
member in question to do or refrain from doing the act. 1278

(J) Notwithstanding any provision of law to the contrary and 1279
regardless of whether a protection order is issued or a consent 1280
agreement is approved by a court of another county or a court of 1281
another state, no court or unit of state or local government shall 1282
charge any fee, cost, deposit, or money in connection with the 1283
filing of a motion pursuant to this section, in connection with 1284
the filing, issuance, registration, or service of a protection 1285
order or consent agreement, or for obtaining a certified copy of a 1286

protection order or consent agreement. 1287

(K) As used in this section: 1288

(1) "Sexually oriented offense" has the same meaning as in 1289
section 2950.01 of the Revised Code. 1290

(2) "Victim advocate" means a person who provides support and 1291
assistance for a victim of an offense during court proceedings. 1292

Sec. 2921.34. (A)(1) No person, knowing the person is under 1293
detention or being reckless in that regard, shall purposely break 1294
or attempt to break the detention, or purposely fail to return to 1295
detention, either following temporary leave granted for a specific 1296
purpose or limited period, or at the time required when serving a 1297
sentence in intermittent confinement. 1298

(2) No person Division (A)(2) of this section applies to any 1299
person who is adjudicated a sexually violent predator and is 1300
sentenced to a prison term pursuant to division (A)(3) of section 1301
2971.03 of the Revised Code for the sexually violent offense, to 1302
any person who is convicted of or pleads guilty to a violation of 1303
division (A)(1)(b) of section 2907.02 of the Revised Code 1304
committed on or after the effective date of this amendment and is 1305
sentenced to a prison term pursuant to division (B)(1)(a), (b), or 1306
(c) of section 2971.03 of the Revised Code for the violation, and 1307
to any person who is convicted of or pleads guilty to attempted 1308
rape committed on or after the effective date of this amendment 1309
and a specification of the type described in section 2941.1418, 1310
2941.1419, or 2941.1420 of the Revised Code and is sentenced to a 1311
prison term pursuant to division (B)(2)(a), (b), or (c) of section 1312
2971.03 of the Revised Code for the attempted rape. No person to 1313
whom this division applies, for whom the requirement that the 1314
entire prison term imposed upon the person pursuant to division 1315
(A)(3) or (B) of section 2971.03 of the Revised Code be served in 1316

a state correctional institution has been modified pursuant to 1317
section 2971.05 of the Revised Code, and who, pursuant to that 1318
modification, is restricted to a geographic area, knowing that the 1319
person is under a geographic restriction or being reckless in that 1320
regard, shall purposely leave the geographic area to which the 1321
restriction applies or purposely fail to return to that geographic 1322
area following a temporary leave granted for a specific purpose or 1323
for a limited period of time. 1324

(B) Irregularity in bringing about or maintaining detention, 1325
or lack of jurisdiction of the committing or detaining authority, 1326
is not a defense to a charge under this section if the detention 1327
is pursuant to judicial order or in a detention facility. In the 1328
case of any other detention, irregularity or lack of jurisdiction 1329
is an affirmative defense only if either of the following occurs: 1330

(1) The escape involved no substantial risk of harm to the 1331
person or property of another. 1332

(2) The detaining authority knew or should have known there 1333
was no legal basis or authority for the detention. 1334

(C) Whoever violates this section is guilty of escape. 1335

(1) If the offender, at the time of the commission of the 1336
offense, was under detention as an alleged or adjudicated 1337
delinquent child or unruly child and if the act for which the 1338
offender was under detention would not be a felony if committed by 1339
an adult, escape is a misdemeanor of the first degree. 1340

(2) If the offender, at the time of the commission of the 1341
offense, was under detention in any other manner ~~or~~, the offender 1342
is a person who was adjudicated a sexually violent predator for 1343
whom the requirement that the entire prison term imposed upon the 1344
person pursuant to division (A)(3) of section 2971.03 of the 1345
Revised Code be served in a state correctional institution has 1346
been modified pursuant to section 2971.05 of the Revised Code, the 1347

offender is a person who was convicted of or pleaded guilty to 1348
committing on or after the effective date of this amendment a 1349
violation of division (A)(1)(b) of section 2907.02 of the Revised 1350
Code for whom the requirement that the entire prison term imposed 1351
upon the person pursuant to division (B)(1)(a), (b), or (c) of 1352
section 2971.03 of the Revised Code be served in a state 1353
correctional institution has been modified pursuant to section 1354
2971.05 of the Revised Code, or the offender is a person who was 1355
convicted of or pleaded guilty to committing on or after the 1356
effective date of this amendment attempted rape, who also was 1357
convicted of or pleaded guilty to a specification of the type 1358
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1359
Revised Code, who was sentenced pursuant to division (B)(2)(a), 1360
(b), or (c) of section 2971.03 of the Revised Code, and for whom 1361
the requirement that the entire prison term imposed pursuant to 1362
that division be served in a state correctional institution has 1363
been modified pursuant to section 2971.05 of the Revised Code, 1364
escape is one of the following: 1365

(a) A felony of the second degree, when the most serious 1366
offense for which the person was under detention or ~~adjudicated a~~ 1367
~~sexually violent predator~~ for which the person had been sentenced 1368
to the prison term under division (A)(3), (B)(1)(a), (b), or (c), 1369
or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code 1370
is aggravated murder, murder, or a felony of the first or second 1371
degree or, if the person was under detention as an alleged or 1372
adjudicated delinquent child, when the most serious act for which 1373
the person was under detention would be aggravated murder, murder, 1374
or a felony of the first or second degree if committed by an 1375
adult; 1376

(b) A felony of the third degree, when the most serious 1377
offense for which the person was under detention or ~~adjudicated a~~ 1378
~~sexually violent predator~~ for which the person had been sentenced 1379

to the prison term under division (A)(3), (B)(1)(a),(b), or (c), 1380
or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code 1381
is a felony of the third, fourth, or fifth degree or an 1382
unclassified felony or, if the person was under detention as an 1383
alleged or adjudicated delinquent child, when the most serious act 1384
for which the person was under detention would be a felony of the 1385
third, fourth, or fifth degree or an unclassified felony if 1386
committed by an adult; 1387

(c) A felony of the fifth degree, when any of the following 1388
applies: 1389

(i) The most serious offense for which the person was under 1390
detention is a misdemeanor. 1391

(ii) The person was found not guilty by reason of insanity, 1392
and the person's detention consisted of hospitalization, 1393
institutionalization, or confinement in a facility under an order 1394
made pursuant to or under authority of section 2945.40, 2945.401, 1395
or 2945.402 of the Revised Code. 1396

(d) A misdemeanor of the first degree, when the most serious 1397
offense for which the person was under detention is a misdemeanor 1398
and when the person fails to return to detention at a specified 1399
time following temporary leave granted for a specific purpose or 1400
limited period or at the time required when serving a sentence in 1401
intermittent confinement. 1402

(D) As used in this section: 1403

(1) "Adjudicated a sexually violent predator" has the same 1404
meaning as in section 2929.01 of the Revised Code, and a person is 1405
"adjudicated a sexually violent predator" in the same manner and 1406
the same circumstances as are described in that section. 1407

(2) "Sexually violent offense" has the same meaning as in 1408
section 2971.01 of the Revised Code. 1409

Sec. 2923.02. (A) No person, purposely or knowingly, and when
purpose or knowledge is sufficient culpability for the commission
of an offense, shall engage in conduct that, if successful, would
constitute or result in the offense.

(B) It is no defense to a charge under this section that, in
retrospect, commission of the offense that was the object of the
attempt was either factually or legally impossible under the
attendant circumstances, if that offense could have been committed
had the attendant circumstances been as the actor believed them to
be.

(C) No person who is convicted of committing a specific
offense, of complicity in the commission of an offense, or of
conspiracy to commit an offense shall be convicted of an attempt
to commit the same offense in violation of this section.

(D) It is an affirmative defense to a charge under this
section that the actor abandoned the actor's effort to commit the
offense or otherwise prevented its commission, under circumstances
manifesting a complete and voluntary renunciation of the actor's
criminal purpose.

(E)(1) Whoever violates this section is guilty of an attempt
to commit an offense. An attempt to commit aggravated murder,
murder, or an offense for which the maximum penalty is
imprisonment for life is a felony of the first degree. An attempt
to commit a drug abuse offense for which the penalty is determined
by the amount or number of unit doses of the controlled substance
involved in the drug abuse offense is an offense of the same
degree as the drug abuse offense attempted would be if that drug
abuse offense had been committed and had involved an amount or
number of unit doses of the controlled substance that is within
the next lower range of controlled substance amounts than was
involved in the attempt. An attempt to commit any other offense is

an offense of the next lesser degree than the offense attempted. 1441
In the case of an attempt to commit an offense other than a 1442
violation of Chapter 3734. of the Revised Code that is not 1443
specifically classified, an attempt is a misdemeanor of the first 1444
degree if the offense attempted is a felony, and a misdemeanor of 1445
the fourth degree if the offense attempted is a misdemeanor. In 1446
the case of an attempt to commit a violation of any provision of 1447
Chapter 3734. of the Revised Code, other than section 3734.18 of 1448
the Revised Code, that relates to hazardous wastes, an attempt is 1449
a felony punishable by a fine of not more than twenty-five 1450
thousand dollars or imprisonment for not more than eighteen 1451
months, or both. An attempt to commit a minor misdemeanor, or to 1452
engage in conspiracy, is not an offense under this section. 1453

(2) If a person is convicted of or pleads guilty to attempted 1454
rape and also is convicted of or pleads guilty to a specification 1455
of the type described in section 2941.1418, 2941.1419, or 1456
2941.1420 of the Revised Code, the offender shall be sentenced to 1457
a prison term or term of life imprisonment pursuant to section 1458
2971.03 of the Revised Code. 1459

(F) As used in this section, "drug abuse offense" has the 1460
same meaning as in section 2925.01 of the Revised Code. 1461

Sec. 2929.01. As used in this chapter: 1462

(A)(1) "Alternative residential facility" means, subject to 1463
division (A)(2) of this section, any facility other than an 1464
offender's home or residence in which an offender is assigned to 1465
live and that satisfies all of the following criteria: 1466

(a) It provides programs through which the offender may seek 1467
or maintain employment or may receive education, training, 1468
treatment, or habilitation. 1469

(b) It has received the appropriate license or certificate 1470

for any specialized education, training, treatment, habilitation, 1471
or other service that it provides from the government agency that 1472
is responsible for licensing or certifying that type of education, 1473
training, treatment, habilitation, or service. 1474

(2) "Alternative residential facility" does not include a 1475
community-based correctional facility, jail, halfway house, or 1476
prison. 1477

(B) "Bad time" means the time by which the parole board 1478
administratively extends an offender's stated prison term or terms 1479
pursuant to section 2967.11 of the Revised Code because the parole 1480
board finds by clear and convincing evidence that the offender, 1481
while serving the prison term or terms, committed an act that is a 1482
criminal offense under the law of this state or the United States, 1483
whether or not the offender is prosecuted for the commission of 1484
that act. 1485

(C) "Basic probation supervision" means a requirement that 1486
the offender maintain contact with a person appointed to supervise 1487
the offender in accordance with sanctions imposed by the court or 1488
imposed by the parole board pursuant to section 2967.28 of the 1489
Revised Code. "Basic probation supervision" includes basic parole 1490
supervision and basic post-release control supervision. 1491

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1492
"unit dose" have the same meanings as in section 2925.01 of the 1493
Revised Code. 1494

(E) "Community-based correctional facility" means a 1495
community-based correctional facility and program or district 1496
community-based correctional facility and program developed 1497
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1498

(F) "Community control sanction" means a sanction that is not 1499
a prison term and that is described in section 2929.15, 2929.16, 1500
2929.17, or 2929.18 of the Revised Code or a sanction that is not 1501

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.

(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.

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

(M) "Economic loss" means any economic detriment suffered by 1532
a victim as a direct and proximate result of the commission of an 1533
offense and includes any loss of income due to lost time at work 1534
because of any injury caused to the victim, and any property loss, 1535
medical cost, or funeral expense incurred as a result of the 1536
commission of the offense. "Economic loss" does not include 1537
non-economic loss or any punitive or exemplary damages. 1538

(N) "Education or training" includes study at, or in 1539
conjunction with a program offered by, a university, college, or 1540
technical college or vocational study and also includes the 1541
completion of primary school, secondary school, and literacy 1542
curricula or their equivalent. 1543

(O) "Firearm" has the same meaning as in section 2923.11 of 1544
the Revised Code. 1545

(P) "Halfway house" means a facility licensed by the division 1546
of parole and community services of the department of 1547
rehabilitation and correction pursuant to section 2967.14 of the 1548
Revised Code as a suitable facility for the care and treatment of 1549
adult offenders. 1550

(Q) "House arrest" means a period of confinement of an 1551
offender that is in the offender's home or in other premises 1552
specified by the sentencing court or by the parole board pursuant 1553
to section 2967.28 of the Revised Code and during which all of the 1554
following apply: 1555

(1) The offender is required to remain in the offender's home 1556
or other specified premises for the specified period of 1557
confinement, except for periods of time during which the offender 1558
is at the offender's place of employment or at other premises as 1559
authorized by the sentencing court or by the parole board. 1560

(2) The offender is required to report periodically to a 1561
person designated by the court or parole board. 1562

(3) The offender is subject to any other restrictions and 1563
requirements that may be imposed by the sentencing court or by the 1564
parole board. 1565

(R) "Intensive probation supervision" means a requirement 1566
that an offender maintain frequent contact with a person appointed 1567
by the court, or by the parole board pursuant to section 2967.28 1568
of the Revised Code, to supervise the offender while the offender 1569
is seeking or maintaining necessary employment and participating 1570
in training, education, and treatment programs as required in the 1571
court's or parole board's order. "Intensive probation supervision" 1572
includes intensive parole supervision and intensive post-release 1573
control supervision. 1574

(S) "Jail" means a jail, workhouse, minimum security jail, or 1575
other residential facility used for the confinement of alleged or 1576
convicted offenders that is operated by a political subdivision or 1577
a combination of political subdivisions of this state. 1578

(T) "Jail term" means the term in a jail that a sentencing 1579
court imposes or is authorized to impose pursuant to section 1580
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1581
provision of the Revised Code that authorizes a term in a jail for 1582
a misdemeanor conviction. 1583

(U) "Mandatory jail term" means the term in a jail that a 1584
sentencing court is required to impose pursuant to division (G) of 1585
section 1547.99 of the Revised Code, division (E) of section 1586
2903.06 or division (D) of section 2903.08 of the Revised Code, 1587
division (E) of section 2929.24 of the Revised Code, division (B) 1588
of section 4510.14 of the Revised Code, or division (G) of section 1589
4511.19 of the Revised Code or pursuant to any other provision of 1590
the Revised Code that requires a term in a jail for a misdemeanor 1591
conviction. 1592

(V) "Delinquent child" has the same meaning as in section 1593

2152.02 of the Revised Code. 1594

(W) "License violation report" means a report that is made by 1595
a sentencing court, or by the parole board pursuant to section 1596
2967.28 of the Revised Code, to the regulatory or licensing board 1597
or agency that issued an offender a professional license or a 1598
license or permit to do business in this state and that specifies 1599
that the offender has been convicted of or pleaded guilty to an 1600
offense that may violate the conditions under which the offender's 1601
professional license or license or permit to do business in this 1602
state was granted or an offense for which the offender's 1603
professional license or license or permit to do business in this 1604
state may be revoked or suspended. 1605

(X) "Major drug offender" means an offender who is convicted 1606
of or pleads guilty to the possession of, sale of, or offer to 1607
sell any drug, compound, mixture, preparation, or substance that 1608
consists of or contains at least one thousand grams of hashish; at 1609
least one hundred grams of crack cocaine; at least one thousand 1610
grams of cocaine that is not crack cocaine; at least two thousand 1611
five hundred unit doses or two hundred fifty grams of heroin; at 1612
least five thousand unit doses of L.S.D. or five hundred grams of 1613
L.S.D. in a liquid concentrate, liquid extract, or liquid 1614
distillate form; or at least one hundred times the amount of any 1615
other schedule I or II controlled substance other than marihuana 1616
that is necessary to commit a felony of the third degree pursuant 1617
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1618
Code that is based on the possession of, sale of, or offer to sell 1619
the controlled substance. 1620

(Y) "Mandatory prison term" means any of the following: 1621

(1) Subject to division (Y)(2) of this section, the term in 1622
prison that must be imposed for the offenses or circumstances set 1623
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1624

2929.13 and division (D) of section 2929.14 of the Revised Code. 1625
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1626
and 2925.11 of the Revised Code, unless the maximum or another 1627
specific term is required under section 2929.14 of the Revised 1628
Code, a mandatory prison term described in this division may be 1629
any prison term authorized for the level of offense. 1630

(2) The term of sixty or one hundred twenty days in prison 1631
that a sentencing court is required to impose for a third or 1632
fourth degree felony OVI offense pursuant to division (G)(2) of 1633
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1634
of the Revised Code or the term of one, two, three, four, or five 1635
years in prison that a sentencing court is required to impose 1636
pursuant to division (G)(2) of section 2929.13 of the Revised 1637
Code. 1638

(3) The term in prison imposed pursuant to division (A) of 1639
section 2971.03 of the Revised Code for the offenses and in the 1640
circumstances described in division (F)(11) of section 2929.13 of 1641
the Revised Code, pursuant to division (B)(1)(a), (b), or (c) of 1642
section 2971.03 of the Revised Code for the offense of rape 1643
committed on or after the effective date of this amendment in 1644
violation of division (A)(1)(b) of section 2907.02 of the Revised 1645
Code, pursuant to division (B)(2)(a) of section 2971.03 of the 1646
Revised Code for the offense of attempted rape committed on or 1647
after the effective date of this amendment and a specification of 1648
the type described in section 2941.1418 of the Revised Code, 1649
pursuant to division (B)(2)(b) of section 2971.03 of the Revised 1650
Code for the offense of attempted rape committed on or after the 1651
effective date of this amendment and a specification of the type 1652
described in section 2941.1419 of the Revised Code, or pursuant to 1653
division (B)(2)(c) of section 2971.03 of the Revised Code for the 1654
offense of attempted rape committed on or after the effective date 1655
of this amendment and a specification of the type described in 1656

section 2941.1420 of the Revised Code and that term as modified or 1657
terminated pursuant to section 2971.05 of the Revised Code. 1658

(Z) "Monitored time" means a period of time during which an 1659
offender continues to be under the control of the sentencing court 1660
or parole board, subject to no conditions other than leading a 1661
law-abiding life. 1662

(AA) "Offender" means a person who, in this state, is 1663
convicted of or pleads guilty to a felony or a misdemeanor. 1664

(BB) "Prison" means a residential facility used for the 1665
confinement of convicted felony offenders that is under the 1666
control of the department of rehabilitation and correction but 1667
does not include a violation sanction center operated under 1668
authority of section 2967.141 of the Revised Code. 1669

(CC) "Prison term" includes any of the following sanctions 1670
for an offender: 1671

(1) A stated prison term; 1672

(2) A term in a prison shortened by, or with the approval of, 1673
the sentencing court pursuant to section 2929.20, 2967.26, 1674
5120.031, 5120.032, or 5120.073 of the Revised Code; 1675

(3) A term in prison extended by bad time imposed pursuant to 1676
section 2967.11 of the Revised Code or imposed for a violation of 1677
post-release control pursuant to section 2967.28 of the Revised 1678
Code. 1679

(DD) "Repeat violent offender" means a person about whom both 1680
of the following apply: 1681

(1) The person is being sentenced for committing or for 1682
complicity in committing any of the following: 1683

(a) Aggravated murder, murder, any felony of the first or 1684
second degree that is an offense of violence, or an attempt to 1685
commit any of these offenses if the attempt is a felony of the 1686

first or second degree; 1687

(b) An offense under an existing or former law of this state, 1688
another state, or the United States that is or was substantially 1689
equivalent to an offense described in division (DD)(1)(a) of this 1690
section. 1691

(2) The person previously was convicted of or pleaded guilty 1692
to an offense described in division (DD)(1)(a) or (b) of this 1693
section. 1694

(EE) "Sanction" means any penalty imposed upon an offender 1695
who is convicted of or pleads guilty to an offense, as punishment 1696
for the offense. "Sanction" includes any sanction imposed pursuant 1697
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1698
2929.28 of the Revised Code. 1699

(FF) "Sentence" means the sanction or combination of 1700
sanctions imposed by the sentencing court on an offender who is 1701
convicted of or pleads guilty to an offense. 1702

(GG) "Stated prison term" means the prison term, mandatory 1703
prison term, or combination of all prison terms and mandatory 1704
prison terms imposed by the sentencing court pursuant to section 1705
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 1706
includes any credit received by the offender for time spent in 1707
jail awaiting trial, sentencing, or transfer to prison for the 1708
offense and any time spent under house arrest or house arrest with 1709
electronic monitoring imposed after earning credits pursuant to 1710
section 2967.193 of the Revised Code. 1711

(HH) "Victim-offender mediation" means a reconciliation or 1712
mediation program that involves an offender and the victim of the 1713
offense committed by the offender and that includes a meeting in 1714
which the offender and the victim may discuss the offense, discuss 1715
restitution, and consider other sanctions for the offense. 1716

(II) "Fourth degree felony OVI offense" means a violation of 1717
division (A) of section 4511.19 of the Revised Code that, under 1718
division (G) of that section, is a felony of the fourth degree. 1719

(JJ) "Mandatory term of local incarceration" means the term 1720
of sixty or one hundred twenty days in a jail, a community-based 1721
correctional facility, a halfway house, or an alternative 1722
residential facility that a sentencing court may impose upon a 1723
person who is convicted of or pleads guilty to a fourth degree 1724
felony OVI offense pursuant to division (G)(1) of section 2929.13 1725
of the Revised Code and division (G)(1)(d) or (e) of section 1726
4511.19 of the Revised Code. 1727

(KK) "Designated homicide, assault, or kidnapping offense," 1728
"violent sex offense," "sexual motivation specification," 1729
"sexually violent offense," "sexually violent predator," and 1730
"sexually violent predator specification" have the same meanings 1731
as in section 2971.01 of the Revised Code. 1732

(LL) "Habitual sex offender," "sexually oriented offense," 1733
"sexual predator," "registration-exempt sexually oriented 1734
offense," "child-victim oriented offense," "habitual child-victim 1735
offender," and "child-victim predator" have the same meanings as 1736
in section 2950.01 of the Revised Code. 1737

(MM) An offense is "committed in the vicinity of a child" if 1738
the offender commits the offense within thirty feet of or within 1739
the same residential unit as a child who is under eighteen years 1740
of age, regardless of whether the offender knows the age of the 1741
child or whether the offender knows the offense is being committed 1742
within thirty feet of or within the same residential unit as the 1743
child and regardless of whether the child actually views the 1744
commission of the offense. 1745

(NN) "Family or household member" has the same meaning as in 1746
section 2919.25 of the Revised Code. 1747

(OO) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code. (1748-1749)

(PP) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code. (1750-1751)

(QQ) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree. (1752-1754)

(RR) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code. (1755-1756)

(SS) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code. (1757-1758)

(TT) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code. (1759-1760)

(UU) "Electronic monitoring" means monitoring through the use of an electronic monitoring device. (1761-1762)

(VV) "Electronic monitoring device" means any of the following: (1763-1764)

(1) Any device that can be operated by electrical or battery power and that conforms with all of the following: (1765-1766)

(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (VV)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an (1767-1777)

appropriate signal to that receiver if the person to whom it is 1778
attached travels a specified distance from that receiver. 1779

(b) The device has a receiver that can receive continuously 1780
the signals transmitted by a transmitter of the type described in 1781
division (VV)(1)(a) of this section, can transmit continuously 1782
those signals by telephone to a central monitoring computer of the 1783
type described in division (VV)(1)(c) of this section, and can 1784
transmit continuously an appropriate signal to that central 1785
monitoring computer if the receiver is turned off or altered 1786
without prior court approval or otherwise tampered with. 1787

(c) The device has a central monitoring computer that can 1788
receive continuously the signals transmitted by telephone by a 1789
receiver of the type described in division (VV)(1)(b) of this 1790
section and can monitor continuously the person to whom an 1791
electronic monitoring device of the type described in division 1792
(VV)(1)(a) of this section is attached. 1793

(2) Any device that is not a device of the type described in 1794
division (VV)(1) of this section and that conforms with all of the 1795
following: 1796

(a) The device includes a transmitter and receiver that can 1797
monitor and determine the location of a subject person at any 1798
time, or at a designated point in time, through the use of a 1799
central monitoring computer or through other electronic means. 1800

(b) The device includes a transmitter and receiver that can 1801
determine at any time, or at a designated point in time, through 1802
the use of a central monitoring computer or other electronic means 1803
the fact that the transmitter is turned off or altered in any 1804
manner without prior approval of the court in relation to the 1805
electronic monitoring or without prior approval of the department 1806
of rehabilitation and correction in relation to the use of an 1807
electronic monitoring device for an inmate on transitional control 1808

or otherwise is tampered with. 1809

(3) Any type of technology that can adequately track or 1810
determine the location of a subject person at any time and that is 1811
approved by the director of rehabilitation and correction, 1812
including, but not limited to, any satellite technology, voice 1813
tracking system, or retinal scanning system that is so approved. 1814

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1815
a victim of an offense as a result of or related to the commission 1816
of the offense, including, but not limited to, pain and suffering; 1817
loss of society, consortium, companionship, care, assistance, 1818
attention, protection, advice, guidance, counsel, instruction, 1819
training, or education; mental anguish; and any other intangible 1820
loss. 1821

(XX) "Prosecutor" has the same meaning as in section 2935.01 1822
of the Revised Code. 1823

(YY) "Continuous alcohol monitoring" means the ability to 1824
automatically test and periodically transmit alcohol consumption 1825
levels and tamper attempts at least every hour, regardless of the 1826
location of the person who is being monitored. 1827

(ZZ) A person is "adjudicated a sexually violent predator" if 1828
the person is convicted of or pleads guilty to a violent sex 1829
offense and also is convicted of or pleads guilty to a sexually 1830
violent predator specification that was included in the 1831
indictment, count in the indictment, or information charging that 1832
violent sex offense or if the person is convicted of or pleads 1833
guilty to a designated homicide, assault, or kidnapping offense 1834
and also is convicted of or pleads guilty to both a sexual 1835
motivation specification and a sexually violent predator 1836
specification that were included in the indictment, count in the 1837
indictment, or information charging that designated homicide, 1838
assault, or kidnapping offense. 1839

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1840
(G) of this section and unless a specific sanction is required to 1841
be imposed or is precluded from being imposed pursuant to law, a 1842
court that imposes a sentence upon an offender for a felony may 1843
impose any sanction or combination of sanctions on the offender 1844
that are provided in sections 2929.14 to 2929.18 of the Revised 1845
Code. The sentence shall not impose an unnecessary burden on state 1846
or local government resources. 1847

If the offender is eligible to be sentenced to community 1848
control sanctions, the court shall consider the appropriateness of 1849
imposing a financial sanction pursuant to section 2929.18 of the 1850
Revised Code or a sanction of community service pursuant to 1851
section 2929.17 of the Revised Code as the sole sanction for the 1852
offense. Except as otherwise provided in this division, if the 1853
court is required to impose a mandatory prison term for the 1854
offense for which sentence is being imposed, the court also may 1855
impose a financial sanction pursuant to section 2929.18 of the 1856
Revised Code but may not impose any additional sanction or 1857
combination of sanctions under section 2929.16 or 2929.17 of the 1858
Revised Code. 1859

If the offender is being sentenced for a fourth degree felony 1860
OVI offense or for a third degree felony OVI offense, in addition 1861
to the mandatory term of local incarceration or the mandatory 1862
prison term required for the offense by division (G)(1) or (2) of 1863
this section, the court shall impose upon the offender a mandatory 1864
fine in accordance with division (B)(3) of section 2929.18 of the 1865
Revised Code and may impose whichever of the following is 1866
applicable: 1867

(1) For a fourth degree felony OVI offense for which sentence 1868
is imposed under division (G)(1) of this section, an additional 1869
community control sanction or combination of community control 1870

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
2929.14 of the Revised Code or a community control sanction as
described in division (G)(2) of this section.

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

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

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

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

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

(e) The offender committed the offense for hire or as part of an organized criminal activity. 1902
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(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code. 1904
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(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 1908
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(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. 1910
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(i) The offender committed the offense while in possession of a firearm. 1913
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(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. 1915
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(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. 1923
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(C) Except as provided in division (D), (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)(1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, 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, and for a violation of division (A)(4) of section 2907.05 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. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under division (D)(1) of this section for the offenses listed in that division other than a violation of division (A)(4) of section 2907.05 of the Revised Code, 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:

(a) A community control sanction or a combination of 1965
community control sanctions would adequately punish the offender 1966
and protect the public from future crime, because the applicable 1967
factors under section 2929.12 of the Revised Code indicating a 1968
lesser likelihood of recidivism outweigh the applicable factors 1969
under that section indicating a greater likelihood of recidivism. 1970

(b) A community control sanction or a combination of 1971
community control sanctions would not demean the seriousness of 1972
the offense, because one or more factors under section 2929.12 of 1973
the Revised Code that indicate that the offender's conduct was 1974
less serious than conduct normally constituting the offense are 1975
applicable, and they outweigh the applicable factors under that 1976
section that indicate that the offender's conduct was more serious 1977
than conduct normally constituting the offense. 1978

(E)(1) Except as provided in division (F) of this section, 1979
for any drug offense that is a violation of any provision of 1980
Chapter 2925. of the Revised Code and that is a felony of the 1981
third, fourth, or fifth degree, the applicability of a presumption 1982
under division (D) of this section in favor of a prison term or of 1983
division (B) or (C) of this section in determining whether to 1984
impose a prison term for the offense shall be determined as 1985
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1986
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1987
Revised Code, whichever is applicable regarding the violation. 1988

(2) If an offender who was convicted of or pleaded guilty to 1989
a felony violates the conditions of a community control sanction 1990
imposed for the offense solely by reason of producing positive 1991
results on a drug test, the court, as punishment for the violation 1992
of the sanction, shall not order that the offender be imprisoned 1993
unless the court determines on the record either of the following: 1994

(a) The offender had been ordered as a sanction for the 1995

felony to participate in a drug treatment program, in a drug
education program, or in narcotics anonymous or a similar program,
and the offender continued to use illegal drugs after a reasonable
period of participation in the program.

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

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

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and
regardless of the age of the victim, or an attempt to commit rape
if, had the offender completed the rape that was attempted, the
offender would have been ~~subject to a sentence of life~~
~~imprisonment or life imprisonment without parole for the rape~~
guilty of a violation of division (A)(1)(b) of section 2907.02 of
the Revised Code and would be sentenced under section 2971.03 of
the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim
is under thirteen years of age and if any of the following
applies:

(a) Regarding gross sexual imposition, the offender
previously was convicted of or pleaded guilty to rape, the former
offense of felonious sexual penetration, gross sexual imposition,

or sexual battery, and the victim of the previous offense was 2027
under thirteen years of age; 2028

(b) Regarding gross sexual imposition, the offense was 2029
committed on or after ~~the effective date of this amendment~~ August 2030
3, 2006, and evidence other than the testimony of the victim was 2031
admitted in the case corroborating the violation. 2032

(c) Regarding sexual battery, either of the following 2033
applies: 2034

(i) The offense was committed prior to ~~the effective date of~~ 2035
~~this amendment~~ August 3, 2006, the offender previously was 2036
convicted of or pleaded guilty to rape, the former offense of 2037
felonious sexual penetration, or sexual battery, and the victim of 2038
the previous offense was under thirteen years of age. 2039

(ii) The offense was committed on or after ~~the effective date~~ 2040
~~of this amendment~~ August 3, 2006. 2041

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2042
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 2043
requires the imposition of a prison term; 2044

(5) A first, second, or third degree felony drug offense for 2045
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2046
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2047
4729.99 of the Revised Code, whichever is applicable regarding the 2048
violation, requires the imposition of a mandatory prison term; 2049

(6) Any offense that is a first or second degree felony and 2050
that is not set forth in division (F)(1), (2), (3), or (4) of this 2051
section, if the offender previously was convicted of or pleaded 2052
guilty to aggravated murder, murder, any first or second degree 2053
felony, or an offense under an existing or former law of this 2054
state, another state, or the United States that is or was 2055
substantially equivalent to one of those offenses; 2056

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:

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

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F)(7)(a) of this section that resulted in the death of a person or in physical harm to a person.

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

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

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of

corrupt activity that is the basis of the offense is a felony of
the first degree;

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

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

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

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

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

(1) If the offender is being sentenced for a fourth degree
felony OVI offense and if the offender has not been convicted of

and has not pleaded guilty to a specification of the type 2119
described in section 2941.1413 of the Revised Code, the court may 2120
impose upon the offender a mandatory term of local incarceration 2121
of sixty days or one hundred twenty days as specified in division 2122
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 2123
not reduce the term pursuant to section 2929.20, 2967.193, or any 2124
other provision of the Revised Code. The court that imposes a 2125
mandatory term of local incarceration under this division shall 2126
specify whether the term is to be served in a jail, a 2127
community-based correctional facility, a halfway house, or an 2128
alternative residential facility, and the offender shall serve the 2129
term in the type of facility specified by the court. A mandatory 2130
term of local incarceration imposed under division (G)(1) of this 2131
section is not subject to extension under section 2967.11 of the 2132
Revised Code, to a period of post-release control under section 2133
2967.28 of the Revised Code, or to any other Revised Code 2134
provision that pertains to a prison term except as provided in 2135
division (A)(1) of this section. 2136

(2) If the offender is being sentenced for a third degree 2137
felony OVI offense, or if the offender is being sentenced for a 2138
fourth degree felony OVI offense and the court does not impose a 2139
mandatory term of local incarceration under division (G)(1) of 2140
this section, the court shall impose upon the offender a mandatory 2141
prison term of one, two, three, four, or five years if the 2142
offender also is convicted of or also pleads guilty to a 2143
specification of the type described in section 2941.1413 of the 2144
Revised Code or shall impose upon the offender a mandatory prison 2145
term of sixty days or one hundred twenty days as specified in 2146
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2147
if the offender has not been convicted of and has not pleaded 2148
guilty to a specification of that type. The court shall not reduce 2149
the term pursuant to section 2929.20, 2967.193, or any other 2150

provision of the Revised Code. The offender shall serve the one-, 2151
two-, three-, four-, or five-year mandatory prison term 2152
consecutively to and prior to the prison term imposed for the 2153
underlying offense and consecutively to any other mandatory prison 2154
term imposed in relation to the offense. In no case shall an 2155
offender who once has been sentenced to a mandatory term of local 2156
incarceration pursuant to division (G)(1) of this section for a 2157
fourth degree felony OVI offense be sentenced to another mandatory 2158
term of local incarceration under that division for any violation 2159
of division (A) of section 4511.19 of the Revised Code. In 2160
addition to the mandatory prison term described in division (G)(2) 2161
of this section, the court may sentence the offender to a 2162
community control sanction under section 2929.16 or 2929.17 of the 2163
Revised Code, but the offender shall serve the prison term prior 2164
to serving the community control sanction. The department of 2165
rehabilitation and correction may place an offender sentenced to a 2166
mandatory prison term under this division in an intensive program 2167
prison established pursuant to section 5120.033 of the Revised 2168
Code if the department gave the sentencing judge prior notice of 2169
its intent to place the offender in an intensive program prison 2170
established under that section and if the judge did not notify the 2171
department that the judge disapproved the placement. Upon the 2172
establishment of the initial intensive program prison pursuant to 2173
section 5120.033 of the Revised Code that is privately operated 2174
and managed by a contractor pursuant to a contract entered into 2175
under section 9.06 of the Revised Code, both of the following 2176
apply: 2177

(a) The department of rehabilitation and correction shall 2178
make a reasonable effort to ensure that a sufficient number of 2179
offenders sentenced to a mandatory prison term under this division 2180
are placed in the privately operated and managed prison so that 2181
the privately operated and managed prison has full occupancy. 2182

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

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

(1) The offense was 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.

(2) The offense was a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment.

(3) The offense was attempted rape committed on or after the effective date of this amendment, and the offender also was convicted of or pleaded guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

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

(I) If an offender is being sentenced for a sexually oriented offense that is not a registration-exempt sexually oriented offense or for a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the

duration of the duties. The judge shall inform the offender, at 2214
the time of sentencing, of those duties and of their duration and, 2215
if required under division (A)(2) of section 2950.03 of the 2216
Revised Code, shall perform the duties specified in that section. 2217

(J)(1) Except as provided in division (J)(2) of this section, 2218
when considering sentencing factors under this section in relation 2219
to an offender who is convicted of or pleads guilty to an attempt 2220
to commit an offense in violation of section 2923.02 of the 2221
Revised Code, the sentencing court shall consider the factors 2222
applicable to the felony category of the violation of section 2223
2923.02 of the Revised Code instead of the factors applicable to 2224
the felony category of the offense attempted. 2225

(2) When considering sentencing factors under this section in 2226
relation to an offender who is convicted of or pleads guilty to an 2227
attempt to commit a drug abuse offense for which the penalty is 2228
determined by the amount or number of unit doses of the controlled 2229
substance involved in the drug abuse offense, the sentencing court 2230
shall consider the factors applicable to the felony category that 2231
the drug abuse offense attempted would be if that drug abuse 2232
offense had been committed and had involved an amount or number of 2233
unit doses of the controlled substance that is within the next 2234
lower range of controlled substance amounts than was involved in 2235
the attempt. 2236

(K) As used in this section, "drug abuse offense" has the 2237
same meaning as in section 2925.01 of the Revised Code. 2238

(L) At the time of sentencing an offender who is a sexual 2239
predator for any sexually oriented offense, if the offender does 2240
not serve a prison term or jail term, the court may require that 2241
the offender be monitored by means of a global positioning device. 2242
If the court requires such monitoring, the cost of monitoring 2243
shall be borne by the offender. If the offender is indigent, the 2244

cost of compliance shall be paid by the crime victims reparations 2245
fund. 2246

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2247
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 2248
except in relation to an offense for which a sentence of death or 2249
life imprisonment is to be imposed, if the court imposing a 2250
sentence upon an offender for a felony elects or is required to 2251
impose a prison term on the offender pursuant to this chapter, the 2252
court shall impose a definite prison term that shall be one of the 2253
following: 2254

(1) For a felony of the first degree, the prison term shall 2255
be three, four, five, six, seven, eight, nine, or ten years. 2256

(2) For a felony of the second degree, the prison term shall 2257
be two, three, four, five, six, seven, or eight years. 2258

(3) For a felony of the third degree, the prison term shall 2259
be one, two, three, four, or five years. 2260

(4) For a felony of the fourth degree, the prison term shall 2261
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2262
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2263

(5) For a felony of the fifth degree, the prison term shall 2264
be six, seven, eight, nine, ten, eleven, or twelve months. 2265

(B) Except as provided in division (C), (D)(1), (D)(2), 2266
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 2267
or 2907.05 of the Revised Code, or in Chapter 2925. of the Revised 2268
Code, if the court imposing a sentence upon an offender for a 2269
felony elects or is required to impose a prison term on the 2270
offender, the court shall impose the shortest prison term 2271
authorized for the offense pursuant to division (A) of this 2272
section, unless one or more of the following applies: 2273

(1) The offender was serving a prison term at the time of the 2274

offense, or the offender previously had served a prison term. 2275

(2) The court finds on the record that the shortest prison 2276
term will demean the seriousness of the offender's conduct or will 2277
not adequately protect the public from future crime by the 2278
offender or others. 2279

(C) Except as provided in division (G) of this section or in 2280
Chapter 2925. of the Revised Code, the court imposing a sentence 2281
upon an offender for a felony may impose the longest prison term 2282
authorized for the offense pursuant to division (A) of this 2283
section only upon offenders who committed the worst forms of the 2284
offense, upon offenders who pose the greatest likelihood of 2285
committing future crimes, upon certain major drug offenders under 2286
division (D)(3) of this section, and upon certain repeat violent 2287
offenders in accordance with division (D)(2) of this section. 2288

(D)(1)(a) Except as provided in division (D)(1)(e) of this 2289
section, if an offender who is convicted of or pleads guilty to a 2290
felony also is convicted of or pleads guilty to a specification of 2291
the type described in section 2941.141, 2941.144, or 2941.145 of 2292
the Revised Code, the court shall impose on the offender one of 2293
the following prison terms: 2294

(i) A prison term of six years if the specification is of the 2295
type described in section 2941.144 of the Revised Code that 2296
charges the offender with having a firearm that is an automatic 2297
firearm or that was equipped with a firearm muffler or silencer on 2298
or about the offender's person or under the offender's control 2299
while committing the felony; 2300

(ii) A prison term of three years if the specification is of 2301
the type described in section 2941.145 of the Revised Code that 2302
charges the offender with having a firearm on or about the 2303
offender's person or under the offender's control while committing 2304
the offense and displaying the firearm, brandishing the firearm, 2305

indicating that the offender possessed the firearm, or using it to
facilitate the offense;

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

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

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

same act or transaction. If a court imposes an additional prison 2338
term on an offender under division (D)(1)(c) of this section 2339
relative to an offense, the court also shall impose a prison term 2340
under division (D)(1)(a) of this section relative to the same 2341
offense, provided the criteria specified in that division for 2342
imposing an additional prison term are satisfied relative to the 2343
offender and the offense. 2344

(d) If an offender who is convicted of or pleads guilty to an 2345
offense of violence that is a felony also is convicted of or 2346
pleads guilty to a specification of the type described in section 2347
2941.1411 of the Revised Code that charges the offender with 2348
wearing or carrying body armor while committing the felony offense 2349
of violence, the court shall impose on the offender a prison term 2350
of two years. The prison term so imposed shall not be reduced 2351
pursuant to section 2929.20, section 2967.193, or any other 2352
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2353
court shall not impose more than one prison term on an offender 2354
under division (D)(1)(d) of this section for felonies committed as 2355
part of the same act or transaction. If a court imposes an 2356
additional prison term under division (D)(1)(a) or (c) of this 2357
section, the court is not precluded from imposing an additional 2358
prison term under division (D)(1)(d) of this section. 2359

(e) The court shall not impose any of the prison terms 2360
described in division (D)(1)(a) of this section or any of the 2361
additional prison terms described in division (D)(1)(c) of this 2362
section upon an offender for a violation of section 2923.12 or 2363
2923.123 of the Revised Code. The court shall not impose any of 2364
the prison terms described in division (D)(1)(a) of this section 2365
or any of the additional prison terms described in division 2366
(D)(1)(c) of this section upon an offender for a violation of 2367
section 2923.13 of the Revised Code unless all of the following 2368
apply: 2369

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree. 2370
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(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense. 2372
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(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (D)(1)(f) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense. 2375
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(2)(a) If division (D)(2)(b) of this section does not apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense, an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met: 2396
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(i) The offender is convicted of or pleads guilty to a 2402
specification of the type described in section 2941.149 of the 2403
Revised Code that the offender is a repeat violent offender. 2404

(ii) The offense of which the offender currently is convicted 2405
or to which the offender currently pleads guilty is aggravated 2406
murder and the court does not impose a sentence of death or life 2407
imprisonment without parole, murder, terrorism and the court does 2408
not impose a sentence of life imprisonment without parole, any 2409
felony of the first degree that is an offense of violence and the 2410
court does not impose a sentence of life imprisonment without 2411
parole, or any felony of the second degree that is an offense of 2412
violence and the trier of fact finds that the offense involved an 2413
attempt to cause or a threat to cause serious physical harm to a 2414
person or resulted in serious physical harm to a person. 2415

(iii) The court imposes the longest prison term for the 2416
offense that is not life imprisonment without parole. 2417

(iv) The court finds that the prison terms imposed pursuant 2418
to division (D)(2)(a)(iii) of this section and, if applicable, 2419
division (D)(1) or (3) of this section are inadequate to punish 2420
the offender and protect the public from future crime, because the 2421
applicable factors under section 2929.12 of the Revised Code 2422
indicating a greater likelihood of recidivism outweigh the 2423
applicable factors under that section indicating a lesser 2424
likelihood of recidivism. 2425

(v) The court finds that the prison terms imposed pursuant to 2426
division (D)(2)(a)(iii) of this section and, if applicable, 2427
division (D)(1) or (3) of this section are demeaning to the 2428
seriousness of the offense, because one or more of the factors 2429
under section 2929.12 of the Revised Code indicating that the 2430
offender's conduct is more serious than conduct normally 2431
constituting the offense are present, and they outweigh the 2432

applicable factors under that section indicating that the 2433
offender's conduct is less serious than conduct normally 2434
constituting the offense. 2435

(b) The court shall impose on an offender the longest prison 2436
term authorized or required for the offense and shall impose on 2437
the offender an additional definite prison term of one, two, 2438
three, four, five, six, seven, eight, nine, or ten years if all of 2439
the following criteria are met: 2440

(i) The offender is convicted of or pleads guilty to a 2441
specification of the type described in section 2941.149 of the 2442
Revised Code that the offender is a repeat violent offender. 2443

(ii) The offender within the preceding twenty years has been 2444
convicted of or pleaded guilty to three or more offenses described 2445
in division (DD)(1) of section 2929.01 of the Revised Code, 2446
including all offenses described in that division of which the 2447
offender is convicted or to which the offender pleads guilty in 2448
the current prosecution and all offenses described in that 2449
division of which the offender previously has been convicted or to 2450
which the offender previously pleaded guilty, whether prosecuted 2451
together or separately. 2452

(iii) The offense or offenses of which the offender currently 2453
is convicted or to which the offender currently pleads guilty is 2454
aggravated murder and the court does not impose a sentence of 2455
death or life imprisonment without parole, murder, terrorism and 2456
the court does not impose a sentence of life imprisonment without 2457
parole, any felony of the first degree that is an offense of 2458
violence and the court does not impose a sentence of life 2459
imprisonment without parole, or any felony of the second degree 2460
that is an offense of violence and the trier of fact finds that 2461
the offense involved an attempt to cause or a threat to cause 2462
serious physical harm to a person or resulted in serious physical 2463

harm to a person.

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

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

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

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(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender and requires the imposition of a ten-year prison term on the offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court

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imposing sentence upon an offender for a felony finds that the
offender is guilty of corrupt activity with the most serious
offense in the pattern of corrupt activity being a felony of the
first degree, or if the offender is guilty of an attempted
violation of section 2907.02 of the Revised Code and, had the
offender completed the violation of section 2907.02 of the Revised
Code that was attempted, the offender would have been subject to a
sentence of life imprisonment or life imprisonment without parole
for the violation of section 2907.02 of the Revised Code, the
court shall impose upon the offender for the felony violation a
ten-year prison term that cannot be reduced pursuant to section
2929.20 or Chapter 2967. or 5120. of the Revised Code.

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

(4) If the offender is being sentenced for a third or fourth
degree felony OVI offense under division (G)(2) of section 2929.13
of the Revised Code, the sentencing court shall impose upon the
offender a mandatory prison term in accordance with that division.
In addition to the mandatory prison term, if the offender is being
sentenced for a fourth degree felony OVI offense, the court,
notwithstanding division (A)(4) of this section, may sentence the
offender to a definite prison term of not less than six months and
not more than thirty months, and if the offender is being
sentenced for a third degree felony OVI offense, the sentencing
court may sentence the offender to an additional prison term of
any duration specified in division (A)(3) of this section. In
either case, the additional prison term imposed shall be reduced

by the sixty or one hundred twenty days imposed upon the offender 2527
as the mandatory prison term. The total of the additional prison 2528
term imposed under division (D)(4) of this section plus the sixty 2529
or one hundred twenty days imposed as the mandatory prison term 2530
shall equal a definite term in the range of six months to thirty 2531
months for a fourth degree felony OVI offense and shall equal one 2532
of the authorized prison terms specified in division (A)(3) of 2533
this section for a third degree felony OVI offense. If the court 2534
imposes an additional prison term under division (D)(4) of this 2535
section, the offender shall serve the additional prison term after 2536
the offender has served the mandatory prison term required for the 2537
offense. In addition to the mandatory prison term or mandatory and 2538
additional prison term imposed as described in division (D)(4) of 2539
this section, the court also may sentence the offender to a 2540
community control sanction under section 2929.16 or 2929.17 of the 2541
Revised Code, but the offender shall serve all of the prison terms 2542
so imposed prior to serving the community control sanction. 2543

If the offender is being sentenced for a fourth degree felony 2544
OVI offense under division (G)(1) of section 2929.13 of the 2545
Revised Code and the court imposes a mandatory term of local 2546
incarceration, the court may impose a prison term as described in 2547
division (A)(1) of that section. 2548

(5) If an offender is convicted of or pleads guilty to a 2549
violation of division (A)(1) or (2) of section 2903.06 of the 2550
Revised Code and also is convicted of or pleads guilty to a 2551
specification of the type described in section 2941.1414 of the 2552
Revised Code that charges that the victim of the offense is a 2553
peace officer, as defined in section 2935.01 of the Revised Code, 2554
the court shall impose on the offender a prison term of five 2555
years. If a court imposes a prison term on an offender under 2556
division (D)(5) of this section, the prison term shall not be 2557
reduced pursuant to section 2929.20, section 2967.193, or any 2558

other provision of Chapter 2967. or Chapter 5120. of the Revised
Code. A court shall not impose more than one prison term on an
offender under division (D)(5) of this section for felonies
committed as part of the same act.

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

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

division (D)(1)(d) of this section, consecutively to and prior to 2591
any prison term imposed for the underlying felony pursuant to 2592
division (A), (D)(2), or (D)(3) of this section or any other 2593
section of the Revised Code, and consecutively to any other prison 2594
term or mandatory prison term previously or subsequently imposed 2595
upon the offender. 2596

(b) If a mandatory prison term is imposed upon an offender 2597
pursuant to division (D)(1)(d) of this section for wearing or 2598
carrying body armor while committing an offense of violence that 2599
is a felony, the offender shall serve the mandatory term so 2600
imposed consecutively to any other mandatory prison term imposed 2601
under that division or under division (D)(1)(a) or (c) of this 2602
section, consecutively to and prior to any prison term imposed for 2603
the underlying felony under division (A), (D)(2), or (D)(3) of 2604
this section or any other section of the Revised Code, and 2605
consecutively to any other prison term or mandatory prison term 2606
previously or subsequently imposed upon the offender. 2607

(c) If a mandatory prison term is imposed upon an offender 2608
pursuant to division (D)(1)(f) of this section, the offender shall 2609
serve the mandatory prison term so imposed consecutively to and 2610
prior to any prison term imposed for the underlying felony under 2611
division (A), (D)(2), or (D)(3) of this section or any other 2612
section of the Revised Code, and consecutively to any other prison 2613
term or mandatory prison term previously or subsequently imposed 2614
upon the offender. 2615

(2) If an offender who is an inmate in a jail, prison, or 2616
other residential detention facility violates section 2917.02, 2617
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2618
who is under detention at a detention facility commits a felony 2619
violation of section 2923.131 of the Revised Code, or if an 2620
offender who is an inmate in a jail, prison, or other residential 2621
detention facility or is under detention at a detention facility 2622

commits another felony while the offender is an escapee in 2623
violation of section 2921.34 of the Revised Code, any prison term 2624
imposed upon the offender for one of those violations shall be 2625
served by the offender consecutively to the prison term or term of 2626
imprisonment the offender was serving when the offender committed 2627
that offense and to any other prison term previously or 2628
subsequently imposed upon the offender. 2629

(3) If a prison term is imposed for a violation of division 2630
(B) of section 2911.01 of the Revised Code, a violation of 2631
division (A) of section 2913.02 of the Revised Code in which the 2632
stolen property is a firearm or dangerous ordnance, or a felony 2633
violation of division (B) of section 2921.331 of the Revised Code, 2634
the offender shall serve that prison term consecutively to any 2635
other prison term or mandatory prison term previously or 2636
subsequently imposed upon the offender. 2637

(4) If multiple prison terms are imposed on an offender for 2638
convictions of multiple offenses, the court may require the 2639
offender to serve the prison terms consecutively if the court 2640
finds that the consecutive service is necessary to protect the 2641
public from future crime or to punish the offender and that 2642
consecutive sentences are not disproportionate to the seriousness 2643
of the offender's conduct and to the danger the offender poses to 2644
the public, and if the court also finds any of the following: 2645

(a) The offender committed one or more of the multiple 2646
offenses while the offender was awaiting trial or sentencing, was 2647
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2648
2929.18 of the Revised Code, or was under post-release control for 2649
a prior offense. 2650

(b) At least two of the multiple offenses were committed as 2651
part of one or more courses of conduct, and the harm caused by two 2652
or more of the multiple offenses so committed was so great or 2653

unusual that no single prison term for any of the offenses 2654
committed as part of any of the courses of conduct adequately 2655
reflects the seriousness of the offender's conduct. 2656

(c) The offender's history of criminal conduct demonstrates 2657
that consecutive sentences are necessary to protect the public 2658
from future crime by the offender. 2659

(5) If a mandatory prison term is imposed upon an offender 2660
pursuant to division (D)(5) or (6) of this section, the offender 2661
shall serve the mandatory prison term consecutively to and prior 2662
to any prison term imposed for the underlying violation of 2663
division (A)(1) or (2) of section 2903.06 of the Revised Code 2664
pursuant to division (A) of this section. If a mandatory prison 2665
term is imposed upon an offender pursuant to division (D)(5) of 2666
this section, and if a mandatory prison term also is imposed upon 2667
the offender pursuant to division (D)(6) of this section in 2668
relation to the same violation, the offender shall serve the 2669
mandatory prison term imposed pursuant to division (D)(5) of this 2670
section consecutively to and prior to the mandatory prison term 2671
imposed pursuant to division (D)(6) of this section and 2672
consecutively to and prior to any prison term imposed for the 2673
underlying violation of division (A)(1) or (2) of section 2903.06 2674
of the Revised Code pursuant to division (A) of this section. 2675

(6) When consecutive prison terms are imposed pursuant to 2676
division (E)(1), (2), (3), (4), or (5) of this section, the term 2677
to be served is the aggregate of all of the terms so imposed. 2678

(F)(1) If a court imposes a prison term for a felony of the 2679
first degree, for a felony of the second degree, for a felony sex 2680
offense, or for a felony of the third degree that is not a felony 2681
sex offense and in the commission of which the offender caused or 2682
threatened to cause physical harm to a person, it shall include in 2683
the sentence a requirement that the offender be subject to a 2684

period of post-release control after the offender's release from 2685
imprisonment, in accordance with that division. If a court imposes 2686
a sentence including a prison term of a type described in this 2687
division on or after ~~the effective date of this amendment~~ July 11, 2688
2006, the failure of a court to include a post-release control 2689
requirement in the sentence pursuant to this division does not 2690
negate, limit, or otherwise affect the mandatory period of 2691
post-release control that is required for the offender under 2692
division (B) of section 2967.28 of the Revised Code. Section 2693
2929.191 of the Revised Code applies if, prior to ~~the effective~~ 2694
~~date of this amendment~~ July 11, 2006, a court imposed a sentence 2695
including a prison term of a type described in this division and 2696
failed to include in the sentence pursuant to this division a 2697
statement regarding post-release control. 2698

(2) If a court imposes a prison term for a felony of the 2699
third, fourth, or fifth degree that is not subject to division 2700
(F)(1) of this section, it shall include in the sentence a 2701
requirement that the offender be subject to a period of 2702
post-release control after the offender's release from 2703
imprisonment, in accordance with that division, if the parole 2704
board determines that a period of post-release control is 2705
necessary. Section 2929.191 of the Revised Code applies if, prior 2706
to ~~the effective date of this amendment~~ July 11, 2006, a court 2707
imposed a sentence including a prison term of a type described in 2708
this division and failed to include in the sentence pursuant to 2709
this division a statement regarding post-release control. 2710

(G) If a person is convicted of or pleads guilty to a violent 2711
sex offense or a designated homicide, assault, or kidnapping 2712
offense and, in relation to that offense, the offender is 2713
adjudicated a sexually violent predator, if a person is convicted 2714
of or pleads guilty to a violation of division (A)(1)(b) of 2715
section 2907.02 of the Revised Code committed on or after the 2716

effective date of this amendment and either the court does not 2717
impose a sentence of life without parole when authorized pursuant 2718
to division (B) of section 2907.02 of the Revised Code or division 2719
(B) of section 2907.02 of the Revised Code provides that the court 2720
shall not sentence the offender pursuant to section 2971.03 of the 2721
Revised Code, or if a person is convicted of or pleads guilty to 2722
attempted rape committed on or after the effective date of this 2723
amendment and a specification of the type described in section 2724
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the court 2725
shall impose sentence upon the offender in accordance with section 2726
2971.03 of the Revised Code, and Chapter 2971. of the Revised Code 2727
applies regarding the prison term or term of life imprisonment 2728
without parole imposed upon the offender and the service of that 2729
term of imprisonment. 2730

(H) If a person who has been convicted of or pleaded guilty 2731
to a felony is sentenced to a prison term or term of imprisonment 2732
under this section, sections 2929.02 to 2929.06 of the Revised 2733
Code, section 2971.03 of the Revised Code, or any other provision 2734
of law, section 5120.163 of the Revised Code applies regarding the 2735
person while the person is confined in a state correctional 2736
institution. 2737

(I) If an offender who is convicted of or pleads guilty to a 2738
felony that is an offense of violence also is convicted of or 2739
pleads guilty to a specification of the type described in section 2740
2941.142 of the Revised Code that charges the offender with having 2741
committed the felony while participating in a criminal gang, the 2742
court shall impose upon the offender an additional prison term of 2743
one, two, or three years. 2744

(J) If an offender who is convicted of or pleads guilty to 2745
aggravated murder, murder, or a felony of the first, second, or 2746
third degree that is an offense of violence also is convicted of 2747
or pleads guilty to a specification of the type described in 2748

section 2941.143 of the Revised Code that charges the offender 2749
with having committed the offense in a school safety zone or 2750
towards a person in a school safety zone, the court shall impose 2751
upon the offender an additional prison term of two years. The 2752
offender shall serve the additional two years consecutively to and 2753
prior to the prison term imposed for the underlying offense. 2754

(K) At the time of sentencing, the court may recommend the 2755
offender for placement in a program of shock incarceration under 2756
section 5120.031 of the Revised Code or for placement in an 2757
intensive program prison under section 5120.032 of the Revised 2758
Code, disapprove placement of the offender in a program of shock 2759
incarceration or an intensive program prison of that nature, or 2760
make no recommendation on placement of the offender. In no case 2761
shall the department of rehabilitation and correction place the 2762
offender in a program or prison of that nature unless the 2763
department determines as specified in section 5120.031 or 5120.032 2764
of the Revised Code, whichever is applicable, that the offender is 2765
eligible for the placement. 2766

If the court disapproves placement of the offender in a 2767
program or prison of that nature, the department of rehabilitation 2768
and correction shall not place the offender in any program of 2769
shock incarceration or intensive program prison. 2770

If the court recommends placement of the offender in a 2771
program of shock incarceration or in an intensive program prison, 2772
and if the offender is subsequently placed in the recommended 2773
program or prison, the department shall notify the court of the 2774
placement and shall include with the notice a brief description of 2775
the placement. 2776

If the court recommends placement of the offender in a 2777
program of shock incarceration or in an intensive program prison 2778
and the department does not subsequently place the offender in the 2779

recommended program or prison, the department shall send a notice 2780
to the court indicating why the offender was not placed in the 2781
recommended program or prison. 2782

If the court does not make a recommendation under this 2783
division with respect to an offender and if the department 2784
determines as specified in section 5120.031 or 5120.032 of the 2785
Revised Code, whichever is applicable, that the offender is 2786
eligible for placement in a program or prison of that nature, the 2787
department shall screen the offender and determine if there is an 2788
available program of shock incarceration or an intensive program 2789
prison for which the offender is suited. If there is an available 2790
program of shock incarceration or an intensive program prison for 2791
which the offender is suited, the department shall notify the 2792
court of the proposed placement of the offender as specified in 2793
section 5120.031 or 5120.032 of the Revised Code and shall include 2794
with the notice a brief description of the placement. The court 2795
shall have ten days from receipt of the notice to disapprove the 2796
placement. 2797

Sec. 2929.19. (A)(1) The court shall hold a sentencing 2798
hearing before imposing a sentence under this chapter upon an 2799
offender who was convicted of or pleaded guilty to a felony and 2800
before resentencing an offender who was convicted of or pleaded 2801
guilty to a felony and whose case was remanded pursuant to section 2802
2953.07 or 2953.08 of the Revised Code. At the hearing, the 2803
offender, the prosecuting attorney, the victim or the victim's 2804
representative in accordance with section 2930.14 of the Revised 2805
Code, and, with the approval of the court, any other person may 2806
present information relevant to the imposition of sentence in the 2807
case. The court shall inform the offender of the verdict of the 2808
jury or finding of the court and ask the offender whether the 2809
offender has anything to say as to why sentence should not be 2810

imposed upon the offender. 2811

(2) Except as otherwise provided in this division, before 2812
imposing sentence on an offender who is being sentenced on or 2813
after January 1, 1997, for a sexually oriented offense that is not 2814
a registration-exempt sexually oriented offense and who is in any 2815
category of offender described in division (B)(1)(a)(i), (ii), or 2816
(iii) of section 2950.09 of the Revised Code, the court shall 2817
conduct a hearing in accordance with division (B) of section 2818
2950.09 of the Revised Code to determine whether the offender is a 2819
sexual predator. The court shall not conduct a hearing under that 2820
division if the offender is being sentenced for a violent sex 2821
offense or a designated homicide, assault, or kidnapping offense 2822
and, in relation to that offense, the offender was adjudicated a 2823
sexually violent predator, if the offender is being sentenced 2824
under section 2971.03 of the Revised Code for a violation of 2825
division (A)(1)(b) of section 2907.02 of the Revised Code 2826
committed on or after the effective date of this amendment, if the 2827
offender is sentenced to a term of life without parole under 2828
division (B) of section 2907.02 of the Revised Code, or if the 2829
offender is being sentenced for attempted rape committed on or 2830
after the effective date of this amendment and a specification of 2831
the type described in section 2941.1418, 2941.1419, or 2941.1420 2832
of the Revised Code. Before imposing sentence on an offender who 2833
is being sentenced for a sexually oriented offense that is not a 2834
registration-exempt sexually oriented offense, the court also 2835
shall comply with division (E) of section 2950.09 of the Revised 2836
Code. 2837

Before imposing sentence on or after July 31, 2003, on an 2838
offender who is being sentenced for a child-victim oriented 2839
offense, regardless of when the offense was committed, the court 2840
shall conduct a hearing in accordance with division (B) of section 2841
2950.091 of the Revised Code to determine whether the offender is 2842

a child-victim predator. Before imposing sentence on an offender
who is being sentenced for a child-victim oriented offense, the
court also shall comply with division (E) of section 2950.091 of
the Revised Code.

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

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

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

(b) If it does not impose a prison term for a felony of the
first or second degree or for a felony drug offense that is a
violation of a provision of Chapter 2925. of the Revised Code and
for which a presumption in favor of a prison term is specified as

being applicable, its reasons for not imposing the prison term and 2874
for overriding the presumption, based upon the overriding purposes 2875
and principles of felony sentencing set forth in section 2929.11 2876
of the Revised Code, and the basis of the findings it made under 2877
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 2878

(c) If it imposes consecutive sentences under section 2929.14 2879
of the Revised Code, its reasons for imposing the consecutive 2880
sentences; 2881

(d) If the sentence is for one offense and it imposes a 2882
prison term for the offense that is the maximum prison term 2883
allowed for that offense by division (A) of section 2929.14 of the 2884
Revised Code, its reasons for imposing the maximum prison term; 2885

(e) If the sentence is for two or more offenses arising out 2886
of a single incident and it imposes a prison term for those 2887
offenses that is the maximum prison term allowed for the offense 2888
of the highest degree by division (A) of section 2929.14 of the 2889
Revised Code, its reasons for imposing the maximum prison term. 2890

(3) Subject to division (B)(4) of this section, if the 2891
sentencing court determines at the sentencing hearing that a 2892
prison term is necessary or required, the court shall do all of 2893
the following: 2894

(a) Impose a stated prison term; 2895

(b) Notify the offender that, as part of the sentence, the 2896
parole board may extend the stated prison term for certain 2897
violations of prison rules for up to one-half of the stated prison 2898
term; 2899

(c) Notify the offender that the offender will be supervised 2900
under section 2967.28 of the Revised Code after the offender 2901
leaves prison if the offender is being sentenced for a felony of 2902
the first degree or second degree, for a felony sex offense, or 2903

for a felony of the third degree that is not a felony sex offense 2904
and in the commission of which the offender caused or threatened 2905
to cause physical harm to a person. If a court imposes a sentence 2906
including a prison term of a type described in division (B)(3)(c) 2907
of this section on or after ~~the effective date of this amendment~~ 2908
July 11, 2006, the failure of a court to notify the offender 2909
pursuant to division (B)(3)(c) of this section that the offender 2910
will be supervised under section 2967.28 of the Revised Code after 2911
the offender leaves prison or to include in the judgment of 2912
conviction entered on the journal a statement to that effect does 2913
not negate, limit, or otherwise affect the mandatory period of 2914
supervision that is required for the offender under division (B) 2915
of section 2967.28 of the Revised Code. Section 2929.191 of the 2916
Revised Code applies if, prior to ~~the effective date of this~~ 2917
~~amendment~~ July 11, 2006, a court imposed a sentence including a 2918
prison term of a type described in division (B)(3)(c) of this 2919
section and failed to notify the offender pursuant to division 2920
(B)(3)(c) of this section regarding post-release control or to 2921
include in the judgment of conviction entered on the journal or in 2922
the sentence a statement regarding post-release control. 2923

(d) Notify the offender that the offender may be supervised 2924
under section 2967.28 of the Revised Code after the offender 2925
leaves prison if the offender is being sentenced for a felony of 2926
the third, fourth, or fifth degree that is not subject to division 2927
(B)(3)(c) of this section. Section 2929.191 of the Revised Code 2928
applies if, prior to ~~the effective date of this amendment~~ July 11, 2929
2006, a court imposed a sentence including a prison term of a type 2930
described in division (B)(3)(d) of this section and failed to 2931
notify the offender pursuant to division (B)(3)(d) of this section 2932
regarding post-release control or to include in the judgment of 2933
conviction entered on the journal or in the sentence a statement 2934
regarding post-release control. 2935

(e) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(3)(c) or (d) of this section, and if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender. If a court imposes a sentence including a prison term on or after ~~the effective date of this amendment~~ July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(3)(e) of this section that the parole board may impose a prison term as described in division (B)(3)(e) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to ~~the effective date of this amendment~~ July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B)(3)(e) of this section regarding the possibility of the parole board imposing a prison term for a violation of supervision or a condition of post-release control.

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and

require that the results of the drug test administered under any 2968
of those sections indicate that the offender did not ingest or was 2969
not injected with a drug of abuse. 2970

(4) If the offender is being sentenced for a violent sex 2971
offense or designated homicide, assault, or kidnapping offense 2972
that the offender committed on or after January 1, 1997, and the 2973
offender is adjudicated a sexually violent predator in relation to 2974
that offense, if the offender is being sentenced for a sexually 2975
oriented offense that is not a registration-exempt sexually 2976
oriented offense and that the offender committed on or after 2977
January 1, 1997, and the court imposing the sentence has 2978
determined pursuant to division (B) of section 2950.09 of the 2979
Revised Code that the offender is a sexual predator, if the 2980
offender is being sentenced on or after July 31, 2003, for a 2981
child-victim oriented offense and the court imposing the sentence 2982
has determined pursuant to division (B) of section 2950.091 of the 2983
Revised Code that the offender is a child-victim predator, ~~or~~ if 2984
the offender is being sentenced for an aggravated sexually 2985
oriented offense as defined in section 2950.01 of the Revised 2986
Code, if the offender is being sentenced under section 2971.03 of 2987
the Revised Code for a violation of division (A)(1)(b) of section 2988
2907.02 of the Revised Code committed on or after the effective 2989
date of this amendment, if the offender is sentenced to a term of 2990
life without parole under division (B) of section 2907.02 of the 2991
Revised Code, or if the offender is being sentenced for attempted 2992
rape committed on or after the effective date of this amendment 2993
and a specification of the type described in section 2941.1418, 2994
2941.1419, or 2941.1420 of the Revised Code, the court shall 2995
include in the offender's sentence a statement that the offender 2996
has been adjudicated a sexual predator, has been adjudicated a 2997
child victim predator, or has been convicted of or pleaded guilty 2998
to an aggravated sexually oriented offense, whichever is 2999

applicable, and shall comply with the requirements of section 3000
2950.03 of the Revised Code. Additionally, in the circumstances 3001
described in division (G) of section 2929.14 of the Revised Code, 3002
the court shall impose sentence on the offender as described in 3003
that division. 3004

(5) If the sentencing court determines at the sentencing 3005
hearing that a community control sanction should be imposed and 3006
the court is not prohibited from imposing a community control 3007
sanction, the court shall impose a community control sanction. The 3008
court shall notify the offender that, if the conditions of the 3009
sanction are violated, if the offender commits a violation of any 3010
law, or if the offender leaves this state without the permission 3011
of the court or the offender's probation officer, the court may 3012
impose a longer time under the same sanction, may impose a more 3013
restrictive sanction, or may impose a prison term on the offender 3014
and shall indicate the specific prison term that may be imposed as 3015
a sanction for the violation, as selected by the court from the 3016
range of prison terms for the offense pursuant to section 2929.14 3017
of the Revised Code. 3018

(6) Before imposing a financial sanction under section 3019
2929.18 of the Revised Code or a fine under section 2929.32 of the 3020
Revised Code, the court shall consider the offender's present and 3021
future ability to pay the amount of the sanction or fine. 3022

(7) If the sentencing court sentences the offender to a 3023
sanction of confinement pursuant to section 2929.14 or 2929.16 of 3024
the Revised Code that is to be served in a local detention 3025
facility, as defined in section 2929.36 of the Revised Code, and 3026
if the local detention facility is covered by a policy adopted 3027
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 3028
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 3029
and section 2929.37 of the Revised Code, both of the following 3030
apply: 3031

(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 3063
addition to the mandatory prison term or mandatory prison term and 3064
additional prison term the court imposes, the court also may 3065
impose a community control sanction on the offender, but the 3066
offender shall serve all of the prison terms so imposed prior to 3067
serving the community control sanction. 3068

(D) The sentencing court, pursuant to division (K) of section 3069
2929.14 of the Revised Code, may recommend placement of the 3070
offender in a program of shock incarceration under section 3071
5120.031 of the Revised Code or an intensive program prison under 3072
section 5120.032 of the Revised Code, disapprove placement of the 3073
offender in a program or prison of that nature, or make no 3074
recommendation. If the court recommends or disapproves placement, 3075
it shall make a finding that gives its reasons for its 3076
recommendation or disapproval. 3077

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 3078
a case who has requested to receive notice under this section 3079
shall be given notice of the incarceration of the defendant. If an 3080
alleged juvenile offender is committed to the temporary custody of 3081
a school, camp, institution, or other facility operated for the 3082
care of delinquent children or to the legal custody of the 3083
department of youth services, a victim in a case who has requested 3084
to receive notice under this section shall be given notice of the 3085
commitment. Promptly after sentence is imposed upon the defendant 3086
or the commitment of the alleged juvenile offender is ordered, the 3087
prosecutor in the case shall notify the victim of the date on 3088
which the defendant will be released from confinement or the 3089
prosecutor's reasonable estimate of that date or the date on which 3090
the alleged juvenile offender will have served the minimum period 3091
of commitment or the prosecutor's reasonable estimate of that 3092
date. The prosecutor also shall notify the victim of the name of 3093

the custodial agency of the defendant or alleged juvenile offender 3094
and tell the victim how to contact that custodial agency. If the 3095
custodial agency is the department of rehabilitation and 3096
correction, the prosecutor shall notify the victim of the services 3097
offered by the office of victims' services pursuant to section 3098
5120.60 of the Revised Code. If the custodial agency is the 3099
department of youth services, the prosecutor shall notify the 3100
victim of the services provided by the office of victims' services 3101
within the release authority of the department pursuant to section 3102
5139.55 of the Revised Code and the victim's right pursuant to 3103
section 5139.56 of the Revised Code to submit a written request to 3104
the release authority to be notified of actions the release 3105
authority takes with respect to the alleged juvenile offender. The 3106
victim shall keep the custodial agency informed of the victim's 3107
current address and telephone number. 3108

(B)(1) Upon the victim's request, the prosecutor promptly 3109
shall notify the victim of any hearing for judicial release of the 3110
defendant pursuant to section 2929.20 of the Revised Code or of 3111
any hearing for judicial release or early release of the alleged 3112
juvenile offender pursuant to section 2151.38 of the Revised Code 3113
and of the victim's right to make a statement under those 3114
sections. The court shall notify the victim of its ruling in each 3115
of those hearings and on each of those applications. 3116

(2) If an offender is convicted of or pleads guilty to a 3117
violent sex offense or designated homicide, assault, or kidnapping 3118
offense, ~~if~~ the offender is adjudicated a sexually violent 3119
predator in relation to that crime, and ~~if~~ the offender is 3120
sentenced to a prison term for that crime pursuant to division 3121
(A)(3) of section 2971.03 of the Revised Code, if an offender is 3122
convicted of or pleads guilty to a violation of division (A)(1)(b) 3123
of section 2907.02 of the Revised Code committed on or after the 3124
effective date of this amendment, and the offender is sentenced to 3125

a prison term for that offense pursuant to division (B)(1)(a), 3126
(b), or (c) of section 2971.03 of the Revised Code, if an offender 3127
is convicted of or pleads guilty to attempted rape committed on or 3128
after the effective date of this amendment, the offender also is 3129
convicted of or pleads guilty to a specification of the type 3130
described in section 2941.1418 of the Revised Code, and the 3131
offender is sentenced to a prison term for that offense pursuant 3132
to division (B)(2)(a) of section 2971.03 of the Revised Code, if 3133
the offender is convicted of or pleads guilty to attempted rape 3134
committed on or after the effective date of this amendment, the 3135
offender also is convicted of or pleads guilty to a specification 3136
of the type described in section 2941.1419 of the Revised Code, 3137
and the offender is sentenced to a prison term for that offense 3138
pursuant to division (B)(2)(b) of section 2971.03 of the Revised 3139
Code, or if the offender is convicted of or pleads guilty to 3140
attempted rape committed on or after the effective date of this 3141
amendment, the offender also is convicted of or pleads guilty to a 3142
specification of the type described in section 2941.1420 of the 3143
Revised Code, and the offender is sentenced to a prison term for 3144
that offense pursuant to division (B)(2)(c) of section 2971.03 of 3145
the Revised Code, upon the request of the victim of the crime, the 3146
prosecutor promptly shall notify the victim of any hearing to be 3147
conducted pursuant to section 2971.05 of the Revised Code to 3148
determine whether to modify the requirement that the offender 3149
serve the entire prison term in a state correctional facility in 3150
accordance with division (C) of that section, whether to continue, 3151
revise, or revoke any existing modification of that requirement, 3152
or whether to terminate the prison term in accordance with 3153
division (D) of that section. The court shall notify the victim of 3154
any order issued at the conclusion of the hearing. As used in this 3155
division: 3156

(a) "Adjudicated a sexually violent predator" has the same 3157
meaning as in section 2929.01 of the Revised Code and a person is 3158

"adjudicated a sexually violent predator" in the same manner and 3159
the same circumstances as are described in that section. 3160

(b) "Designated homicide, assault, or kidnapping offense" and 3161
"violent sex offense" have the same meanings as in section 2971.01 3162
of the Revised Code. 3163

(C) Upon the victim's request made at any time before the 3164
particular notice would be due, the custodial agency of a 3165
defendant or alleged juvenile offender shall give the victim any 3166
of the following notices that is applicable: 3167

(1) At least three weeks before the adult parole authority 3168
recommends a pardon or commutation of sentence for the defendant 3169
or at least three weeks prior to a hearing before the adult parole 3170
authority regarding a grant of parole to the defendant, notice of 3171
the victim's right to submit a statement regarding the impact of 3172
the defendant's release in accordance with section 2967.12 of the 3173
Revised Code and, if applicable, of the victim's right to appear 3174
at a full board hearing of the parole board to give testimony as 3175
authorized by section 5149.101 of the Revised Code; 3176

(2) At least three weeks before the defendant is transferred 3177
to transitional control under section 2967.26 of the Revised Code, 3178
notice of the pendency of the transfer and of the victim's right 3179
under that section to submit a statement regarding the impact of 3180
the transfer; 3181

(3) At least thirty days before the release authority of the 3182
department of youth services holds a release review, release 3183
hearing, or discharge review for the alleged juvenile offender, 3184
notice of the pendency of the review or hearing, of the victim's 3185
right to make an oral or written statement regarding the impact of 3186
the crime upon the victim or regarding the possible release or 3187
discharge, and, if the notice pertains to a hearing, of the 3188
victim's right to attend and make statements or comments at the 3189

hearing as authorized by section 5139.56 of the Revised Code;	3190
(4) Prompt notice of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or mental retardation and developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;	3191 3192 3193 3194 3195 3196 3197 3198
(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;	3199 3200
(6) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.	3201 3202 3203
Sec. 2941.148. (A) <u>(1)</u> The application of Chapter 2971. of the Revised Code to an offender is precluded unless <u>the one of the following applies:</u>	3204 3205 3206
<u>(a) The offender is charged with a violent sex offense, and the indictment, count in the indictment, or information charging the violent sex offense also includes a specification that the offender is a sexually violent predator, or the offender is charged with a designated homicide, assault, or kidnapping offense, and the indictment, count in the indictment, or information charging the designated homicide, assault, or kidnapping offense also includes both a specification of the type described in section 2941.147 of the Revised Code and a specification that the offender is a sexually violent predator.</u> The	3207 3208 3209 3210 3211 3212 3213 3214 3215 3216 3217
<u>(b) The offender is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised</u>	3218 3219

Code committed on or after the effective date of this amendment 3220
and division (B) of section 2907.02 of the Revised Code does not 3221
prohibit the court from sentencing the offender pursuant to 3222
section 2971.03 of the Revised Code. 3223

(c) The offender is convicted of or pleads guilty to 3224
attempted rape committed on or after the effective date of this 3225
amendment and to a specification of the type described in section 3226
2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 3227

(2) A specification required under division (A)(1)(a) of this 3228
section that the an offender is a sexually violent predator shall 3229
be stated at the end of the body of the indictment, count, or 3230
information and shall be stated in substantially the following 3231
form: 3232

"Specification (or, specification to the first count). The 3233
grand jury (or insert the person's or prosecuting attorney's name 3234
when appropriate) further find and specify that the offender is a 3235
sexually violent predator." 3236

(B) In determining for purposes of this section whether a 3237
person is a sexually violent predator, all of the factors set 3238
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 3239
Code that apply regarding the person may be considered as evidence 3240
tending to indicate that it is likely that the person will engage 3241
in the future in one or more sexually violent offenses. 3242

(C) As used in this section, "designated homicide, assault, 3243
or kidnapping offense," "violent sex offense," and "sexually 3244
violent predator" have the same meanings as in section 2971.01 of 3245
the Revised Code. 3246

Sec. 2941.1418. (A) Imposition of a mandatory indefinite 3247
prison term consisting of a minimum term of five years and a 3248
maximum term of twenty-five years upon an offender pursuant to 3249

division (A)(3)(e)(ii) or (B)(2)(a) of section 2971.03 of the 3250
Revised Code is precluded unless the offender is convicted of or 3251
pleads guilty to attempted rape and unless the indictment, count 3252
in the indictment, or information charging the offense specifies 3253
that the offender was sixteen years of age or older at the time of 3254
the commission of the offense and that, had the offender completed 3255
the rape that was attempted, the offender would have been guilty 3256
of rape in violation of division (A)(1)(b) of section 2907.02 of 3257
the Revised Code. 3258

(B) The specification shall be stated at the end of the body 3259
of the indictment, count, or information and shall be stated in 3260
substantially the following form: 3261

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3262
Grand Jurors (or insert the person's or the prosecuting attorney's 3263
name when appropriate) further find and specify that (set forth 3264
that the offender was sixteen years of age or older at the time of 3265
the commission of the offense and that, had the offender completed 3266
the rape that was attempted, the offender would have been guilty 3267
of a violation of division (A)(1)(b) of section 2907.02 of the 3268
Revised Code)." 3269

Sec. 2941.1419. Imposition of a mandatory indefinite prison 3270
term consisting of a minimum term of ten years and a maximum term 3271
of life imprisonment upon an offender pursuant to division 3272
(A)(3)(e)(iii) or (B)(2)(b) of section 2971.03 of the Revised Code 3273
is precluded unless the offender is convicted of or pleads guilty 3274
to attempted rape and unless the indictment, count in the 3275
indictment, or information charging the offense specifies that, 3276
had the offender completed the rape that was attempted, the 3277
offender would have been guilty of rape in violation of division 3278
(A)(1)(b) of section 2907.02 of the Revised Code and specifies 3279

that one of the following applies: 3280

(A) The victim was under ten years of age. 3281

(B) The offender attempted to commit rape by purposely 3282
compelling the victim to submit by force or threat of force, and 3283
the offender was sixteen years of age or older at the time of the 3284
commission of the offense. 3285

The specification shall be stated at the end of the body of 3286
the indictment, count, or information and shall be stated in 3287
substantially the following form: 3288

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3289
Grand Jurors (or insert the person's or the prosecuting attorney's 3290
name when appropriate) further find and specify that (set forth 3291
that, had the offender completed the rape that was attempted, the 3292
offender would have been guilty of a violation of division 3293
(A)(1)(b) of section 2907.02 of the Revised Code, and the victim 3294
was under ten years of age or the offender attempted to commit 3295
rape by purposely compelling the victim to submit by force or 3296
threat of force, and the offender was sixteen years of age or 3297
older at the time of the commission of the offense)." 3298

Sec. 2941.1420. (A) Imposition of a mandatory indefinite 3299
prison term consisting of a minimum term of fifteen years and a 3300
maximum term of life imprisonment upon an offender pursuant to 3301
division (A)(3)(e)(iv) or (B)(2)(c) of section 2971.03 of the 3302
Revised Code is precluded unless the offender is convicted of or 3303
pleads guilty to attempted rape and unless the indictment, count 3304
in the indictment, or information charging the offense specifies 3305
that, had the offender completed the rape that was attempted, the 3306
offender would have been guilty of rape in violation of division 3307
(A)(1)(b) of section 2907.02 of the Revised Code, and any of the 3308
following apply: 3309

(1) The offender previously has been convicted of or pleaded guilty to one of the following: 3310
3311

(a) Attempted rape and previously has been convicted of or pleaded guilty to a specification of the type described in this section or section 2941.1418 or 2941.1419 of the Revised Code; 3312
3313
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(b) Attempted rape under circumstances that are substantially similar to the circumstances described in this section or section 2941.1419 or 2941.1420 of the Revised Code; 3315
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3317

(c) A violation of an existing or former law of this state, another state, or the United States that is substantially similar to any of the offenses described in divisions (A)(1)(a) and (b) of this section. 3318
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(2) The offender previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of section 2907.02 of the Revised Code or to violating a substantially similar existing or former law of this state, another state, or the United States. 3322
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(3) The offender during or immediately after the commission of the offense caused serious physical harm to the victim. 3326
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(B) The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 3328
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3330

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that, had the offender completed the rape that was attempted, the offender would have been guilty of a 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 attempted rape and previously has been convicted of or pleaded guilty to a specification of the type described in this section or section 3331
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2941.1418 or 2941.1419 of the Revised Code, previously has been 3340
convicted of or pleaded guilty to attempted rape under 3341
circumstances that are substantially similar to the circumstances 3342
described in this section or section 2941.1419 or 2941.1420 of the 3343
Revised Code, or previously has been convicted of or pleaded 3344
guilty to violating a substantially similar existing or former law 3345
of this state, another state, or the United States; previously has 3346
been convicted of or pleaded guilty to violating division 3347
(A)(1)(b) of section 2907.02 of the Revised Code or to violating a 3348
substantially similar existing or former law of this state, 3349
another state, or the United States; or the offender during or 3350
immediately after the commission of the offense caused serious 3351
physical harm to the victim)." 3352

Sec. 2950.01. As used in this chapter, unless the context 3353
clearly requires otherwise: 3354

(A) "Confinement" includes, but is not limited to, a 3355
community residential sanction imposed pursuant to section 2929.16 3356
or 2929.26 of the Revised Code. 3357

(B) "Habitual sex offender" means, except when a juvenile 3358
judge removes this classification pursuant to division (A)(2) of 3359
section 2152.84 or division (C)(2) of section 2152.85 of the 3360
Revised Code, a person to whom both of the following apply: 3361

(1) The person is convicted of or pleads guilty to a sexually 3362
oriented offense that is not a registration-exempt sexually 3363
oriented offense, or the person is adjudicated a delinquent child 3364
for committing on or after January 1, 2002, a sexually oriented 3365
offense that is not a registration-exempt sexually oriented 3366
offense, was fourteen years of age or older at the time of 3367
committing the offense, and is classified a juvenile sex offender 3368
registrant based on that adjudication. 3369

(2) One of the following applies to the person:	3370
(a) Regarding a person who is an offender, the person	3371
previously was convicted of or pleaded guilty to one or more	3372
sexually oriented offenses or child-victim oriented offenses or	3373
previously was adjudicated a delinquent child for committing one	3374
or more sexually oriented offenses or child-victim oriented	3375
offenses and was classified a juvenile offender registrant or	3376
out-of-state juvenile offender registrant based on one or more of	3377
those adjudications, regardless of when the offense was committed	3378
and regardless of the person's age at the time of committing the	3379
offense.	3380
(b) Regarding a delinquent child, the person previously was	3381
convicted of, pleaded guilty to, or was adjudicated a delinquent	3382
child for committing one or more sexually oriented offenses or	3383
child-victim oriented offenses, regardless of when the offense was	3384
committed and regardless of the person's age at the time of	3385
committing the offense.	3386
(C) "Prosecutor" has the same meaning as in section 2935.01	3387
of the Revised Code.	3388
(D) "Sexually oriented offense" means any of the following:	3389
(1) Any of the following violations or offenses committed by	3390
a person eighteen years of age or older:	3391
(a) Regardless of the age of the victim of the offense, a	3392
violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the	3393
Revised Code;	3394
(b) Any of the following offenses involving a minor, in the	3395
circumstances specified:	3396
(i) A violation of division (A)(4) of section 2905.01 or	3397
section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the	3398
victim of the offense is under eighteen years of age;	3399

(ii) A violation of section 2907.21 of the Revised Code when 3400
the person who is compelled, induced, procured, encouraged, 3401
solicited, requested, or facilitated to engage in, paid or agreed 3402
to be paid for, or allowed to engage in the sexual activity in 3403
question is under eighteen years of age; 3404

(iii) A violation of division (A)(1) or (3) of section 3405
2907.321 or 2907.322 of the Revised Code; 3406

(iv) A violation of division (A)(1) or (2) of section 3407
2907.323 of the Revised Code; 3408

(v) A violation of division (B)(5) of section 2919.22 of the 3409
Revised Code when the child who is involved in the offense is 3410
under eighteen years of age; 3411

(vi) A violation of division (A)(1), (2), (3), or (5) of 3412
section 2905.01, of section 2903.211, 2905.02, 2905.03, or 3413
2905.05, or of former section 2905.04 of the Revised Code, when 3414
the victim of the offense is under eighteen years of age and the 3415
offense is committed with a sexual motivation. 3416

(c) Regardless of the age of the victim of the offense, a 3417
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the 3418
Revised Code, or of division (A) of section 2903.04 of the Revised 3419
Code, that is committed with a sexual motivation; 3420

(d) A violent sex offense, or a designated homicide, assault, 3421
or kidnapping offense if the offender also was convicted of or 3422
pleaded guilty to a sexual motivation specification that was 3423
included in the indictment, count in the indictment, or 3424
information charging the designated homicide, assault, or 3425
kidnapping offense; 3426

(e) A violation of section 2907.06 or 2907.08 of the Revised 3427
Code when the victim of the offense is eighteen years of age or 3428
older, or a violation of section 2903.211 of the Revised Code when 3429

the victim of the offense is eighteen years of age or older and 3430
the offense is committed with a sexual motivation; 3431

(f) A violation of any former law of this state, any existing 3432
or former municipal ordinance or law of another state or the 3433
United States, any existing or former law applicable in a military 3434
court or in an Indian tribal court, or any existing or former law 3435
of any nation other than the United States, that is or was 3436
substantially equivalent to any offense listed in division 3437
(D)(1)(a), (b), (c), (d), or (e) of this section; 3438

(g) An attempt to commit, conspiracy to commit, or complicity 3439
in committing any offense listed in division (D)(1)(a), (b), (c), 3440
(d), (e), or (f) of this section. 3441

(2) An act committed by a person under eighteen years of age 3442
that is any of the following: 3443

(a) Subject to division (D)(2)(i) of this section, regardless 3444
of the age of the victim of the violation, a violation of section 3445
2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code; 3446

(b) Subject to division (D)(2)(i) of this section, any of the 3447
following acts involving a minor in the circumstances specified: 3448

(i) A violation of division (A)(4) of section 2905.01 or 3449
section 2907.06 or 2907.08 of the Revised Code, when the victim of 3450
the violation is under eighteen years of age; 3451

(ii) A violation of section 2907.21 of the Revised Code when 3452
the person who is compelled, induced, procured, encouraged, 3453
solicited, requested, or facilitated to engage in, paid or agreed 3454
to be paid for, or allowed to engage in the sexual activity in 3455
question is under eighteen years of age; 3456

(iii) A violation of division (B)(5) of section 2919.22 of 3457
the Revised Code when the child who is involved in the violation 3458
is under eighteen years of age; 3459

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

(c) Subject to division (D)(2)(i) of this section, any of the following:

(i) Any violent sex offense that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;

(ii) Any designated homicide, assault, or kidnapping offense if that offense, if committed by an adult, would be a felony of the first, second, third, or fourth degree and if the court determined that, if the child was an adult, the child would be guilty of a sexual motivation specification regarding that offense.

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

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

(f) Subject to division (D)(2)(i) of this section, a violation of section 2907.06 or 2907.08 of the Revised Code when the victim of the violation is eighteen years of age or older, or

a violation of section 2903.211 of the Revised Code when the 3491
victim of the violation is eighteen years of age or older and the 3492
offense is committed with a sexual motivation; 3493

(g) Subject to division (D)(2)(i) of this section, any 3494
violation of any former law of this state, any existing or former 3495
municipal ordinance or law of another state or the United States, 3496
any existing or former law applicable in a military court or in an 3497
Indian tribal court, or any existing or former law of any nation 3498
other than the United States, that is or was substantially 3499
equivalent to any offense listed in division (D)(2)(a), (b), (c), 3500
(d), (e), or (f) of this section and that, if committed by an 3501
adult, would be a felony of the first, second, third, or fourth 3502
degree; 3503

(h) Subject to division (D)(2)(i) of this section, any 3504
attempt to commit, conspiracy to commit, or complicity in 3505
committing any offense listed in division (D)(2)(a), (b), (c), 3506
(d), (e), (f), or (g) of this section; 3507

(i) If the child's case has been transferred for criminal 3508
prosecution under section 2152.12 of the Revised Code, the act is 3509
any violation listed in division (D)(1)(a), (b), (c), (d), (e), 3510
(f), or (g) of this section or would be any offense listed in any 3511
of those divisions if committed by an adult. 3512

(E) "Sexual predator" means a person to whom either of the 3513
following applies: 3514

(1) The person has been convicted of or pleaded guilty to 3515
committing a sexually oriented offense that is not a 3516
registration-exempt sexually oriented offense and is likely to 3517
engage in the future in one or more sexually oriented offenses. 3518

(2) The person has been adjudicated a delinquent child for 3519
committing a sexually oriented offense that is not a 3520
registration-exempt sexually oriented offense, was fourteen years 3521

of age or older at the time of committing the offense, was 3522
classified a juvenile offender registrant based on that 3523
adjudication, and is likely to engage in the future in one or more 3524
sexually oriented offenses. 3525

(F) "Supervised release" means a release of an offender from 3526
a prison term, a term of imprisonment, or another type of 3527
confinement that satisfies either of the following conditions: 3528

(1) The release is on parole, a conditional pardon, under a 3529
community control sanction, under transitional control, or under a 3530
post-release control sanction, and it requires the person to 3531
report to or be supervised by a parole officer, probation officer, 3532
field officer, or another type of supervising officer. 3533

(2) The release is any type of release that is not described 3534
in division (F)(1) of this section and that requires the person to 3535
report to or be supervised by a probation officer, a parole 3536
officer, a field officer, or another type of supervising officer. 3537

(G) An offender or delinquent child is "adjudicated as being 3538
a sexual predator" or "adjudicated a sexual predator" if any of 3539
the following applies and if, regarding a delinquent child, that 3540
status has not been removed pursuant to section 2152.84, 2152.85, 3541
or 2950.09 of the Revised Code: 3542

(1) The offender is convicted of or pleads guilty to 3543
committing, on or after January 1, 1997, a sexually oriented 3544
offense that is not a registration-exempt sexually oriented 3545
offense, ~~the~~ and any of the following apply: 3546

(a) The sexually oriented offense is a violent sex offense or 3547
a designated homicide, assault, or kidnapping offense, and the 3548
offender is adjudicated a sexually violent predator in relation to 3549
that offense. 3550

(b) The sexually oriented offense is a violation of division 3551

(A)(1)(b) of section 2907.02 of the Revised Code committed on or 3552
after the effective date of this amendment, and either the 3553
offender is sentenced under section 2971.03 of the Revised Code or 3554
a sentence of life without parole is imposed under division (B) of 3555
section 2907.02 of the Revised Code. 3556

(c) The sexually oriented offense is attempted rape committed 3557
on or after the effective date of this amendment, and the offender 3558
also was convicted of or pleaded guilty to a specification of the 3559
type described in section 2941.1418, 2941.1419, or 2941.1420 of 3560
the Revised Code. 3561

(2) Regardless of when the sexually oriented offense was 3562
committed, on or after January 1, 1997, the offender is sentenced 3563
for a sexually oriented offense that is not a registration-exempt 3564
sexually oriented offense, and the sentencing judge determines 3565
pursuant to division (B) of section 2950.09 of the Revised Code 3566
that the offender is a sexual predator. 3567

(3) The delinquent child is adjudicated a delinquent child 3568
for committing a sexually oriented offense that is not a 3569
registration-exempt sexually oriented offense, was fourteen years 3570
of age or older at the time of committing the offense, and has 3571
been classified a juvenile offender registrant based on that 3572
adjudication, and the adjudicating judge or that judge's successor 3573
in office determines pursuant to division (B) of section 2950.09 3574
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 3575
the Revised Code that the delinquent child is a sexual predator. 3576

(4) Prior to January 1, 1997, the offender was convicted of 3577
or pleaded guilty to, and was sentenced for, a sexually oriented 3578
offense that is not a registration-exempt sexually oriented 3579
offense, the offender is imprisoned in a state correctional 3580
institution on or after January 1, 1997, and the court determines 3581
pursuant to division (C) of section 2950.09 of the Revised Code 3582

that the offender is a sexual predator. 3583

(5) Regardless of when the sexually oriented offense was 3584
committed, the offender or delinquent child is convicted of or 3585
pleads guilty to, has been convicted of or pleaded guilty to, or 3586
is adjudicated a delinquent child for committing a sexually 3587
oriented offense that is not a registration-exempt sexually 3588
oriented offense in another state, in a federal court, military 3589
court, or Indian tribal court, or in a court in any nation other 3590
than the United States, as a result of that conviction, plea of 3591
guilty, or adjudication, the offender or delinquent child is 3592
required, under the law of the jurisdiction in which the offender 3593
was convicted or pleaded guilty or the delinquent child was 3594
adjudicated, to register as a sex offender until the offender's or 3595
delinquent child's death, and, on or after July 1, 1997, for 3596
offenders or January 1, 2002, for delinquent children, the 3597
offender or delinquent child moves to and resides in this state or 3598
temporarily is domiciled in this state for more than five days or 3599
the offender is required under section 2950.04 of the Revised Code 3600
to register a school, institution of higher education, or place of 3601
employment address in this state, unless a court of common pleas 3602
or juvenile court determines that the offender or delinquent child 3603
is not a sexual predator pursuant to division (F) of section 3604
2950.09 of the Revised Code. 3605

(H) "Sexually violent predator specification," "sexually 3606
violent offense," "sexual motivation specification," "designated 3607
homicide, assault, or kidnapping offense," and "violent sex 3608
offense" have the same meanings as in section 2971.01 of the 3609
Revised Code. 3610

(I) "Post-release control sanction" and "transitional 3611
control" have the same meanings as in section 2967.01 of the 3612
Revised Code. 3613

(J) "Juvenile offender registrant" means a person who is 3614
adjudicated a delinquent child for committing on or after January 3615
1, 2002, a sexually oriented offense that is not a 3616
registration-exempt sexually oriented offense or a child-victim 3617
oriented offense, who is fourteen years of age or older at the 3618
time of committing the offense, and who a juvenile court judge, 3619
pursuant to an order issued under section 2152.82, 2152.83, 3620
2152.84, or 2152.85 of the Revised Code, classifies a juvenile 3621
offender registrant and specifies has a duty to comply with 3622
sections 2950.04, 2950.05, and 2950.06 of the Revised Code if the 3623
child committed a sexually oriented offense or with sections 3624
2950.041, 2950.05, and 2950.06 of the Revised Code if the child 3625
committed a child-victim oriented offense. "Juvenile offender 3626
registrant" includes a person who, prior to July 31, 2003, was a 3627
"juvenile sex offender registrant" under the former definition of 3628
that former term. 3629

(K) "Secure facility" means any facility that is designed and 3630
operated to ensure that all of its entrances and exits are locked 3631
and under the exclusive control of its staff and to ensure that, 3632
because of that exclusive control, no person who is 3633
institutionalized or confined in the facility may leave the 3634
facility without permission or supervision. 3635

(L) "Out-of-state juvenile offender registrant" means a 3636
person who is adjudicated a delinquent child in a court in another 3637
state, in a federal court, military court, or Indian tribal court, 3638
or in a court in any nation other than the United States for 3639
committing a sexually oriented offense that is not a 3640
registration-exempt sexually oriented offense or a child-victim 3641
oriented offense, who on or after January 1, 2002, moves to and 3642
resides in this state or temporarily is domiciled in this state 3643
for more than five days, and who has a duty under section 2950.04 3644
of the Revised Code to register in this state and the duty to 3645

otherwise comply with that section and sections 2950.05 and 3646
2950.06 of the Revised Code if the child committed a sexually 3647
oriented offense or has a duty under section 2950.041 of the 3648
Revised Code to register in this state and the duty to otherwise 3649
comply with that section and sections 2950.05 and 2950.06 of the 3650
Revised Code if the child committed a child-victim oriented 3651
offense. "Out-of-state juvenile offender registrant" includes a 3652
person who, prior to July 31, 2003, was an "out-of-state juvenile 3653
sex offender registrant" under the former definition of that 3654
former term. 3655

(M) "Juvenile court judge" includes a magistrate to whom the 3656
juvenile court judge confers duties pursuant to division (A)(15) 3657
of section 2151.23 of the Revised Code. 3658

(N) "Adjudicated a delinquent child for committing a sexually 3659
oriented offense" includes a child who receives a serious youthful 3660
offender dispositional sentence under section 2152.13 of the 3661
Revised Code for committing a sexually oriented offense. 3662

(O) "Aggravated sexually oriented offense" means a violation 3663
of division (A)(1)(b) of section 2907.02 of the Revised Code 3664
committed on or after June 13, 2002, or a violation of division 3665
(A)(2) of that section committed on or after July 31, 2003. 3666

(P)(1) "Presumptive registration-exempt sexually oriented 3667
offense" means any of the following sexually oriented offenses 3668
described in division (P)(1)(a), (b), (c), (d), or (e) of this 3669
section, when the offense is committed by a person who previously 3670
has not been convicted of, pleaded guilty to, or adjudicated a 3671
delinquent child for committing any sexually oriented offense 3672
described in division (P)(1)(a), (b), (c), (d), or (e) of this 3673
section, any other sexually oriented offense, or any child-victim 3674
oriented offense and when the victim or intended victim of the 3675
offense is eighteen years of age or older: 3676

(a) Any sexually oriented offense listed in division 3677
(D)(1)(e) or (D)(2)(f) of this section committed by a person who 3678
is eighteen years of age or older or, subject to division 3679
(P)(1)(e) of this section, committed by a person who is under 3680
eighteen years of age; 3681

(b) Any violation of any former law of this state, any 3682
existing or former municipal ordinance or law of another state or 3683
the United States, any existing or former law applicable in a 3684
military court or in an Indian tribal court, or any existing or 3685
former law of any nation other than the United States that is 3686
committed by a person who is eighteen years of age or older and 3687
that is or was substantially equivalent to any sexually oriented 3688
offense listed in division (P)(1)(a) of this section; 3689

(c) Subject to division (P)(1)(e) of this section, any 3690
violation of any former law of this state, any existing or former 3691
municipal ordinance or law of another state or the United States, 3692
any existing or former law applicable in a military court or in an 3693
Indian tribal court, or any existing or former law of any nation 3694
other than the United States that is committed by a person who is 3695
under eighteen years of age, that is or was substantially 3696
equivalent to any sexually oriented offense listed in division 3697
(P)(1)(a) of this section, and that would be a felony of the 3698
fourth degree if committed by an adult; 3699

(d) Any attempt to commit, conspiracy to commit, or 3700
complicity in committing any offense listed in division (P)(1)(a) 3701
or (b) of this section if the person is eighteen years of age or 3702
older or, subject to division (P)(1)(e) of this section, listed in 3703
division (P)(1)(a) or (c) of this section if the person is under 3704
eighteen years of age. 3705

(e) Regarding an act committed by a person under eighteen 3706
years of age, if the child's case has been transferred for 3707

criminal prosecution under section 2152.12 of the Revised Code, 3708
the act is any sexually oriented offense listed in division 3709
(P)(1)(a), (b), or (d) of this section. 3710

(2) "Presumptive registration-exempt sexually oriented 3711
offense" does not include any sexually oriented offense described 3712
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 3713
is committed by a person who previously has been convicted of, 3714
pleaded guilty to, or adjudicated a delinquent child for 3715
committing any sexually oriented offense described in division 3716
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 3717
sexually oriented offense. 3718

(Q)(1) "Registration-exempt sexually oriented offense" means 3719
any presumptive registration-exempt sexually oriented offense, if 3720
a court does not issue an order under section 2950.021 of the 3721
Revised Code that removes the presumptive exemption and subjects 3722
the offender who was convicted of or pleaded guilty to the offense 3723
to registration under section 2950.04 of the Revised Code and all 3724
other duties and responsibilities generally imposed under this 3725
chapter upon persons who are convicted of or plead guilty to any 3726
sexually oriented offense other than a presumptive 3727
registration-exempt sexually oriented offense or that removes the 3728
presumptive exemption and potentially subjects the child who was 3729
adjudicated a delinquent child for committing the offense to 3730
classification as a juvenile offender registrant under section 3731
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to 3732
registration under section 2950.04 of the Revised Code and all 3733
other duties and responsibilities generally imposed under this 3734
chapter upon persons who are adjudicated delinquent children for 3735
committing a sexually oriented offense other than a presumptive 3736
registration-exempt sexually oriented offense. 3737

(2) "Registration-exempt sexually oriented offense" does not 3738
include a presumptive registration-exempt sexually oriented 3739

offense if a court issues an order under section 2950.021 of the Revised Code that removes the presumptive exemption and subjects the offender or potentially subjects the delinquent child to the duties and responsibilities described in division (Q)(1) of this section.

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

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

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

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

(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;

(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.

(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: 3770
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(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; 3772
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(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; 3775
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(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 this section; 3784
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(iv) 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 (S)(1)(a)(i), (ii), or (iii) of this section or would be any offense listed in any of those divisions if committed by an adult. 3788
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(2) "Child-victim oriented offense" does not include any offense identified in division (S)(1)(a) or (b) of this section that is a sexually violent offense. An offense identified in division (S)(1)(a) or (b) of this section that is a sexually violent offense is within the definition of a sexually oriented offense. 3793
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(T)(1) "Habitual child-victim offender" means, except when a juvenile judge removes this classification pursuant to division 3799
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(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:

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

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

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

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

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

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

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

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

(V) An offender or delinquent child is "adjudicated as being a child-victim predator" or "adjudicated a child-victim predator" 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:

(1) The offender or delinquent child has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing, a child-victim oriented offense and, on and after July 31, 2003, is automatically classified a child-victim predator pursuant to division (A) of section 2950.091 of the Revised Code.

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

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

the Revised Code that the delinquent child is a child-victim
predator. 3863
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(4) Prior to July 31, 2003, the offender was convicted of or
pleaded guilty to a child-victim oriented offense, at the time of
the conviction or guilty plea, the offense was considered a
sexually oriented offense, on or after July 31, 2003, the offender
is serving a term of imprisonment in a state correctional
institution, and the court determines pursuant to division (C) of
section 2950.091 of the Revised Code that the offender is a
child-victim predator. 3865
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(5) Regardless of when the child-victim oriented offense was
committed, the offender or delinquent child is convicted, pleads
guilty, has been convicted, pleaded guilty, or adjudicated a
delinquent child in a court in another state, in a federal court,
military court, or Indian tribal court, or in a court in any
nation other than the United States for committing a child-victim
oriented offense, as a result of that conviction, plea of guilty,
or adjudication, the offender or delinquent child is required
under the law of the jurisdiction in which the offender was
convicted or pleaded guilty or the delinquent child was
adjudicated, to register as a child-victim offender or sex
offender until the offender's or delinquent child's death, and, on
or after July 1, 1997, for offenders or January 1, 2002, for
delinquent children the offender or delinquent child moves to and
resides in this state or temporarily is domiciled in this state
for more than five days or the offender is required under section
2950.041 of the Revised Code to register a school, institution of
higher education, or place of employment address in this state,
unless a court of common pleas or juvenile court determines that
the offender or delinquent child is not a child-victim predator
pursuant to division (F) of section 2950.091 of the Revised Code. 3873
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(W) "Residential premises" means the building in which a 3894

residential unit is located and the grounds upon which that 3895
building stands, extending to the perimeter of the property. 3896
"Residential premises" includes any type of structure in which a 3897
residential unit is located, including, but not limited to, 3898
multi-unit buildings and mobile and manufactured homes. 3899

(X) "Residential unit" means a dwelling unit for residential 3900
use and occupancy, and includes the structure or part of a 3901
structure that is used as a home, residence, or sleeping place by 3902
one person who maintains a household or two or more persons who 3903
maintain a common household. "Residential unit" does not include a 3904
halfway house or a community-based correctional facility. 3905

(Y) "Multi-unit building" means a building in which is 3906
located more than twelve residential units that have entry doors 3907
that open directly into the unit from a hallway that is shared 3908
with one or more other units. A residential unit is not considered 3909
located in a multi-unit building if the unit does not have an 3910
entry door that opens directly into the unit from a hallway that 3911
is shared with one or more other units or if the unit is in a 3912
building that is not a multi-unit building as described in this 3913
division. 3914

(Z) "Community control sanction" has the same meaning as in 3915
section 2929.01 of the Revised Code. 3916

(AA) "Halfway house" and "community-based correctional 3917
facility" have the same meanings as in section 2929.01 of the 3918
Revised Code. 3919

(BB) "Adjudicated a sexually violent predator" has the same 3920
meaning as in section 2929.01 of the Revised Code, and a person is 3921
"adjudicated a sexually violent predator" in the same manner and 3922
the same circumstances as are described in that section. 3923

Sec. 2950.09. (A) If a person is convicted of or pleads 3924

guilty to committing, on or after January 1, 1997, a sexually 3925
oriented offense that is not a registration-exempt sexually 3926
oriented offense, and if the sexually oriented offense is a 3927
violent sex offense or a designated homicide, assault, or 3928
kidnapping offense and the offender is adjudicated a sexually 3929
violent predator in relation to that offense, the conviction of or 3930
plea of guilty to the offense and the adjudication as a sexually 3931
violent predator automatically classifies the offender as a sexual 3932
predator for purposes of this chapter. If a person is convicted of 3933
or pleads guilty to committing on or after the effective date of 3934
this amendment a sexually oriented offense that is a violation of 3935
division (A)(1)(b) of section 2907.02 of the Revised Code and if 3936
either the person is sentenced under section 2971.03 of the 3937
Revised Code, or the court imposes upon the offender a sentence of 3938
life without parole under division (B) of section 2907.02 of the 3939
Revised Code, the conviction of or plea of guilty to the offense 3940
automatically classifies the offender as a sexual predator for 3941
purposes of this chapter. If a person is convicted of or pleads 3942
guilty to committing on or after the effective date of this 3943
amendment attempted rape and also is convicted of or pleads guilty 3944
to a specification of the type described in section 2941.1418, 3945
2941.1419, or 2941.1420 of the Revised Code, the conviction of or 3946
plea of guilty to the offense and the specification automatically 3947
classify the offender as a sexual predator for purposes of this 3948
chapter. If a person is convicted, pleads guilty, or is 3949
adjudicated a delinquent child, in a court in another state, in a 3950
federal court, military court, or Indian tribal court, or in a 3951
court of any nation other than the United States for committing a 3952
sexually oriented offense that is not a registration-exempt 3953
sexually oriented offense, and if, as a result of that conviction, 3954
plea of guilty, or adjudication, the person is required, under the 3955
law of the jurisdiction in which the person was convicted, pleaded 3956
guilty, or was adjudicated, to register as a sex offender until 3957

the person's death, that conviction, plea of guilty, or 3958
adjudication automatically classifies the person as a sexual 3959
predator for the purposes of this chapter, but the person may 3960
challenge that classification pursuant to division (F) of this 3961
section. In all other cases, a person who is convicted of or 3962
pleads guilty to, has been convicted of or pleaded guilty to, or 3963
is adjudicated a delinquent child for committing, a sexually 3964
oriented offense may be classified as a sexual predator for 3965
purposes of this chapter only in accordance with division (B) or 3966
(C) of this section or, regarding delinquent children, divisions 3967
(B) and (C) of section 2152.83 of the Revised Code. 3968

(B)(1)(a) The judge who is to impose sentence on a person who 3969
is convicted of or pleads guilty to a sexually oriented offense 3970
that is not a registration-exempt sexually oriented offense shall 3971
conduct a hearing to determine whether the offender is a sexual 3972
predator if any of the following circumstances apply: 3973

(i) Regardless of when the sexually oriented offense was 3974
committed, the offender is to be sentenced on or after January 1, 3975
1997, for a sexually oriented offense that is not a 3976
registration-exempt sexually oriented offense and that is not a 3977
sexually violent offense. 3978

(ii) Regardless of when the sexually oriented offense was 3979
committed, the offender is to be sentenced on or after January 1, 3980
1997, for a sexually oriented offense that is not a 3981
registration-exempt sexually oriented offense, and that is not a 3982
violation of division (A)(1)(b) of section 2907.02 of the Revised 3983
Code committed on or after the effective date of this amendment 3984
for which sentence is imposed under section 2971.03 of the Revised 3985
Code or for which a sentence of life without parole is imposed 3986
under division (B) of section 2907.02 of the Revised Code, and 3987
that is not attempted rape committed on or after the effective 3988
date of this amendment when the offender also is convicted of or 3989

pleads guilty to a specification of the type described in section 3990
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, and either 3991
of the following applies: the sexually oriented offense is a 3992
violent sex offense other than a violation of division (A)(1)(b) 3993
of section 2907.02 of the Revised Code committed on or after the 3994
effective date of this amendment and other than attempted rape 3995
committed on or after that date when the offender also is 3996
convicted of or pleads guilty to a specification of the type 3997
described in section 2941.1418, 2941.1419, or 2941.1420 of the 3998
Revised Code, and a sexually violent predator specification was 3999
not included in the indictment, count in the indictment, or 4000
information charging the violent sex offense; or the sexually 4001
oriented offense is a designated homicide, assault, or kidnapping 4002
offense and either a sexual motivation specification or a sexually 4003
violent predator specification, or both such specifications, were 4004
not included in the indictment, count in the indictment, or 4005
information charging the designated homicide, assault, or 4006
kidnapping offense. 4007

(iii) Regardless of when the sexually oriented offense was 4008
committed, the offender is to be sentenced on or after May 7, 4009
2002, for a sexually oriented offense that is not a 4010
registration-exempt sexually oriented offense, and that offender 4011
was acquitted of a sexually violent predator specification that 4012
was included in the indictment, count in the indictment, or 4013
information charging the sexually oriented offense. 4014

(b) The judge who is to impose or has imposed an order of 4015
disposition upon a child who is adjudicated a delinquent child for 4016
committing on or after January 1, 2002, a sexually oriented 4017
offense that is not a registration-exempt sexually oriented 4018
offense shall conduct a hearing as provided in this division to 4019
determine whether the child is to be classified as a sexual 4020
predator if either of the following applies: 4021

(i) The judge is required by section 2152.82 or division (A) 4022
of section 2152.83 of the Revised Code to classify the child a 4023
juvenile offender registrant. 4024

(ii) Division (B) of section 2152.83 of the Revised Code 4025
applies regarding the child, the judge conducts a hearing under 4026
that division for the purposes described in that division, and the 4027
judge determines at that hearing that the child will be classified 4028
a juvenile offender registrant. 4029

(2) Regarding an offender, the judge shall conduct the 4030
hearing required by division (B)(1)(a) of this section prior to 4031
sentencing and, if the sexually oriented offense for which 4032
sentence is to be imposed is a felony and if the hearing is being 4033
conducted under division (B)(1)(a) of this section, the judge may 4034
conduct it as part of the sentencing hearing required by section 4035
2929.19 of the Revised Code. Regarding a delinquent child, the 4036
judge may conduct the hearing required by division (B)(1)(b) of 4037
this section at the same time as, or separate from, the 4038
dispositional hearing, as specified in the applicable provision of 4039
section 2152.82 or 2152.83 of the Revised Code. The court shall 4040
give the offender or delinquent child and the prosecutor who 4041
prosecuted the offender or handled the case against the delinquent 4042
child for the sexually oriented offense notice of the date, time, 4043
and location of the hearing. At the hearing, the offender or 4044
delinquent child and the prosecutor shall have an opportunity to 4045
testify, present evidence, call and examine witnesses and expert 4046
witnesses, and cross-examine witnesses and expert witnesses 4047
regarding the determination as to whether the offender or 4048
delinquent child is a sexual predator. The offender or delinquent 4049
child shall have the right to be represented by counsel and, if 4050
indigent, the right to have counsel appointed to represent the 4051
offender or delinquent child. 4052

(3) In making a determination under divisions (B)(1) and (4) 4053

of this section as to whether an offender or delinquent child is a sexual predator, the judge shall consider all relevant factors, including, but not limited to, all of the following:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;

(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;

(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;

(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;

(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;

(g) Any mental illness or mental disability of the offender or delinquent child;

(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 4084
part of a demonstrated pattern of abuse; 4085

(i) Whether the offender or delinquent child, during the 4086
commission of the sexually oriented offense for which sentence is 4087
to be imposed or the order of disposition is to be made, displayed 4088
cruelty or made one or more threats of cruelty; 4089

(j) Any additional behavioral characteristics that contribute 4090
to the offender's or delinquent child's conduct. 4091

(4) After reviewing all testimony and evidence presented at 4092
the hearing conducted under division (B)(1) of this section and 4093
the factors specified in division (B)(3) of this section, the 4094
court shall determine by clear and convincing evidence whether the 4095
subject offender or delinquent child is a sexual predator. If the 4096
court determines that the subject offender or delinquent child is 4097
not a sexual predator, the court shall specify in the offender's 4098
sentence and the judgment of conviction that contains the sentence 4099
or in the delinquent child's dispositional order, as appropriate, 4100
that the court has determined that the offender or delinquent 4101
child is not a sexual predator and the reason or reasons why the 4102
court determined that the subject offender or delinquent child is 4103
not a sexual predator. If the court determines by clear and 4104
convincing evidence that the subject offender or delinquent child 4105
is a sexual predator, the court shall specify in the offender's 4106
sentence and the judgment of conviction that contains the sentence 4107
or in the delinquent child's dispositional order, as appropriate, 4108
that the court has determined that the offender or delinquent 4109
child is a sexual predator and shall specify that the 4110
determination was pursuant to division (B) of this section. In any 4111
case in which the sexually oriented offense in question is an 4112
aggravated sexually oriented offense, the court shall specify in 4113
the offender's sentence and the judgment of conviction that 4114
contains the sentence that the offender's offense is an aggravated 4115

sexually oriented offense. The offender or delinquent child and
the prosecutor who prosecuted the offender or handled the case
against the delinquent child for the sexually oriented offense in
question may appeal as a matter of right the court's determination
under this division as to whether the offender or delinquent child
is, or is not, a sexual predator.

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

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

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(b) The sexually oriented offense in question is a violation
of division (A)(1)(b) of section 2907.02 of the Revised Code
committed on or after the effective date of this amendment, and
either the offender is sentenced under section 2971.03 of the
Revised Code, or a sentence of life without parole is imposed
under division (B) of section 2907.02 of the Revised Code.

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(c) The sexually oriented offense in question is attempted
rape committed on or after the effective date of this amendment,
and the offender also was convicted of or pleaded guilty to a
specification of the type described in section 2941.1418,
2941.1419, or 2941.1420 of the Revised Code.

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(C)(1) If a person was convicted of or pleaded guilty to a
sexually oriented offense that is not a registration-exempt
sexually oriented offense prior to January 1, 1997, if the person
was not sentenced for the offense on or after January 1, 1997, and
if, on or after January 1, 1997, the offender is serving a term of
imprisonment in a state correctional institution, the department

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of rehabilitation and correction shall do whichever of the
following is applicable:

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

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

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(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

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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,
the court shall not make any determination as to whether the
offender is, or is not, a sexual predator but shall determine
whether the offender previously has been convicted of or pleaded
guilty to a sexually oriented offense other than the offense in
relation to which the department made its determination or
previously has been convicted of or pleaded guilty to a
child-victim oriented offense.

The court may conduct a hearing to determine whether the
offender previously has been convicted of or pleaded guilty to a
sexually oriented offense or a child-victim oriented offense but
may make the determination without a hearing. However, if the
court determines that the offender previously has been convicted
of or pleaded guilty to such an offense, it shall not impose a
requirement that the offender be subject to the community
notification provisions contained in sections 2950.10 and 2950.11
of the Revised Code without a hearing. In determining whether to
impose the community notification requirement, the court, in the
circumstances described in division (E)(2) of this section, shall
apply the presumption specified in that division. The court shall
include in the offender's institutional record any determination
made under this division as to whether the offender previously has
been convicted of or pleaded guilty to a sexually oriented offense

or child-victim oriented offense, and, as such, whether the
offender is a habitual sex offender.

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(c) Upon scheduling a hearing under division (C)(2)(a) or (b)
of this section, the court shall give the offender and the
prosecutor who prosecuted the offender for the sexually oriented
offense, or that prosecutor's successor in office, notice of the
date, time, and place of the hearing. If the hearing is scheduled
under division (C)(2)(a) of this section to determine whether the
offender is a sexual predator, the prosecutor who is given the
notice may contact the department of rehabilitation and correction
and request that the department provide to the prosecutor all
information the department possesses regarding the offender that
is relevant and necessary for use in making the determination as
to whether the offender is a sexual predator and that is not
privileged or confidential under law. If the prosecutor makes a
request for that information, the department promptly shall
provide to the prosecutor all information the department possesses
regarding the offender that is not privileged or confidential
under law and that is relevant and necessary for making that
determination. A hearing scheduled under division (C)(2)(a) of
this section to determine whether the offender is a sexual
predator shall be conducted in the manner described in division
(B)(1) of this section regarding hearings conducted under that
division and, in making a determination under this division as to
whether the offender is a sexual predator, the court shall
consider all relevant factors, including, but not limited to, all
of the factors specified in divisions (B)(2) and (3) of this
section. After reviewing all testimony and evidence presented at
the sexual predator hearing and the factors specified in divisions
(B)(2) and (3) of this section, the court shall determine by clear
and convincing evidence whether the offender is a sexual predator.
If the court determines at the sexual predator hearing that the

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offender is not a sexual predator, it also shall determine whether
the offender previously has been convicted of or pleaded guilty to
a sexually oriented offense other than the offense in relation to
which the hearing is being conducted.

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

(i) If the court determines that the offender is not a sexual
predator and that the offender previously has not been convicted
of or pleaded guilty to a sexually oriented offense other than the
offense in relation to which the hearing is being conducted and
previously has not been convicted of or pleaded guilty to a
child-victim oriented offense, it shall include in the offender's
institutional record its determinations and the reason or reasons
why it determined that the offender is not a sexual predator.

(ii) If the court determines that the offender is not a
sexual predator but that the offender previously has been
convicted of or pleaded guilty to a sexually oriented offense
other than the offense in relation to which the hearing is being
conducted or previously has been convicted of or pleaded guilty to
a child-victim oriented offense, it shall include in the
offender's institutional record its determination that the
offender is not a sexual predator but is a habitual sex offender
and the reason or reasons why it determined that the offender is
not a sexual predator, shall attach the determinations and the
reason or reasons to the offender's sentence, shall specify that
the determinations were pursuant to division (C) of this section,
shall provide a copy of the determinations and the reason or
reasons to the offender, to the prosecuting attorney, and to the
department of rehabilitation and correction, and may impose a
requirement that the offender be subject to the community
notification provisions contained in sections 2950.10 and 2950.11
of the Revised Code. In determining whether to impose the

community notification requirements, the court, in the
circumstances described in division (E)(2) of this section, shall
apply the presumption specified in that division. The offender
shall not be subject to those community notification provisions
relative to the sexually oriented offense in question if the court
does not so impose the requirement described in this division. If
the court imposes that requirement, the offender may appeal the
judge's determination that the offender is a habitual sex
offender.

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

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If the hearing is scheduled under division (C)(2)(b) of this
section to determine whether the offender previously has been
convicted of or pleaded guilty to a sexually oriented offense or a
child-victim oriented offense or whether to subject the offender
to the community notification provisions contained in sections
2950.10 and 2950.11 of the Revised Code, upon making the
determination, the court shall attach the determination or
determinations to the offender's sentence, shall provide a copy to
the offender, to the prosecuting attorney, and to the department
of rehabilitation and correction and may impose a requirement that
the offender be subject to the community notification provisions.
In determining whether to impose the community notification

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requirements, the court, in the circumstances described in 4307
division (E)(2) of this section, shall apply the presumption 4308
specified in that division. The offender shall not be subject to 4309
the community notification provisions relative to the sexually 4310
oriented offense in question if the court does not so impose the 4311
requirement described in this division. If the court imposes that 4312
requirement, the offender may appeal the judge's determination 4313
that the offender is a habitual sex offender. 4314

(3) The changes made in divisions (C)(1) and (2) of this 4315
section that take effect on July 31, 2003, do not require a court 4316
to conduct a new hearing under those divisions for any offender 4317
regarding a sexually oriented offense if, prior to July 31, 2003, 4318
the court previously conducted a hearing under those divisions 4319
regarding that offense to determine whether the offender was a 4320
sexual predator. The changes made in divisions (C)(1) and (2) of 4321
this section that take effect on July 31, 2003, do not require a 4322
court to conduct a hearing under those divisions for any offender 4323
regarding a sexually oriented offense if, prior to July 31, 2003, 4324
and pursuant to those divisions, the department of rehabilitation 4325
and correction recommended that the offender be adjudicated a 4326
sexual predator regarding that offense, and the court denied the 4327
recommendation and determined that the offender was not a sexual 4328
predator without a hearing, provided that this provision does not 4329
apply if the sexually oriented offense in question was an offense 4330
described in division (D)(1)(c) of section 2950.01 of the Revised 4331
Code. 4332

(D)(1) Division (D)(1) of this section does not apply to any 4333
person who has been convicted of or pleaded guilty to a sexually 4334
oriented offense. Division (D) of this section applies only to 4335
delinquent children as provided in Chapter 2152. of the Revised 4336
Code. A person who has been adjudicated a delinquent child for 4337
committing a sexually oriented offense that is not a 4338

registration-exempt sexually oriented offense and who has been 4339
classified by a juvenile court judge a juvenile offender 4340
registrant or, if applicable, additionally has been determined by 4341
a juvenile court judge to be a sexual predator or habitual sex 4342
offender, may petition the adjudicating court for a 4343
reclassification or declassification pursuant to section 2152.85 4344
of the Revised Code. 4345

A judge who is reviewing a sexual predator determination for 4346
a delinquent child under section 2152.84 or 2152.85 of the Revised 4347
Code shall comply with this section. At the hearing, the judge 4348
shall consider all relevant evidence and information, including, 4349
but not limited to, the factors set forth in division (B)(3) of 4350
this section. The judge shall not enter a determination that the 4351
delinquent child no longer is a sexual predator unless the judge 4352
determines by clear and convincing evidence that the delinquent 4353
child is unlikely to commit a sexually oriented offense in the 4354
future. If the judge enters a determination under this division 4355
that the delinquent child no longer is a sexual predator, the 4356
judge shall notify the bureau of criminal identification and 4357
investigation of the determination and shall include in the notice 4358
a statement of the reason or reasons why it determined that the 4359
delinquent child no longer is a sexual predator. Upon receipt of 4360
the notification, the bureau promptly shall notify the sheriff 4361
with whom the delinquent child most recently registered under 4362
section 2950.04 or 2950.05 of the Revised Code of the 4363
determination that the delinquent child no longer is a sexual 4364
predator. 4365

(2) If an offender who has been convicted of or pleaded 4366
guilty to a sexually oriented offense is classified a sexual 4367
predator pursuant to division (A) of this section or has been 4368
adjudicated a sexual predator relative to the offense as described 4369
in division (B) or (C) of this section, subject to division (F) of 4370

this section, the classification or adjudication of the offender 4371
as a sexual predator is permanent and continues in effect until 4372
the offender's death and in no case shall the classification or 4373
adjudication be removed or terminated. 4374

(E)(1) If a person is convicted of or pleads guilty to 4375
committing, on or after January 1, 1997, a sexually oriented 4376
offense that is not a registration-exempt sexually oriented 4377
offense, the judge who is to impose sentence on the offender shall 4378
determine, prior to sentencing, whether the offender previously 4379
has been convicted of or pleaded guilty to, or adjudicated a 4380
delinquent child for committing, a sexually oriented offense or a 4381
child-victim oriented offense and is a habitual sex offender. The 4382
judge who is to impose or has imposed an order of disposition upon 4383
a child who is adjudicated a delinquent child for committing on or 4384
after January 1, 2002, a sexually oriented offense that is not a 4385
registration-exempt sexually oriented offense shall determine, 4386
prior to entering the order classifying the delinquent child a 4387
juvenile offender registrant, whether the delinquent child 4388
previously has been convicted of or pleaded guilty to, or 4389
adjudicated a delinquent child for committing, a sexually oriented 4390
offense or a child-victim oriented offense and is a habitual sex 4391
offender, if either of the following applies: 4392

(a) The judge is required by section 2152.82 or division (A) 4393
of section 2152.83 of the Revised Code to classify the child a 4394
juvenile offender registrant; 4395

(b) Division (B) of section 2152.83 of the Revised Code 4396
applies regarding the child, the judge conducts a hearing under 4397
that division for the purposes described in that division, and the 4398
judge determines at that hearing that the child will be classified 4399
a juvenile offender registrant. 4400

(2) If, under division (E)(1) of this section, the judge 4401

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
determines that the offender or delinquent child previously has
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 and that the offender satisfies all
other criteria for being a habitual sex offender, the offender or
delinquent child is a habitual sex offender or habitual
child-victim offender and the court shall determine whether to
impose a requirement that the offender or delinquent child be
subject to the community notification provisions contained in
sections 2950.10 and 2950.11 of the Revised Code. In making the
determination regarding the possible imposition of the community
notification requirement, if at least two of the sexually oriented
offenses or child-victim oriented offenses that are the basis of
the habitual sex offender or habitual child-victim offender
determination were committed against a victim who was under
eighteen years of age, it is presumed that subjecting the offender
or delinquent child to the community notification provisions is
necessary in order to comply with the determinations, findings,
and declarations of the general assembly regarding sex offenders
and child-victim offenders that are set forth in section 2950.02
of the Revised Code. When a judge determines as described in this
division that an offender or delinquent child is a habitual sex

offender or a habitual child-victim offender, the judge shall 4434
specify in the offender's sentence and the judgment of conviction 4435
that contains the sentence or in the order classifying the 4436
delinquent child a juvenile offender registrant that the judge has 4437
determined that the offender or delinquent child is a habitual sex 4438
offender and may impose a requirement in that sentence and 4439
judgment of conviction or in that order that the offender or 4440
delinquent child be subject to the community notification 4441
provisions contained in sections 2950.10 and 2950.11 of the 4442
Revised Code. Unless the habitual sex offender also has been 4443
adjudicated a sexual predator relative to the sexually oriented 4444
offense in question or the habitual sex offender was convicted of 4445
or pleaded guilty to an aggravated sexually oriented offense, the 4446
offender or delinquent child shall be subject to those community 4447
notification provisions only if the court imposes the requirement 4448
described in this division in the offender's sentence and the 4449
judgment of conviction or in the order classifying the delinquent 4450
child a juvenile offender registrant. If the court determines 4451
pursuant to this division or division (C)(2) of this section that 4452
an offender is a habitual sex offender, the determination is 4453
permanent and continues in effect until the offender's death, and 4454
in no case shall the determination be removed or terminated. 4455

If a court in another state, a federal court, military court, 4456
or Indian tribal court, or a court in any nation other than the 4457
United States determines a person to be a habitual sex offender in 4458
that jurisdiction, the person is considered to be determined to be 4459
a habitual sex offender in this state. If the court in the other 4460
state, the federal court, military court, or Indian tribal court, 4461
or the court in the nation other than the United States subjects 4462
the habitual sex offender to community notification regarding the 4463
person's place of residence, the person, as much as is 4464
practicable, is subject to the community notification provisions 4465

regarding the person's place of residence that are contained in 4466
sections 2950.10 and 2950.11 of the Revised Code, unless the court 4467
that so subjected the person to community notification determines 4468
that the person no longer is subject to community notification. 4469

(F)(1) An offender or delinquent child classified as a sexual 4470
predator may petition the court of common pleas or, for a 4471
delinquent child, the juvenile court of the county in which the 4472
offender or delinquent child resides or temporarily is domiciled 4473
to enter a determination that the offender or delinquent child is 4474
not an adjudicated sexual predator in this state for purposes of 4475
the registration and other requirements of this chapter or the 4476
community notification provisions contained in sections 2950.10 4477
and 2950.11 of the Revised Code if all of the following apply: 4478

(a) The offender or delinquent child was convicted of, 4479
pleaded guilty to, or was adjudicated a delinquent child for 4480
committing, a sexually oriented offense that is not a 4481
registration-exempt sexually oriented offense in another state, in 4482
a federal court, a military court, or Indian tribal court, or in a 4483
court of any nation other than the United States. 4484

(b) As a result of the conviction, plea of guilty, or 4485
adjudication described in division (F)(1)(a) of this section, the 4486
offender or delinquent child is required under the law of the 4487
jurisdiction under which the offender or delinquent child was 4488
convicted, pleaded guilty, or was adjudicated to register as a sex 4489
offender until the offender's or delinquent child's death. 4490

(c) The offender or delinquent child was automatically 4491
classified a sexual predator under division (A) of this section in 4492
relation to the conviction, guilty plea, or adjudication described 4493
in division (F)(1)(a) of this section. 4494

(2) The court may enter a determination that the offender or 4495
delinquent child filing the petition described in division (F)(1) 4496

of this section is not an adjudicated sexual predator in this 4497
state for purposes of the registration and other requirements of 4498
this chapter or the community notification provisions contained in 4499
sections 2950.10 and 2950.11 of the Revised Code only if the 4500
offender or delinquent child proves by clear and convincing 4501
evidence that the requirement of the other jurisdiction that the 4502
offender or delinquent child register as a sex offender until the 4503
offender's or delinquent child's death is not substantially 4504
similar to a classification as a sexual predator for purposes of 4505
this chapter. If the court enters a determination that the 4506
offender or delinquent child is not an adjudicated sexual predator 4507
in this state for those purposes, the court shall include in the 4508
determination a statement of the reason or reasons why it so 4509
determined. 4510

(G) If, prior to ~~the effective date of this section~~ July 31, 4511
2003, an offender or delinquent child was adjudicated a sexual 4512
predator or was determined to be a habitual sex offender under 4513
this section or section 2152.82, 2152.83, 2152.84, or 2152.85 of 4514
the Revised Code and if, on and after July 31, 2003, the sexually 4515
oriented offense upon which the classification or determination 4516
was based no longer is considered a sexually oriented offense but 4517
instead is a child-victim oriented offense, notwithstanding the 4518
redesignation of that offense, on and after July 31, 2003, all of 4519
the following apply: 4520

(1) Divisions (A)(1) or (2) or (E)(1) and (2) of section 4521
2950.091 of the Revised Code apply regarding the offender or 4522
child, and the judge's classification or determination made prior 4523
to July 31, 2003, shall be considered for all purposes to be a 4524
classification or determination that classifies the offender or 4525
child as described in those divisions. 4526

(2) The offender's or child's classification or determination 4527
under divisions (A)(1) or (2) or (E)(1) and (2) of section 4528

2950.091 of the Revised Code shall be considered, for purposes of 4529
section 2950.07 of the Revised Code and for all other purposes, to 4530
be a continuation of the classification or determination made 4531
prior to July 31, 2003. 4532

(3) The offender's or child's duties under this chapter 4533
relative to that classification or determination shall be 4534
considered for all purposes to be a continuation of the duties 4535
related to that classification or determination as they existed 4536
prior to July 31, 2003. 4537

Sec. 2950.11. (A) As used in this section, "specified 4538
geographical notification area" means the geographic area or areas 4539
within which the attorney general, by rule adopted under section 4540
2950.13 of the Revised Code, requires the notice described in 4541
division (B) of this section to be given to the persons identified 4542
in divisions (A)(2) to (8) of this section. If a person is 4543
convicted of or pleads guilty to, or has been convicted of or 4544
pleaded guilty to, either a sexually oriented offense that is not 4545
a registration-exempt sexually oriented offense or a child-victim 4546
oriented offense, or a person is adjudicated a delinquent child 4547
for committing either a sexually oriented offense that is not a 4548
registration-exempt sexually oriented offense or a child-victim 4549
oriented offense and is classified a juvenile offender registrant 4550
or is an out-of-state juvenile offender registrant based on that 4551
adjudication, and if the offender or delinquent child is in any 4552
category specified in division (F)(1)(a), (b), or (c) of this 4553
section, the sheriff with whom the offender or delinquent child 4554
has most recently registered under section 2950.04, 2950.041, or 4555
2950.05 of the Revised Code and the sheriff to whom the offender 4556
or delinquent child most recently sent a notice of intent to 4557
reside under section 2950.04 or 2950.041 of the Revised Code, 4558
within the period of time specified in division (C) of this 4559

section, shall provide a written notice containing the information 4560
set forth in division (B) of this section to all of the persons 4561
described in divisions (A)(1) to (9) of this section. If the 4562
sheriff has sent a notice to the persons described in those 4563
divisions as a result of receiving a notice of intent to reside 4564
and if the offender or delinquent child registers a residence 4565
address that is the same residence address described in the notice 4566
of intent to reside, the sheriff is not required to send an 4567
additional notice when the offender or delinquent child registers. 4568
The sheriff shall provide the notice to all of the following 4569
persons: 4570

(1)(a) Any occupant of each residential unit that is located 4571
within one thousand feet of the offender's or delinquent child's 4572
residential premises, that is located within the county served by 4573
the sheriff, and that is not located in a multi-unit building. 4574
Division (D)(3) of this section applies regarding notices required 4575
under this division. 4576

(b) If the offender or delinquent child resides in a 4577
multi-unit building, any occupant of each residential unit that is 4578
located in that multi-unit building and that shares a common 4579
hallway with the offender or delinquent child. For purposes of 4580
this division, an occupant's unit shares a common hallway with the 4581
offender or delinquent child if the entrance door into the 4582
occupant's unit is located on the same floor and opens into the 4583
same hallway as the entrance door to the unit the offender or 4584
delinquent child occupies. Division (D)(3) of this section applies 4585
regarding notices required under this division. 4586

(c) The building manager, or the person the building owner or 4587
condominium unit owners association authorizes to exercise 4588
management and control, of each multi-unit building that is 4589
located within one thousand feet of the offender's or delinquent 4590

child's residential premises, including a multi-unit building in 4591
which the offender or delinquent child resides, and that is 4592
located within the county served by the sheriff. In addition to 4593
notifying the building manager or the person authorized to 4594
exercise management and control in the multi-unit building under 4595
this division, the sheriff shall post a copy of the notice 4596
prominently in each common entryway in the building and any other 4597
location in the building the sheriff determines appropriate. The 4598
manager or person exercising management and control of the 4599
building shall permit the sheriff to post copies of the notice 4600
under this division as the sheriff determines appropriate. In lieu 4601
of posting copies of the notice as described in this division, a 4602
sheriff may provide notice to all occupants of the multi-unit 4603
building by mail or personal contact; if the sheriff so notifies 4604
all the occupants, the sheriff is not required to post copies of 4605
the notice in the common entryways to the building. Division 4606
(D)(3) of this section applies regarding notices required under 4607
this division. 4608

(d) All additional persons who are within any category of 4609
neighbors of the offender or delinquent child that the attorney 4610
general by rule adopted under section 2950.13 of the Revised Code 4611
requires to be provided the notice and who reside within the 4612
county served by the sheriff; 4613

(2) The executive director of the public children services 4614
agency that has jurisdiction within the specified geographical 4615
notification area and that is located within the county served by 4616
the sheriff; 4617

(3)(a) The superintendent of each board of education of a 4618
school district that has schools within the specified geographical 4619
notification area and that is located within the county served by 4620
the sheriff; 4621

(b) The principal of the school within the specified 4622
geographical notification area and within the county served by the 4623
sheriff that the delinquent child attends; 4624

(c) If the delinquent child attends a school outside of the 4625
specified geographical notification area or outside of the school 4626
district where the delinquent child resides, the superintendent of 4627
the board of education of a school district that governs the 4628
school that the delinquent child attends and the principal of the 4629
school that the delinquent child attends. 4630

(4)(a) The appointing or hiring officer of each chartered 4631
nonpublic school located within the specified geographical 4632
notification area and within the county served by the sheriff or 4633
of each other school located within the specified geographical 4634
notification area and within the county served by the sheriff and 4635
that is not operated by a board of education described in division 4636
(A)(3) of this section; 4637

(b) Regardless of the location of the school, the appointing 4638
or hiring officer of a chartered nonpublic school that the 4639
delinquent child attends. 4640

(5) The director, head teacher, elementary principal, or site 4641
administrator of each preschool program governed by Chapter 3301. 4642
of the Revised Code that is located within the specified 4643
geographical notification area and within the county served by the 4644
sheriff; 4645

(6) The administrator of each child day-care center or type A 4646
family day-care home that is located within the specified 4647
geographical notification area and within the county served by the 4648
sheriff, and the provider of each certified type B family day-care 4649
home that is located within the specified geographical 4650
notification area and within the county served by the sheriff. As 4651
used in this division, "child day-care center," "type A family 4652

day-care home," and "certified type B family day-care home" have 4653
the same meanings as in section 5104.01 of the Revised Code. 4654

(7) The president or other chief administrative officer of 4655
each institution of higher education, as defined in section 4656
2907.03 of the Revised Code, that is located within the specified 4657
geographical notification area and within the county served by the 4658
sheriff, and the chief law enforcement officer of the state 4659
university law enforcement agency or campus police department 4660
established under section 3345.04 or 1713.50 of the Revised Code, 4661
if any, that serves that institution; 4662

(8) The sheriff of each county that includes any portion of 4663
the specified geographical notification area; 4664

(9) If the offender or delinquent child resides within the 4665
county served by the sheriff, the chief of police, marshal, or 4666
other chief law enforcement officer of the municipal corporation 4667
in which the offender or delinquent child resides or, if the 4668
offender or delinquent child resides in an unincorporated area, 4669
the constable or chief of the police department or police district 4670
police force of the township in which the offender or delinquent 4671
child resides. 4672

(B) The notice required under division (A) of this section 4673
shall include all of the following information regarding the 4674
subject offender or delinquent child: 4675

(1) The offender's or delinquent child's name; 4676

(2) The address or addresses of the offender's residence, 4677
school, institution of higher education, or place of employment, 4678
as applicable, or the delinquent child's residence address or 4679
addresses; 4680

(3) The sexually oriented offense or child-victim oriented 4681
offense of which the offender was convicted, to which the offender 4682

pleaded guilty, or for which the child was adjudicated a delinquent child;

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

(a) A statement that the offender has been adjudicated a sexual predator, a statement that the offender has been convicted of or pleaded guilty to an aggravated sexually oriented offense, a statement that the delinquent child has been adjudicated a sexual 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 sexual predator, or a statement that the sentencing or reviewing 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
child shall provide the notice to the neighbors that are described
in division (A)(1) of this section and the notices to law
enforcement personnel that are described in divisions (A)(8) and
(9) of this section as soon as practicable, but no later than five
days after the offender sends the notice of intent to reside to
the sheriff and again no later than five days after the offender
or delinquent child registers with the sheriff or, if the sheriff
is required by division (C) of this section to provide the
notices, no later than five days after the sheriff is provided the
notice described in division (A)(8) of this section.

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

(2) If an offender or delinquent child in relation to whom
division (A) of this section applies verifies the offender's or

delinquent child's current residence, school, institution of 4746
higher education, or place of employment address, as applicable, 4747
with a sheriff pursuant to section 2950.06 of the Revised Code, 4748
the sheriff may provide a written notice containing the 4749
information set forth in division (B) of this section to the 4750
persons identified in divisions (A)(1) to (9) of this section. If 4751
a sheriff provides a notice pursuant to this division to the 4752
sheriff of one or more other counties in accordance with division 4753
(A)(8) of this section, the sheriff of each of the other counties 4754
who is provided the notice under division (A)(8) of this section 4755
may provide, but is not required to provide, a written notice 4756
containing the information set forth in division (B) of this 4757
section to the persons identified in divisions (A)(1) to (7) and 4758
(A)(9) of this section. 4759

(3) A sheriff may provide notice under division (A)(1)(a) or 4760
(b) of this section, and may provide notice under division 4761
(A)(1)(c) of this section to a building manager or person 4762
authorized to exercise management and control of a building, by 4763
mail, by personal contact, or by leaving the notice at or under 4764
the entry door to a residential unit. For purposes of divisions 4765
(A)(1)(a) and (b) of this section, and the portion of division 4766
(A)(1)(c) of this section relating to the provision of notice to 4767
occupants of a multi-unit building by mail or personal contact, 4768
the provision of one written notice per unit is deemed as 4769
providing notice to all occupants of that unit. 4770

(E) All information that a sheriff possesses regarding a 4771
sexual predator, a habitual sex offender, a child-victim predator, 4772
or a habitual child-victim offender that is described in division 4773
(B) of this section and that must be provided in a notice required 4774
under division (A) or (C) of this section or that may be provided 4775
in a notice authorized under division (D)(2) of this section is a 4776
public record that is open to inspection under section 149.43 of 4777

the Revised Code. 4778

The sheriff shall not cause to be publicly disseminated by 4779
means of the internet any of the information described in this 4780
division that is provided by a sexual predator, habitual sex 4781
offender, child-victim predator, or habitual child-victim offender 4782
who is a juvenile offender registrant, except when the act that is 4783
the basis of the child's classification as a juvenile offender 4784
registrant is a violation of, or an attempt to commit a violation 4785
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 4786
was committed with a purpose to gratify the sexual needs or 4787
desires of the child, a violation of section 2907.02 of the 4788
Revised Code, or an attempt to commit a violation of that section. 4789

(F)(1) The duties to provide the notices described in 4790
divisions (A) and (C) of this section apply regarding any offender 4791
or delinquent child who is in any of the following categories, if 4792
the other criteria set forth in division (A) or (C) of this 4793
section, whichever is applicable, are satisfied: 4794

(a) The offender or delinquent child has been adjudicated a 4795
sexual predator relative to the sexually oriented offense for 4796
which the offender or delinquent child has the duty to register 4797
under section 2950.04 of the Revised Code or has been adjudicated 4798
a child-victim predator relative to the child-victim oriented 4799
offense for which the offender or child has the duty to register 4800
under section 2950.041 of the Revised Code, and the court has not 4801
subsequently determined pursuant to section 2152.84 or 2152.85 of 4802
the Revised Code regarding a delinquent child that the delinquent 4803
child no longer is a sexual predator or no longer is a 4804
child-victim predator, whichever is applicable. 4805

(b) The offender or delinquent child has been determined 4806
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 4807
division (B) of section 2152.83, section 2152.84, or section 4808

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
offense or has been determined to be a habitual sex offender.

(2) The notification provisions of this section do not apply
regarding a person who is convicted of or pleads guilty to, has
been convicted of or pleaded guilty to, or is adjudicated a
delinquent child for committing, a sexually oriented offense or a
child-victim oriented offense, who is not in the category
specified in either division (F)(1)(a) or (c) of this section, and
who is 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 habitual child-victim offender unless the
sentencing or reviewing court imposes a requirement in the
offender's sentence and in the judgment of conviction that
contains the sentence or in the delinquent child's adjudication,
or imposes a requirement as described in division (C)(2) of
section 2950.09 or 2950.091 of the Revised Code, that subjects the
offender or the delinquent child to the provisions of this
section.

(G) The department of job and family services shall compile,
maintain, and update in January and July of each year, a list of
all agencies, centers, or homes of a type described in division

(A)(2) or (6) of this section that contains the name of each 4841
agency, center, or home of that type, the county in which it is 4842
located, its address and telephone number, and the name of an 4843
administrative officer or employee of the agency, center, or home. 4844
The department of education shall compile, maintain, and update in 4845
January and July of each year, a list of all boards of education, 4846
schools, or programs of a type described in division (A)(3), (4), 4847
or (5) of this section that contains the name of each board of 4848
education, school, or program of that type, the county in which it 4849
is located, its address and telephone number, the name of the 4850
superintendent of the board or of an administrative officer or 4851
employee of the school or program, and, in relation to a board of 4852
education, the county or counties in which each of its schools is 4853
located and the address of each such school. The Ohio board of 4854
regents shall compile, maintain, and update in January and July of 4855
each year, a list of all institutions of a type described in 4856
division (A)(7) of this section that contains the name of each 4857
such institution, the county in which it is located, its address 4858
and telephone number, and the name of its president or other chief 4859
administrative officer. A sheriff required by division (A) or (C) 4860
of this section, or authorized by division (D)(2) of this section, 4861
to provide notices regarding an offender or delinquent child, or a 4862
designee of a sheriff of that type, may request the department of 4863
job and family services, department of education, or Ohio board of 4864
regents, by telephone, in person, or by mail, to provide the 4865
sheriff or designee with the names, addresses, and telephone 4866
numbers of the appropriate persons and entities to whom the 4867
notices described in divisions (A)(2) to (7) of this section are 4868
to be provided. Upon receipt of a request, the department or board 4869
shall provide the requesting sheriff or designee with the names, 4870
addresses, and telephone numbers of the appropriate persons and 4871
entities to whom those notices are to be provided. 4872

(H)(1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (B)(3) of section 2950.09 of the Revised Code. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.

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

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

(2) A prosecuting attorney, a sentencing judge or that

judge's successor in office, and an offender who is subject to the
community notification requirement under this section may
initially make a motion under division (H)(1) of this section upon
the expiration of twenty years after the offender's duty to comply
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the
Revised Code begins in relation to the offense for which the
offender is subject to community notification. After the initial
making of a motion under division (H)(1) of this section,
thereafter, the prosecutor, judge, and offender may make a
subsequent motion under that division upon the expiration of five
years after the judge has entered an order denying the initial
motion or the most recent motion made under that division.

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

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

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

(b) A person who is convicted of or pleads guilty to a
sexually oriented offense that is a violation of division
(A)(1)(b) of section 2907.02 of the Revised Code committed on or
after the effective date of this amendment and either who is
sentenced under section 2971.03 of the Revised Code or upon whom a
sentence of life without parole is imposed under division (B) of
section 2907.02 of the Revised Code;

(c) A person who is convicted of or pleads guilty to a
sexually oriented offense that is attempted rape committed on or
after the effective date of this amendment and who also is

convicted of or pleads guilty to a specification of the type 4936
described in section 2941.1418, 2941.1419, or 2941.1420 of the 4937
Revised Code; 4938

(d) A habitual sex offender or habitual child-victim oriented 4939
offender who is subject to community notification who, subsequent 4940
to being subjected to community notification, has pleaded guilty 4941
to or been convicted of a sexually oriented offense or a 4942
child-victim oriented offense; 4943

~~(e)~~(e) A sexual predator or child-victim predator who is not 4944
adjudicated a sexually violent predator who, subsequent to being 4945
subjected to community notification, has pleaded guilty to or been 4946
convicted of a sexually oriented offense or child-victim oriented 4947
offense. 4948

(I) If a person is convicted of or pleads guilty to, or has 4949
been convicted of or pleaded guilty to, either a sexually oriented 4950
offense that is not a registration-exempt sexually oriented 4951
offense or a child-victim oriented offense, or a person is 4952
adjudicated a delinquent child for committing either a sexually 4953
oriented offense that is not a registration-exempt sexually 4954
oriented offense or a child-victim oriented offense and is 4955
classified a juvenile offender registrant or is an out-of-state 4956
juvenile offender registrant based on that adjudication, and if 4957
the offender or delinquent child is not in any category specified 4958
in division (F)(1)(a), (b), or (c) of this section, the sheriff 4959
with whom the offender or delinquent child has most recently 4960
registered under section 2950.04, 2950.041, or 2950.05 of the 4961
Revised Code and the sheriff to whom the offender or delinquent 4962
child most recently sent a notice of intent to reside under 4963
section 2950.04 or 2950.041 of the Revised Code, within the period 4964
of time specified in division (D) of this section, shall provide a 4965
written notice containing the information set forth in division 4966
(B) of this section to the executive director of the public 4967

children services agency that has jurisdiction within the 4968
specified geographical notification area and that is located 4969
within the county served by the sheriff. 4970

Sec. 2950.13. (A) The attorney general shall do all of the 4971
following: 4972

(1) No later than July 1, 1997, establish and maintain a 4973
state registry of sex offenders and child-victim offenders that is 4974
housed at the bureau of criminal identification and investigation 4975
and that contains all of the registration, change of residence, 4976
school, institution of higher education, or place of employment 4977
address, and verification information the bureau receives pursuant 4978
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4979
Code regarding a person who is convicted of or pleads guilty to, 4980
or has been convicted of or pleaded guilty to, either a sexually 4981
oriented offense that is not a registration-exempt sexually 4982
oriented offense or a child-victim oriented offense or a person 4983
who is adjudicated a delinquent child for committing either a 4984
sexually oriented offense that is not a registration-exempt 4985
sexually oriented offense or a child-victim oriented offense and 4986
is classified a juvenile offender registrant or is an out-of-state 4987
juvenile offender registrant based on that adjudication, and all 4988
of the information the bureau receives pursuant to section 2950.14 4989
of the Revised Code. For a person who was convicted of or pleaded 4990
guilty to the sexually oriented offense or child-victim related 4991
offense, the registry also shall indicate whether the person was 4992
convicted of or pleaded guilty to the offense in a criminal 4993
prosecution or in a serious youthful offender case. 4994

(2) In consultation with local law enforcement 4996
representatives and no later than July 1, 1997, adopt rules that 4997
contain guidelines necessary for the implementation of this 4998

chapter;	4999
(3) In consultation with local law enforcement	5000
representatives, adopt rules for the implementation and	5001
administration of the provisions contained in section 2950.11 of	5002
the Revised Code that pertain to the notification of neighbors of	5003
an offender or a delinquent child who has committed a sexually	5004
oriented offense that is not a registration-exempt sexually	5005
oriented offense and has been adjudicated a sexual predator or	5006
determined to be a habitual sex offender, an offender who has	5007
committed an aggravated sexually oriented offense, or an offender	5008
or delinquent child who has committed a child-victim oriented	5009
offense and has been adjudicated a child-victim predator or	5010
determined to be a habitual child-victim offender, and rules that	5011
prescribe a manner in which victims of either a sexually oriented	5012
offense that is not a registration-exempt sexually oriented	5013
offense or a child-victim oriented offense committed by an	5014
offender or a delinquent child who has been adjudicated a sexual	5015
predator or determined to be a habitual sex offender, an offender	5016
who has committed an aggravated sexually oriented offense, or an	5017
offender or delinquent child who has committed a child-victim	5018
oriented offense and has been adjudicated a child-victim predator	5019
or determined to be a habitual child-victim offender may make a	5020
request that specifies that the victim would like to be provided	5021
the notices described in divisions (A)(1) and (2) of section	5022
2950.10 of the Revised Code;	5023
(4) In consultation with local law enforcement	5024
representatives and through the bureau of criminal identification	5025
and investigation, prescribe the forms to be used by judges and	5026
officials pursuant to section 2950.03 of the Revised Code to	5027
advise offenders and delinquent children of their duties of filing	5028
a notice of intent to reside, registration, notification of a	5029
change of residence, school, institution of higher education, or	5030

place of employment address and registration of the new, school, 5031
institution of higher education, or place of employment address, 5032
as applicable, and address verification under sections 2950.04, 5033
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 5034
the forms to be used by sheriffs relative to those duties of 5035
filing a notice of intent to reside, registration, change of 5036
residence, school, institution of higher education, or place of 5037
employment address notification, and address verification; 5038

(5) Make copies of the forms prescribed under division (A)(4) 5039
of this section available to judges, officials, and sheriffs; 5040

(6) Through the bureau of criminal identification and 5041
investigation, provide the notifications, the information, and the 5042
documents that the bureau is required to provide to appropriate 5043
law enforcement officials and to the federal bureau of 5044
investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 5045
2950.06 of the Revised Code; 5046

(7) Through the bureau of criminal identification and 5047
investigation, maintain the verification forms returned under the 5048
address verification mechanism set forth in section 2950.06 of the 5049
Revised Code; 5050

(8) In consultation with representatives of the officials, 5051
judges, and sheriffs, adopt procedures for officials, judges, and 5052
sheriffs to use to forward information, photographs, and 5053
fingerprints to the bureau of criminal identification and 5054
investigation pursuant to the requirements of sections 2950.03, 5055
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 5056

(9) In consultation with the director of education, the 5057
director of job and family services, and the director of 5058
rehabilitation and correction, adopt rules that contain guidelines 5059
to be followed by boards of education of a school district, 5060
chartered nonpublic schools or other schools not operated by a 5061

board of education, preschool programs, child day-care centers, 5062
type A family day-care homes, certified type B family day-care 5063
homes, and institutions of higher education regarding the proper 5064
use and administration of information received pursuant to section 5065
2950.11 of the Revised Code relative to an offender or delinquent 5066
child who has been adjudicated a sexual predator or child-victim 5067
predator or determined to be a habitual sex offender or habitual 5068
child-victim offender, or an offender who has committed an 5069
aggravated sexually oriented offense; 5070

(10) In consultation with local law enforcement 5071
representatives and no later than July 1, 1997, adopt rules that 5072
designate a geographic area or areas within which the notice 5073
described in division (B) of section 2950.11 of the Revised Code 5074
must be given to the persons identified in divisions (A)(2) to (8) 5075
of that section; 5076

(11) Through the bureau of criminal identification and 5077
investigation, not later than January 1, 2004, establish and 5078
operate on the internet a sex offender and child-victim offender 5079
database that contains information for every offender who has 5080
committed either a sexually oriented offense that is not a 5081
registration-exempt sexually oriented offense or a child-victim 5082
oriented offense and who registers in any county in this state 5083
pursuant to section 2950.04 or 2950.041 of the Revised Code. The 5084
bureau shall determine the information to be provided on the 5085
database for each offender and shall obtain that information from 5086
the information contained in the state registry of sex offenders 5087
and child-victim offenders described in division (A)(1) of this 5088
section, which information, while in the possession of the sheriff 5089
who provided it, is a public record open for inspection as 5090
described in section 2950.081 of the Revised Code. The information 5091
provided for each offender shall include at least the information 5092
set forth in division (B) of section 2950.11 of the Revised Code. 5093

The database is a public record open for inspection under section 5094
149.43 of the Revised Code, and it shall be searchable by offender 5095
name, by county, by zip code, and by school district. The database 5096
shall provide a link to the web site of each sheriff who has 5097
established and operates on the internet a sex offender and 5098
child-victim offender database that contains information for 5099
offenders who register in that county pursuant to section 2950.04 5100
or 2950.041 of the Revised Code, with the link being a direct link 5101
to the sex offender and child-victim offender database for the 5102
sheriff. 5103

(12) Upon the request of any sheriff, provide technical 5104
guidance to the requesting sheriff in establishing on the internet 5105
a sex offender and child-victim offender database for the public 5106
dissemination of some or all of the materials described in 5107
division (A) of section 2950.081 of the Revised Code that are 5108
public records under that division and that pertain to offenders 5109
who register in that county pursuant to section 2950.04 or 5110
2950.041 of the Revised Code and for the public dissemination of 5111
information the sheriff receives pursuant to section 2950.14 of 5112
the Revised Code; 5113

(13) Through the bureau of criminal identification and 5114
investigation, not later than January 1, 2004, establish and 5115
operate on the internet a database that enables local law 5116
enforcement representatives to remotely search by electronic means 5117
the state registry of sex offenders and child-victim offenders 5118
described in division (A)(1) of this section and any information 5119
the bureau receives pursuant to sections 2950.04, 2950.041, 5120
2950.05, 2950.06, and 2950.14 of the Revised Code. The database 5121
shall enable local law enforcement representatives to obtain 5122
detailed information regarding each offender and delinquent child 5123
who is included in the registry, including, but not limited to the 5124
offender's or delinquent child's name, residence address, place of 5125

employment if applicable, motor vehicle license plate number if 5126
applicable, victim preference if available, date of most recent 5127
release from confinement if applicable, fingerprints, and other 5128
identification parameters the bureau considers appropriate. The 5129
database is not a public record open for inspection under section 5130
149.43 of the Revised Code and shall be available only to law 5131
enforcement representatives as described in this division. 5132
Information obtained by local law enforcement representatives 5133
through use of this database is not open to inspection by the 5134
public or by any person other than a person identified in division 5135
(A) of section 2950.08 of the Revised Code. 5136

(B) The attorney general in consultation with local law 5137
enforcement representatives, may adopt rules that establish one or 5138
more categories of neighbors of an offender or delinquent child 5139
who, in addition to the occupants of residential premises and 5140
other persons specified in division (A)(1) of section 2950.11 of 5141
the Revised Code, must be given the notice described in division 5142
(B) of that section. 5143

(C) No person, other than a local law enforcement 5144
representative, shall knowingly do any of the following: 5145

(1) Gain or attempt to gain access to the database 5146
established and operated by the attorney general, through the 5147
bureau of criminal identification and investigation, pursuant to 5148
division (A)(13) of this section. 5149

(2) Permit any person to inspect any information obtained 5150
through use of the database described in division (C)(1) of this 5151
section, other than as permitted under that division. 5152

(D) As used in this section, "local law enforcement 5153
representatives" means representatives of the sheriffs of this 5154
state, representatives of the municipal chiefs of police and 5155
marshals of this state, and representatives of the township 5156

constables and chiefs of police of the township police departments 5157
or police district police forces of this state. 5158

Sec. 2950.14. (A) Prior to releasing an offender who is under 5159
the custody and control of the department of rehabilitation and 5160
correction and who has been convicted of or pleaded guilty to 5161
committing, either prior to, on, or after January 1, 1997, any 5162
sexually oriented offense that is not a registration-exempt 5163
sexually oriented offense or any child-victim oriented offense, 5164
the department of rehabilitation and correction shall provide all 5165
of the information described in division (B) of this section to 5166
the bureau of criminal identification and investigation regarding 5167
the offender and to the sheriff of the county in which the 5168
offender's anticipated future residence is located. Prior to 5169
releasing a delinquent child who is in the custody of the 5170
department of youth services who has been adjudicated a delinquent 5171
child for committing on or after January 1, 2002, any sexually 5172
oriented offense that is not a registration-exempt sexually 5173
oriented offense or any child-victim oriented offense, and who has 5174
been classified a juvenile offender registrant based on that 5175
adjudication, the department of youth services shall provide all 5176
of the information described in division (B) of this section to 5177
the bureau of criminal identification and investigation regarding 5178
the delinquent child. 5179

(B) The department of rehabilitation and correction and the 5180
department of youth services shall provide all of the following 5181
information to the bureau of criminal identification and 5182
investigation regarding an offender or delinquent child described 5183
in division (A) of this section: 5184

(1) The offender's or delinquent child's name and any aliases 5185
used by the offender or delinquent child; 5186

(2) All identifying factors concerning the offender or 5187

delinquent child;	5188
(3) The offender's or delinquent child's anticipated future residence;	5189 5190
(4) The offense and delinquency history of the offender or delinquent child;	5191 5192
(5) Whether the offender or delinquent child was treated for a mental abnormality or personality disorder while under the custody and control of the department;	5193 5194 5195
(6) Any other information that the bureau indicates is relevant and that the department possesses.	5196 5197
(C) Upon receipt of the information described in division (B) of this section regarding an offender or delinquent child, the bureau immediately shall enter the information into the state registry of sex offenders and child-victim offenders that the bureau maintains pursuant to section 2950.13 of the Revised Code and into the records that the bureau maintains pursuant to division (A) of section 109.57 of the Revised Code. <u>Upon receipt of that information regarding an offender, the bureau immediately shall enter the information on the sex offender and child-victim offender database it establishes and operates on the internet pursuant to division (A)(11) of section 2950.13 of the Revised Code.</u>	5198 5199 5200 5201 5202 5203 5204 5205 5206 5207 5208 5209
<u>(D) Upon receipt of the information described in division (B) of this section regarding an offender, a sheriff who has established on the internet a sex offender and child-victim offender database for the public dissemination of information regarding such offenders shall enter that information on the database.</u>	5210 5211 5212 5213 5214 5215
Sec. 2967.12. (A) Except as provided in division (G) of this section, at least three weeks before the adult parole authority	5216 5217

recommends any pardon or commutation of sentence, or grants any 5218
parole, the authority shall send a notice of the pendency of the 5219
pardon, commutation, or parole, setting forth the name of the 5220
person on whose behalf it is made, the offense of which the person 5221
was convicted or to which the person pleaded guilty, the time of 5222
conviction or the guilty plea, and the term of the person's 5223
sentence, to the prosecuting attorney and the judge of the court 5224
of common pleas of the county in which the indictment against the 5225
person was found. If there is more than one judge of that court of 5226
common pleas, the authority shall send the notice to the presiding 5227
judge. The department of rehabilitation and correction, at the 5228
same time that it provides the notice to the prosecuting attorney 5229
and judge under this division, also shall post on the database it 5230
maintains pursuant to section 5120.66 of the Revised Code the 5231
offender's name and all of the information specified in division 5232
(A)(1)(c)(iii) of that section. 5233

(B) If a request for notification has been made pursuant to 5234
section 2930.16 of the Revised Code, the adult parole authority 5235
also shall give notice to the victim or the victim's 5236
representative prior to recommending any pardon or commutation of 5237
sentence for, or granting any parole to, the person. The authority 5238
shall provide the notice at the same time as the notice required 5239
by division (A) of this section and shall include in the notice 5240
the information required to be set forth in that notice. The 5241
notice also shall inform the victim or the victim's representative 5242
that the victim or representative may send a written statement 5243
relative to the victimization and the pending action to the adult 5244
parole authority and that, if the authority receives any written 5245
statement prior to recommending a pardon or commutation or 5246
granting a parole for a person, the authority will consider the 5247
statement before it recommends a pardon or commutation or grants a 5248
parole. If the person is being considered for parole, the notice 5249
shall inform the victim or the victim's representative that a full 5250

board hearing of the parole board may be held and that the victim 5251
or victim's representative may contact the office of victims' 5252
services for further information. If the person being considered 5253
for parole was convicted of or pleaded guilty to violating section 5254
2903.01 or 2903.02 of the Revised Code, the notice shall inform 5255
the victim of that offense, the victim's representative, or a 5256
member of the victim's immediate family that the victim, the 5257
victim's representative, and the victim's immediate family have 5258
the right to give testimony at a full board hearing of the parole 5259
board and that the victim or victim's representative may contact 5260
the office of victims' services for further information. As used 5261
in this division, "the victim's immediate family" means the 5262
mother, father, spouse, sibling, or child of the victim. 5263

(C) When notice of the pendency of any pardon, commutation of 5264
sentence, or parole has been given to a judge or prosecutor or 5265
posted on the database as provided in division (A) of this section 5266
and a hearing on the pardon, commutation, or parole is continued 5267
to a date certain, the authority shall provide notice of the 5268
further consideration of the pardon, commutation, or parole at 5269
least ten days before the further consideration. The notice of the 5270
further consideration shall be provided to the proper judge and 5271
prosecuting attorney by mail at least ten days before the further 5272
consideration, and, if the initial notice was posted on the 5273
database as provided in division (A) of this section, the notice 5274
of the further consideration shall be posted on the database at 5275
least ten days before the further consideration. When notice of 5276
the pendency of any pardon, commutation, or parole has been given 5277
as provided in division (B) of this section and the hearing on it 5278
is continued to a date certain, the authority shall give notice of 5279
the further consideration to the victim or the victim's 5280
representative in accordance with section 2930.03 of the Revised 5281
Code. 5282

(D) In case of an application for the pardon or commutation of sentence of a person sentenced to capital punishment, the governor may modify the requirements of notification and publication if there is not sufficient time for compliance with the requirements before the date fixed for the execution of sentence.

(E) If an offender is serving a prison term imposed under division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code and if the parole board terminates its control over the offender's service of that term pursuant to section 2971.04 of the Revised Code, the parole board immediately shall provide written notice of its termination of control or the transfer of control to the entities and persons specified in section 2971.04 of the Revised Code.

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

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

(H) In addition to and independent of the right of a victim to make a statement as described in division (A) of this section or pursuant to section 2930.17 of the Revised Code or to otherwise make a statement, the authority for a judge or prosecuting attorney to furnish statements and information, make recommendations, and give testimony as described in division (A) of this section, the right of a prosecuting attorney, judge, or victim to give testimony or submit a statement at a full parole

board hearing pursuant to section 5149.101 of the Revised Code, 5314
and any other right or duty of a person to present information or 5315
make a statement, any person may send to the adult parole 5316
authority at any time prior to the authority's recommending a 5317
pardon or commutation or granting a parole for the offender a 5318
written statement relative to the offense and the pending action. 5319

Sec. 2967.121. (A) Subject to division (C) of this section, 5320
at least two weeks before any convict who is serving a sentence 5321
for committing a felony of the first, second, or third degree is 5322
released from confinement in any state correctional institution 5323
pursuant to a pardon, commutation of sentence, parole, or 5324
completed prison term, the adult parole authority shall send 5325
notice of the release to the prosecuting attorney of the county in 5326
which the indictment of the convict was found. 5327

(B) The notice required by division (A) of this section may 5328
be contained in a weekly list of all felons of the first, second, 5329
or third degree who are scheduled for release. The notice shall 5330
contain all of the following: 5331

(1) The name of the convict being released; 5332

(2) The date of the convict's release; 5333

(3) The offense for the violation of which the convict was 5334
convicted and incarcerated; 5335

(4) The date of the convict's conviction pursuant to which 5336
the convict was incarcerated; 5337

(5) The sentence imposed for that conviction; 5338

(6) The length of any supervision that the convict will be 5339
under; 5340

(7) The name, business address, and business phone number of 5341
the convict's supervising officer; 5342

(8) The address at which the convict will reside. 5343

(C) Divisions (A) and (B) of this section do not apply to the 5344
release from confinement of an offender if the offender is serving 5345
a prison term imposed under division (A)(3), (B)(1)(a), (b), or 5346
(c), or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised 5347
Code, if the court pursuant to section 2971.05 of the Revised Code 5348
modifies the requirement that the offender serve that entire term 5349
in a state correctional institution, and if the release from 5350
confinement is pursuant to that modification. In a case of that 5351
type, the court that modifies the requirement promptly shall 5352
provide written notice of the modification and the order that 5353
modifies the requirement or revises the modification to the 5354
offender, the department of rehabilitation and correction, the 5355
prosecuting attorney, and any state agency or political 5356
subdivision that is affected by the order. 5357

Sec. 2971.03. (A) Notwithstanding divisions (A), (B), (C), 5358
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 5359
2929.13, or another section of the Revised Code, other than 5360
divisions (D) and (E) of section 2929.14 of the Revised Code, that 5361
authorizes or requires a specified prison term or a mandatory 5362
prison term for a person who is convicted of or pleads guilty to a 5363
felony or that specifies the manner and place of service of a 5364
prison term or term of imprisonment, the court shall impose a 5365
sentence upon a person who is convicted of or pleads guilty to a 5366
violent sex offense and who also is convicted of or pleads guilty 5367
to a sexually violent predator specification that was included in 5368
the indictment, count in the indictment, or information charging 5369
that offense, and upon a person who is convicted of or pleads 5370
guilty to a designated homicide, assault, or kidnapping offense 5371
and also is convicted of or pleads guilty to both a sexual 5372
motivation specification and a sexually violent predator 5373

specification that were included in the indictment, count in the indictment, or information charging that offense, as follows:

(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; or 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, when the victim was less than ten years of age, when the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of section 2907.02 of the Revised Code, or when 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, murder, or rape and other than an offense for which a term of life imprisonment may be imposed, it shall impose an indefinite prison term consisting of a minimum term fixed by the court from among the range of terms available as a definite term for the offense, but not less than two years, and a maximum

term of life imprisonment. 5406

(b) Except as otherwise provided in division (A)(4) of this 5407
section, if the offense for which the sentence is being imposed is 5408
kidnapping that is a felony of the first degree, it shall impose 5409
an indefinite prison term consisting of a minimum term fixed by 5410
the court that is not less than ten years, and a maximum term of 5411
life imprisonment. 5412

(c) Except as otherwise provided in division (A)(4) of this 5413
section, if the offense for which the sentence is being imposed is 5414
kidnapping that is a felony of the second degree, it shall impose 5415
an indefinite prison term consisting of a minimum term fixed by 5416
the court that is not less than eight years, and a maximum term of 5417
life imprisonment. 5418

(d) Except as otherwise provided in division (A)(4) of this 5419
section, if the offense for which the sentence is being imposed is 5420
rape for which a term of life imprisonment is not imposed under 5421
~~section 2907.02 of the Revised Code or~~ division (A)(2) of this 5422
section or division (B) of section 2907.02 of the Revised Code, it 5423
shall impose an indefinite prison term as follows: 5424

(i) If the rape is committed on or after the effective date 5425
of this amendment in violation of division (A)(1)(b) of section 5426
2907.02 of the Revised Code, it shall impose an indefinite prison 5427
term consisting of a minimum term of twenty-five years and a 5428
maximum term of life imprisonment. 5429

(ii) If the rape is committed prior to the effective date of 5430
this amendment or the rape is committed on or after the effective 5431
date of this amendment other than in violation of division 5432
(A)(1)(b) of section 2907.02 of the Revised Code, it shall impose 5433
an indefinite prison term consisting of a minimum term fixed by 5434
the court that is not less than ten years, and a maximum term of 5435
life imprisonment. 5436

(e) Except as otherwise provided in division (A)(4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows: 5437
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(i) Except as otherwise provided in division (A)(3)(e)(ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A)(3)(a) of this section. 5441
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(ii) If the attempted rape for which sentence is being imposed was committed on or after the effective date of this amendment, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years. 5444
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(iii) If the attempted rape for which sentence is being imposed was committed on or after the effective date of this amendment, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum of life imprisonment. 5451
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(iv) If the attempted rape for which sentence is being imposed was committed on or after the effective date of this amendment, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum of life imprisonment. 5458
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(4) For any offense for which the sentence is being imposed, 5465
if the offender previously has been convicted of or pleaded guilty 5466
to a violent sex offense and also to a sexually violent predator 5467

specification that was included in the indictment, count in the
indictment, or information charging that offense, or previously
has been convicted of or pleaded guilty to a designated homicide,
assault, or kidnapping offense and also to both a sexual
motivation specification and a sexually violent predator
specification that were included in the indictment, count in the
indictment, or information charging that offense, it shall impose
upon the offender a term of life imprisonment without parole.

(B)(1) Notwithstanding section 2929.13, division (A), (B),
(C), or (F) of section 2929.14, or another section of the Revised
Code other than division (B) of section 2907.02 or divisions (D)
and (E) of section 2929.14 of the Revised Code that authorizes or
requires a specified prison term or a mandatory prison term for a
person who is convicted of or pleads guilty to a felony or that
specifies the manner and place of service of a prison term or term
of imprisonment, if a person is convicted of or pleads guilty to a
violation of division (A)(1)(b) of section 2907.02 of the Revised
Code committed on or after the effective date of this amendment,
if division (A) of this section does not apply regarding the
person, and if the court does not impose a sentence of life
without parole when authorized pursuant to division (B) of section
2907.02 of the Revised Code, the court shall impose upon the
person an indefinite prison term consisting of one of the
following:

(a) Except as otherwise required in division (B)(1)(b) or (c)
of this section, a minimum term of ten years and a maximum term of
life imprisonment.

(b) If the victim was less than ten years of age, a minimum
term of fifteen years and a maximum of life imprisonment.

(c) If the offender purposely compels the victim to submit by
force or threat of force, or if the offender previously has been

convicted of or pleaded guilty to violating division (A)(1)(b) of 5499
section 2907.02 of the Revised Code or to violating an existing or 5500
former law of this state, another state, or the United States that 5501
is substantially similar to division (A)(1)(b) of that section, or 5502
if the offender during or immediately after the commission of the 5503
offense caused serious physical harm to the victim, a minimum term 5504
of twenty-five years and a maximum of life imprisonment. 5505

(2) Notwithstanding section 2929.13, division (A), (B), (C), 5506
or (F) of section 2929.14, or another section of the Revised Code 5507
other than divisions (D) and (E) of section 2929.14 of the Revised 5508
Code that authorizes or requires a specified prison term or a 5509
mandatory prison term for a person who is convicted of or pleads 5510
guilty to a felony or that specifies the manner and place of 5511
service of a prison term or term of imprisonment and except as 5512
otherwise provided in division (B) of section 2907.02 of the 5513
Revised Code, if a person is convicted of or pleads guilty to 5514
attempted rape committed on or after the effective date of this 5515
amendment and if division (A) of this section does not apply 5516
regarding the person, the court shall impose upon the person an 5517
indefinite prison term consisting of one of the following: 5518

(a) If the person also is convicted of or pleads guilty to a 5519
specification of the type described in section 2941.1418 of the 5520
Revised Code, the court shall impose upon the person an indefinite 5521
prison term consisting of a minimum term of five years and a 5522
maximum term of twenty-five years. 5523

(b) If the person also is convicted of or pleads guilty to a 5524
specification of the type described in section 2941.1419 of the 5525
Revised Code, the court shall impose upon the person an indefinite 5526
prison term consisting of a minimum term of ten years and a 5527
maximum term of life imprisonment. 5528

(c) If the person also is convicted of or pleads guilty to a 5529

specification of the type described in section 2941.1420 of the 5530
Revised Code, the court shall impose upon the person an indefinite 5531
prison term consisting of a minimum term of fifteen years and a 5532
maximum term of life imprisonment. 5533

(C)(1) If the offender is sentenced to a prison term pursuant 5534
to division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or 5535
(c) of this section, the parole board shall have control over the 5536
offender's service of the term during the entire term unless the 5537
parole board terminates its control in accordance with section 5538
2971.04 of the Revised Code. 5539

~~(C)(1)(2)~~ Except as provided in division ~~(C)(2)(3)~~ of this 5540
section, an offender sentenced to a prison term or term of life 5541
imprisonment without parole pursuant to division (A) of this 5542
section shall serve the entire prison term or term of life 5543
imprisonment in a state correctional institution. The offender is 5544
not eligible for judicial release under section 2929.20 of the 5545
Revised Code. 5546

~~(2)(3)~~ For a prison term imposed pursuant to division (A)(3), 5547
(B)(1)(a), (b), or (B)(2)(a), (b), or (c) of this section, the 5548
court, in accordance with section 2971.05 of the Revised Code, may 5549
terminate the prison term or modify the requirement that the 5550
offender serve the entire term in a state correctional institution 5551
if all of the following apply: 5552

(a) The offender has served at least the minimum term imposed 5553
as part of that prison term. 5554

(b) The parole board, pursuant to section 2971.04 of the 5555
Revised Code, has terminated its control over the offender's 5556
service of that prison term. 5557

(c) The court has held a hearing and found, by clear and 5558
convincing evidence, one of the following: 5559

(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 5591
homicide, assault, or kidnapping offense and also is convicted of 5592
or pleads guilty to both a sexual motivation specification and a 5593
sexually violent predator specification that were included in the 5594
indictment, count in the indictment, or information charging that 5595
offense, the conviction of or plea of guilty to the offense and 5596
the sexually violent predator specification automatically 5597
classifies the offender as a sexual predator for purposes of 5598
Chapter 2950. of the Revised Code. If an offender is convicted of 5599
or pleads guilty to committing on or after the effective date of 5600
this amendment a violation of division (A)(1)(b) of section 5601
2907.02 of the Revised Code and either the offender is sentenced 5602
under section 2971.03 of the Revised Code or a sentence of life 5603
without parole is imposed under division (B) of section 2907.02 of 5604
the Revised Code, the conviction of or plea of guilty to the 5605
offense automatically classifies the offender as a sexual predator 5606
for purposes of Chapter 2950. of the Revised Code. If a person is 5607
convicted of or pleads guilty to committing on or after the 5608
effective date of this amendment attempted rape and also is 5609
convicted of or pleads guilty to a specification of the type 5610
described in section 2941.1418, 2941.1419, or 2941.1420 of the 5611
Revised Code, the conviction of or plea of guilty to the offense 5612
and the specification automatically classify the offender as a 5613
sexual predator for purposes of this chapter. The classification 5614
pursuant to this division of the an offender as a sexual predator 5615
for purposes of ~~that chapter~~ Chapter 2950. of the Revised Code is 5616
permanent and continues until the offender's death as described in 5617
division (D)(2) of section 2950.09 of the Revised Code. 5618

Sec. 2971.04. (A) If an offender is serving a prison term 5619
imposed under division (A)(3), (B)(1)(a), (b), or (c), or 5620
(B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, at 5621
any time after the offender has served the minimum term imposed 5622

under that sentence, the parole board may terminate its control 5623
over the offender's service of the prison term. The parole board 5624
initially shall determine whether to terminate its control over 5625
the offender's service of the prison term upon the completion of 5626
the offender's service of the minimum term under the sentence and 5627
shall make subsequent determinations at least once every two years 5628
after that first determination. The parole board shall not 5629
terminate its control over the offender's service of the prison 5630
term unless it finds at a hearing that the offender does not 5631
represent a substantial risk of physical harm to others. Prior to 5632
determining whether to terminate its control over the offender's 5633
service of the prison term, the parole board shall request the 5634
department of rehabilitation and correction to prepare pursuant to 5635
section 5120.61 of the Revised Code an update of the most recent 5636
risk assessment and report relative to the offender. The offender 5637
has the right to be present at any hearing held under this 5638
section. At the hearing, the offender and the prosecuting attorney 5639
may make a statement and present evidence as to whether the parole 5640
board should terminate its control over the offender's service of 5641
the prison term. In making its determination as to whether to 5642
terminate its control over the offender's service of the prison 5643
term, the parole board may follow the standards and guidelines 5644
adopted by the department of rehabilitation and correction under 5645
section 5120.49 of the Revised Code and shall consider the updated 5646
risk assessment and report relating to the offender prepared by 5647
the department pursuant to section 5120.61 of the Revised Code in 5648
response to the request made under this division and any 5649
statements or evidence submitted by the offender or the 5650
prosecuting attorney. If the parole board terminates its control 5651
over an offender's service of a prison term imposed under division 5652
(A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of 5653
section 2971.03 of the Revised Code, it shall recommend to the 5654
court modifications to the requirement that the offender serve the 5655

entire term in a state correctional institution. The court is not 5656
bound by the recommendations submitted by the parole board. 5657

(B) If the parole board terminates its control over an 5658
offender's service of a prison term imposed pursuant to division 5659
(A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of 5660
section 2971.03 of the Revised Code, the parole board immediately 5661
shall provide written notice of its termination of control to the 5662
department of rehabilitation and correction, the court, and the 5663
prosecuting attorney, and, after the board's termination of its 5664
control, the court shall have control over the offender's service 5665
of that prison term. 5666

After the transfer, the court shall have control over the 5667
offender's service of that prison term for the offender's entire 5668
life, subject to the court's termination of the term pursuant to 5669
section 2971.05 of the Revised Code. 5670

(C) If control over the offender's service of the prison term 5671
is transferred to the court, all of the following apply: 5672

(1) The offender shall not be released solely as a result of 5673
the transfer of control over the service of that prison term. 5674

(2) The offender shall not be permitted solely as a result of 5675
the transfer to serve a portion of that term in a place other than 5676
a state correctional institution. 5677

(3) The offender shall continue serving that term in a state 5678
correctional institution, subject to the following: 5679

(a) A release pursuant to a pardon, commutation, or reprieve; 5680

(b) A modification or termination of the term by the court 5681
pursuant to this chapter. 5682

Sec. 2971.05. (A)(1) After control over an offender's service 5683
of a prison term imposed pursuant to division (A)(3), (B)(1)(a), 5684
(b), or (c), or (B)(2)(a), (b), or (c) of section 2971.03 of the 5685

Revised Code has been transferred pursuant to section 2971.04 of 5686
the Revised Code to the court, the court shall schedule, within 5687
thirty days of any of the following, a hearing on whether to 5688
modify in accordance with division (C) of this section the 5689
requirement that the offender serve the entire prison term in a 5690
state correctional institution or to terminate the prison term in 5691
accordance with division (D) of this section: 5692

(a) Control over the offender's service of a prison term is 5693
transferred pursuant to section 2971.04 of the Revised Code to the 5694
court, and no hearing to modify the requirement has been held; 5695

(b) Two years elapse after the most recent prior hearing held 5696
pursuant to division (A)(1) or (2) of this section; 5697

(c) The prosecuting attorney, the department of 5698
rehabilitation and correction, or the adult parole authority 5699
requests the hearing, and recommends that the requirement be 5700
modified or that the offender's prison term be terminated. 5701

(2) After control over the offender's service of a prison 5702
term has been transferred pursuant to section 2971.04 of the 5703
Revised Code to the court, the court, within thirty days of either 5704
of the following, shall conduct a hearing on whether to modify in 5705
accordance with division (C) of this section the requirement that 5706
the offender serve the entire prison term in a state correctional 5707
institution, whether to continue, revise, or revoke an existing 5708
modification of that requirement, or whether to terminate the term 5709
in accordance with division (D) of this section: 5710

(a) The requirement that the offender serve the entire prison 5711
term in a state correctional institution has been modified, and 5712
the offender is taken into custody for any reason. 5713

(b) The department of rehabilitation and correction or the 5714
prosecuting attorney notifies the court pursuant to section 5715
2971.06 of the Revised Code regarding a known or suspected 5716

violation of a term or condition of the modification or a belief 5717
that there is a substantial likelihood that the offender has 5718
committed or is about to commit a sexually violent offense. 5719

(3) After control over the offender's service of a prison 5720
term has been transferred pursuant to section 2971.04 of the 5721
Revised Code to the court, the court, in any of the following 5722
circumstances, may conduct a hearing within thirty days to 5723
determine whether to modify in accordance with division (C) of 5724
this section the requirement that the offender serve the entire 5725
prison term in a state correctional institution, whether to 5726
continue, revise, or revoke an existing modification of that 5727
requirement, or whether to terminate the sentence in accordance 5728
with division (D) of this section: 5729

(a) The offender requests the hearing; 5730

(b) Upon the court's own motion; 5731

(c) One or more examiners who have conducted a psychological 5732
examination and assessment of the offender file a statement that 5733
states that there no longer is a likelihood that the offender will 5734
engage in the future in a sexually violent offense. 5735

(B)(1) Before a court holds a hearing pursuant to division 5736
(A) of this section, the court shall provide notice of the date, 5737
time, place, and purpose of the hearing to the offender, the 5738
prosecuting attorney, the department of rehabilitation and 5739
correction, and the adult parole authority and shall request the 5740
department to prepare pursuant to section 5120.61 of the Revised 5741
Code an update of the most recent risk assessment and report 5742
relative to the offender. The offender has the right to be present 5743
at any hearing held under this section. At the hearing, the 5744
offender and the prosecuting attorney may make a statement and 5745
present evidence as to whether the requirement that the offender 5746
serve the entire prison term in a state correctional institution 5747

should or should not be modified, whether the existing 5748
modification of the requirement should be continued, revised, or 5749
revoked, and whether the prison term should or should not be 5750
terminated. 5751

(2) At a hearing held pursuant to division (A) of this 5752
section, the court may and, if the hearing is held pursuant to 5753
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 5754
determine by clear and convincing evidence whether the offender is 5755
unlikely to commit a sexually violent offense in the future. 5756

(3) At the conclusion of the hearing held pursuant to 5757
division (A) of this section, the court may order that the 5758
requirement that the offender serve the entire prison term in a 5759
state correctional institution be continued, that the requirement 5760
be modified pursuant to division (C) of this section, that an 5761
existing modification be continued, revised, or revoked pursuant 5762
to division (C) of this section, or that the prison term be 5763
terminated pursuant to division (D) of this section. 5764

(C)(1) If, at the conclusion of a hearing held pursuant to 5765
division (A) of this section, the court determines by clear and 5766
convincing evidence that the offender will not represent a 5767
substantial risk of physical harm to others, the court may modify 5768
the requirement that the offender serve the entire prison term 5769
imposed under division (A)(3), (B)(1)(a), (b), or (c), or 5770
(B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code in a 5771
state correctional institution in a manner that the court 5772
considers appropriate. If the court modifies the requirement, ~~the~~ 5773
~~offender is subject to~~ for an offender whose prison term was 5774
imposed pursuant to division (A)(3) of section 2971.03 of the 5775
Revised Code, the court shall order the adult parole authority to 5776
supervise the offender and shall require that the authority's 5777
supervision ~~under~~ of the offender be pursuant to division (E) of 5778
this section. If the court modifies the requirement for an 5779

offender whose prison term was imposed pursuant to division 5780
(B)(1)(a), (b), or (c) or (2)(a), (b), or (c) of section 2971.03 5781
of the Revised Code, the court shall order the adult parole 5782
authority to supervise the offender and may require that the 5783
authority's supervision of the offender be pursuant to division 5784
(E) of this section. 5785

(2) The modification of the requirement does not terminate 5786
the prison term but serves only to suspend the requirement that 5787
the offender serve the entire term in a state correctional 5788
institution. The prison term shall remain in effect for the 5789
offender's entire life unless the court terminates the prison term 5790
pursuant to division (D) of this section. The offender shall 5791
remain under the jurisdiction of the court for the offender's 5792
entire life unless the court so terminates the prison term. The 5793
modification of the requirement does not terminate the 5794
classification of the offender, as described in division (F) of 5795
section 2971.03 of the Revised Code, as a sexual predator for 5796
purposes of Chapter 2950. of the Revised Code, and the offender is 5797
subject to supervision, including supervision under division (E) 5798
of this section if the court required the supervision of the 5799
offender to be pursuant to that division. 5800

(3) If the court revokes the modification under 5801
consideration, the court shall order that the offender be returned 5802
to the custody of the department of rehabilitation and correction 5803
to continue serving the prison term to which the modification 5804
applied, and section 2971.06 of the Revised Code applies regarding 5805
the offender. 5806

(D)(1) If, at the conclusion of a hearing held pursuant to 5807
division (A) of this section, the court determines by clear and 5808
convincing evidence that the offender is unlikely to commit a 5809
sexually violent offense in the future, the court may terminate 5810
the offender's prison term imposed under division (A)(3) 5811

(B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of section 5812
2971.03 of the Revised Code, subject to the offender 5813
satisfactorily completing the period of conditional release 5814
required by this division and, if applicable, compliance with 5815
division (E) of this section. If the court terminates the prison 5816
term, the court shall place the offender on conditional release 5817
for five years, ~~require the offender to comply with division (E)~~ 5818
~~of this section~~, notify the adult parole authority of its 5819
determination and of the termination of the prison term, and order 5820
the adult parole authority to supervise the offender during the 5821
five-year period of conditional release ~~and or, if division (E)~~ 5822
applies to the offender, to supervise the offender pursuant to and 5823
for the period of time specified in that division. If the court 5824
terminates the prison term for an offender whose prison term was 5825
imposed pursuant to division (A)(3) of section 2971.03 of the 5826
Revised Code, the court shall require that the authority's 5827
supervision of the offender be pursuant to division (E) of this 5828
section. If the court terminates the prison term for an offender 5829
whose prison term was imposed pursuant to division (B)(1)(a), (b), 5830
or (c) or (2)(a), (b), or (c) of section 2971.03 of the Revised 5831
Code, the court may require that the authority's supervision of 5832
the offender be pursuant to division (E) of this section. Upon 5833
receipt of a notice from a court pursuant to this division, the 5834
adult parole authority shall supervise the offender who is the 5835
subject of the notice during the five-year period of conditional 5836
release, periodically notify the court of the offender's 5837
activities during that five-year period of conditional release, 5838
and file with the court no later than thirty days prior to the 5839
expiration of the five-year period of conditional release a 5840
written recommendation as to whether the termination of the 5841
offender's prison term should be finalized, whether the period of 5842
conditional release should be extended, or whether another type of 5843
action authorized pursuant to this chapter should be taken. 5844

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

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

If the court determines at the hearing to take another type of action authorized pursuant to this chapter, it may do so in the same manner as if the action had been taken at any other stage of the proceedings under this chapter. As used in this division, "another type of action" includes the revocation of the

conditional release and the return of the offender to a state 5877
correctional institution to continue to serve the prison term. 5878

If the court determines at the hearing to finalize the 5879
termination of the offender's prison term, it shall notify the 5880
department of rehabilitation and correction, the department shall 5881
enter into its records a final release and issue to the offender a 5882
certificate of final release, and the prison term thereafter shall 5883
be considered completed and terminated in every way. 5884

(3) The termination of the an offender's prison term pursuant 5885
to division (D)(1) or (2) of this section does not affect the 5886
classification of the offender, as described in division (F) of 5887
section 2971.03 of the Revised Code, as a sexual predator for 5888
purposes of Chapter 2950. of the Revised Code, ~~and~~ does not 5889
terminate the adult parole authority's supervision of ~~a sexually~~ 5890
~~violent predator~~ the offender, and, if the court had required the 5891
supervision of the offender to be pursuant to division (E) of this 5892
section, does not terminate the supervision of the offender with 5893
an active global positioning system device, pursuant to that 5894
division ~~(E) of this section~~. The classification of the offender 5895
as a sexual predator is permanent and continues until the 5896
offender's death as described in division (D)(2) of section 5897
2950.09 of the Revised Code. 5898

~~(E) The adult parole authority shall supervise~~ If a prison 5899
term imposed upon an offender ~~whose prison term pursuant to~~ 5900
division (A)(3) of section 2971.03 of the Revised Code is modified 5901
as provided in division (C) of this section or ~~whose prison term~~ 5902
~~is~~ terminated as provided in division (D) of this section, the 5903
adult parole authority shall supervise the offender with an active 5904
global positioning system device during any time period in which 5905
the offender is not incarcerated in a state correctional 5906
institution. ~~Unless~~ If a prison term imposed upon an offender 5907
pursuant to division (B)(1)(a), (b), or (c) or (2)(a), (b), or (c) 5908

of section 2971.03 of the Revised Code is modified as provided in 5909
division (C) of this section or terminated as provided in division 5910
(D) of this section, and if the court requires that the adult 5911
parole authority's supervision of the offender be pursuant to this 5912
division, the authority shall supervise the offender with an 5913
active global positioning system device during any time period in 5914
which the offender is not incarcerated in a state correctional 5915
institution. If the adult parole authority is required to 5916
supervise the offender with an active global positioning system 5917
device as described in this division, unless the court removes the 5918
offender's classification as a sexually violent predator,~~an~~ 5919
regarding an offender whose prison term was imposed under division 5920
(A)(3) of section 2971.03 of the Revised Code or terminates the 5921
requirement that supervision of the offender be pursuant to this 5922
division regarding an offender whose prison term was imposed under 5923
division (B)(1)(a), (b), or (c) or (2)(a), (b), or (c) of section 5924
2971.03 of the Revised Code, the offender is subject to 5925
supervision with an active global positioning system pursuant to 5926
this division for the offender's entire life. The costs of 5927
administering the supervision of ~~sexually violent~~ offenders with 5928
an active global positioning system device pursuant to this 5929
division shall be paid out of funds from the reparations fund, 5930
created pursuant to section 2743.191 of the Revised Code. This 5931
division shall only apply to a sexually violent predator sentenced 5932
pursuant to division (A)(3) of section 2971.03 of the Revised Code 5933
who is released from the custody of the department of 5934
rehabilitation and correction on or after ~~the effective date of~~ 5935
~~this amendment~~ September 29, 2005 or an offender sentenced 5936
pursuant to division (B)(1) or (2) of section 2971.03 of the 5937
Revised Code on or after the effective date of this amendment. 5938

Sec. 2971.06. If an offender is serving a prison term imposed 5939
under division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), 5940

or (c) of section 2971.03 of the Revised Code, if, pursuant to 5941
section 2971.05 of the Revised Code, the court modifies the 5942
requirement that the offender serve the entire prison term in a 5943
state correctional institution or places the offender on 5944
conditional release, and if, at any time after the offender has 5945
been released from serving the term in an institution, the 5946
department of rehabilitation and correction or the prosecuting 5947
attorney learns or obtains information indicating that the 5948
offender has violated a term or condition of the modification or 5949
conditional release or believes there is a substantial likelihood 5950
that the offender has committed or is about to commit a sexually 5951
violent offense, all of the following apply: 5952

(A) The department or the prosecuting attorney may contact a 5953
peace officer, parole officer, or probation officer and request 5954
the officer to take the offender into custody. If the department 5955
contacts a peace officer, parole officer, or probation officer and 5956
requests that the offender be taken into custody, the department 5957
shall notify the prosecuting attorney that it made the request and 5958
shall provide the reasons for which it made the request. Upon 5959
receipt of a request that an offender be taken into custody, a 5960
peace officer, parole officer, or probation officer shall take the 5961
offender in question into custody and promptly shall notify the 5962
department and the prosecuting attorney, in writing, that the 5963
offender was taken into custody. After the offender has been taken 5964
into custody, the department or the prosecuting attorney shall 5965
notify the court of the violation or the belief that there is a 5966
substantial likelihood that the offender has committed or is about 5967
to commit a sexually violent offense, and the prosecuting attorney 5968
may request that the court, pursuant to section 2971.05 of the 5969
Revised Code, revise the modification. An offender may be held in 5970
custody under this provision for no longer than thirty days, 5971
pending a determination pursuant to section 2971.05 of the Revised 5972
Code of whether the modification of the requirement that the 5973

offender serve the entire prison term in a state correctional 5974
institution should be revised. If the court fails to make a 5975
determination under that section regarding the prosecuting 5976
attorney's request within thirty days after the offender was taken 5977
into custody, the offender shall be released from custody and 5978
shall be subject to the same terms and conditions as existed under 5979
the then-existing modification of the requirement that the 5980
offender serve the entire prison term in a state correctional 5981
institution, provided that if the act that resulted in the 5982
offender being taken into custody under this division is a 5983
criminal offense and if the offender is arrested for that act, the 5984
offender may be retained in custody in accordance with the 5985
applicable law. 5986

(B) If the offender is not taken into custody pursuant to 5987
division (A) of this section, the department or the prosecuting 5988
attorney shall notify the court of the known or suspected 5989
violation or of the belief that there is a substantial likelihood 5990
that the offender has committed or is about to commit a sexually 5991
violent offense. If the department provides the notification to 5992
the court, it also shall notify the prosecuting attorney that it 5993
provided the notification and shall provide the reasons for which 5994
it provided the notification. The prosecuting attorney may request 5995
that the court, pursuant to section 2971.05 of the Revised Code, 5996
revise the modification. 5997

Sec. 2971.07. (A) This chapter does not apply to any offender 5998
unless the offender is convicted of or pleads guilty to a violent 5999
sex offense and also is convicted of or pleads guilty to a 6000
sexually violent predator specification that was included in the 6001
indictment, count in the indictment, or information charging that 6002
offense ~~or~~, unless the offender is convicted of or pleads guilty 6003
to a designated homicide, assault, or kidnapping offense and also 6004

is convicted of or pleads guilty to both a sexual motivation 6005
specification and a sexually violent predator specification that 6006
were included in the indictment, count in the indictment, or 6007
information charging that offense, unless the offender is 6008
convicted of or pleads guilty to a violation of division (A)(1)(b) 6009
of section 2907.02 of the Revised Code committed on or after the 6010
effective date of this amendment, and the court does not sentence 6011
the offender to a term of life without parole pursuant to division 6012
(B) of section 2907.02 of the Revised Code or division (B) of that 6013
section prohibits the court from sentencing the offender pursuant 6014
to section 2971.03 of the Revised Code, or unless the offender is 6015
convicted of or pleads guilty to attempted rape committed on or 6016
after the effective date of this amendment and also is convicted 6017
of or pleads guilty to a specification of the type described in 6018
section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 6019

(B) This chapter does not limit or affect a court that 6020
sentences an offender who is convicted of or pleads guilty to a 6021
violent sex offense and also is convicted of or pleads guilty to a 6022
sexually violent predator specification ~~or~~, a court that sentences 6023
an offender who is convicted of or pleads guilty to a designated 6024
homicide, assault, or kidnapping offense and also is convicted of 6025
or pleads guilty to both a sexual motivation specification and a 6026
sexually violent predator specification, a court that sentences an 6027
offender who is convicted of or pleads guilty to a violation of 6028
division (A)(1)(b) of section 2907.02 of the Revised Code 6029
committed on or after the effective date of this amendment 6030
pursuant to section 2971.03 of the Revised Code, or a court that 6031
sentences an offender who is convicted of or pleads guilty to 6032
attempted rape committed on or after the effective date of this 6033
amendment and also is convicted of or pleads guilty to a 6034
specification of the type described in section 2941.1418, 6035
2941.1419, or 2941.1420 of the Revised Code in imposing upon the 6036
offender any financial sanction under section 2929.18 or any other 6037

section of the Revised Code, or, except as specifically provided 6038
in this chapter, any other sanction that is authorized or required 6039
for the offense or violation by any other provision of law. 6040

(C) If an offender is sentenced to a prison term under 6041
division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) 6042
of section 2971.03 of the Revised Code and if, pursuant to section 6043
2971.05 of the Revised Code, the court modifies the requirement 6044
that the offender serve the entire prison term in a state 6045
correctional institution or places the offender on conditional 6046
release that involves the placement of the offender under the 6047
supervision of the adult parole authority, authorized field 6048
officers of the authority who are engaged within the scope of 6049
their supervisory duties or responsibilities may search, with or 6050
without a warrant, the person of the offender, the place of 6051
residence of the offender, and a motor vehicle, another item of 6052
tangible or intangible personal property, or any other real 6053
property in which the offender has the express or implied 6054
permission of a person with a right, title, or interest to use, 6055
occupy, or possess if the field officer has reasonable grounds to 6056
believe that the offender is not abiding by the law or otherwise 6057
is not complying with the terms and conditions of the offender's 6058
modification or release. The authority shall provide each offender 6059
with a written notice that informs the offender that authorized 6060
field officers of the authority who are engaged within the scope 6061
of their supervisory duties or responsibilities may conduct those 6062
types of searches during the period of the modification or release 6063
if they have reasonable grounds to believe that the offender is 6064
not abiding by the law or otherwise is not complying with the 6065
terms and conditions of the offender's modification or release. 6066

Sec. 3109.04. (A) In any divorce, legal separation, or 6067
annulment proceeding and in any proceeding pertaining to the 6068
allocation of parental rights and responsibilities for the care of 6069

a child, upon hearing the testimony of either or both parents and 6070
considering any mediation report filed pursuant to section 6071
3109.052 of the Revised Code and in accordance with sections 6072
3127.01 to 3127.53 of the Revised Code, the court shall allocate 6073
the parental rights and responsibilities for the care of the minor 6074
children of the marriage. Subject to division (D)(2) of this 6075
section, the court may allocate the parental rights and 6076
responsibilities for the care of the children in either of the 6077
following ways: 6078

(1) If neither parent files a pleading or motion in 6079
accordance with division (G) of this section, if at least one 6080
parent files a pleading or motion under that division but no 6081
parent who filed a pleading or motion under that division also 6082
files a plan for shared parenting, or if at least one parent files 6083
both a pleading or motion and a shared parenting plan under that 6084
division but no plan for shared parenting is in the best interest 6085
of the children, the court, in a manner consistent with the best 6086
interest of the children, shall allocate the parental rights and 6087
responsibilities for the care of the children primarily to one of 6088
the parents, designate that parent as the residential parent and 6089
the legal custodian of the child, and divide between the parents 6090
the other rights and responsibilities for the care of the 6091
children, including, but not limited to, the responsibility to 6092
provide support for the children and the right of the parent who 6093
is not the residential parent to have continuing contact with the 6094
children. 6095

(2) If at least one parent files a pleading or motion in 6096
accordance with division (G) of this section and a plan for shared 6097
parenting pursuant to that division and if a plan for shared 6098
parenting is in the best interest of the children and is approved 6099
by the court in accordance with division (D)(1) of this section, 6100
the court may allocate the parental rights and responsibilities 6101

for the care of the children to both parents and issue a shared
parenting order requiring the parents to share all or some of the
aspects of the physical and legal care of the children in
accordance with the approved plan for shared parenting. If the
court issues a shared parenting order under this division and it
is necessary for the purpose of receiving public assistance, the
court shall designate which one of the parents' residences is to
serve as the child's home. The child support obligations of the
parents under a shared parenting order issued under this division
shall be determined in accordance with Chapters 3119., 3121.,
3123., and 3125. of the Revised Code.

(B)(1) When making the allocation of the parental rights and
responsibilities for the care of the children under this section
in an original proceeding or in any proceeding for modification of
a prior order of the court making the allocation, the court shall
take into account that which would be in the best interest of the
children. In determining the child's best interest for purposes of
making its allocation of the parental rights and responsibilities
for the care of the child and for purposes of resolving any issues
related to the making of that allocation, the court, in its
discretion, may and, upon the request of either party, shall
interview in chambers any or all of the involved children
regarding their wishes and concerns with respect to the
allocation.

(2) If the court interviews any child pursuant to division
(B)(1) of this section, all of the following apply:

(a) The court, in its discretion, may and, upon the motion of
either parent, shall appoint a guardian ad litem for the child.

(b) The court first shall determine the reasoning ability of
the child. If the court determines that the child does not have
sufficient reasoning ability to express the child's wishes and

concern with respect to the allocation of parental rights and
responsibilities for the care of the child, it shall not determine
the child's wishes and concerns with respect to the allocation. If
the court determines that the child has sufficient reasoning
ability to express the child's wishes or concerns with respect to
the allocation, it then shall determine whether, because of
special circumstances, it would not be in the best interest of the
child to determine the child's wishes and concerns with respect to
the allocation. If the court determines that, because of special
circumstances, it would not be in the best interest of the child
to determine the child's wishes and concerns with respect to the
allocation, it shall not determine the child's wishes and concerns
with respect to the allocation and shall enter its written
findings of fact and opinion in the journal. If the court
determines that it would be in the best interests of the child to
determine the child's wishes and concerns with respect to the
allocation, it shall proceed to make that determination.

(c) The interview shall be conducted in chambers, and no
person other than the child, the child's attorney, the judge, any
necessary court personnel, and, in the judge's discretion, the
attorney of each parent shall be permitted to be present in the
chambers during the interview.

(3) No person shall obtain or attempt to obtain from a child
a written or recorded statement or affidavit setting forth the
child's wishes and concerns regarding the allocation of parental
rights and responsibilities concerning the child. No court, in
determining the child's best interest for purposes of making its
allocation of the parental rights and responsibilities for the
care of the child or for purposes of resolving any issues related
to the making of that allocation, shall accept or consider a
written or recorded statement or affidavit that purports to set
forth the child's wishes and concerns regarding those matters.

(C) Prior to trial, the court may cause an investigation to 6165
be made as to the character, family relations, past conduct, 6166
earning ability, and financial worth of each parent and may order 6167
the parents and their minor children to submit to medical, 6168
psychological, and psychiatric examinations. The report of the 6169
investigation and examinations shall be made available to either 6170
parent or the parent's counsel of record not less than five days 6171
before trial, upon written request. The report shall be signed by 6172
the investigator, and the investigator shall be subject to 6173
cross-examination by either parent concerning the contents of the 6174
report. The court may tax as costs all or any part of the expenses 6175
for each investigation. 6176

If the court determines that either parent previously has 6177
been convicted of or pleaded guilty to any criminal offense 6178
involving any act that resulted in a child being a neglected 6179
child, that either parent previously has been determined to be the 6180
perpetrator of the neglectful act that is the basis of an 6181
adjudication that a child is a neglected child, or that there is 6182
reason to believe that either parent has acted in a manner 6183
resulting in a child being a neglected child, the court shall 6184
consider that fact against naming that parent the residential 6185
parent and against granting a shared parenting decree. When the 6186
court allocates parental rights and responsibilities for the care 6187
of children or determines whether to grant shared parenting in any 6188
proceeding, it shall consider whether either parent or any member 6189
of the household of either parent has been convicted of or pleaded 6190
guilty to a violation of section 2919.25 of the Revised Code or a 6191
sexually oriented offense involving a victim who at the time of 6192
the commission of the offense was a member of the family or 6193
household that is the subject of the proceeding, has been 6194
convicted of or pleaded guilty to any sexually oriented offense or 6195
other offense involving a victim who at the time of the commission 6196

of the offense was a member of the family or household that is the 6197
subject of the proceeding and caused physical harm to the victim 6198
in the commission of the offense, or has been determined to be the 6199
perpetrator of the abusive act that is the basis of an 6200
adjudication that a child is an abused child. If the court 6201
determines that either parent has been convicted of or pleaded 6202
guilty to a violation of section 2919.25 of the Revised Code or a 6203
sexually oriented offense involving a victim who at the time of 6204
the commission of the offense was a member of the family or 6205
household that is the subject of the proceeding, has been 6206
convicted of or pleaded guilty to any sexually oriented offense or 6207
other offense involving a victim who at the time of the commission 6208
of the offense was a member of the family or household that is the 6209
subject of the proceeding and caused physical harm to the victim 6210
in the commission of the offense, or has been determined to be the 6211
perpetrator of the abusive act that is the basis of an 6212
adjudication that a child is an abused child, it may designate 6213
that parent as the residential parent and may issue a shared 6214
parenting decree or order only if it determines that it is in the 6215
best interest of the child to name that parent the residential 6216
parent or to issue a shared parenting decree or order and it makes 6217
specific written findings of fact to support its determination. 6218

(D)(1)(a) Upon the filing of a pleading or motion by either 6219
parent or both parents, in accordance with division (G) of this 6220
section, requesting shared parenting and the filing of a shared 6221
parenting plan in accordance with that division, the court shall 6222
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 6223
whichever is applicable: 6224

(i) If both parents jointly make the request in their 6225
pleadings or jointly file the motion and also jointly file the 6226
plan, the court shall review the parents' plan to determine if it 6227
is in the best interest of the children. If the court determines 6228

that the plan is in the best interest of the children, the court shall approve it. If the court determines that the plan or any part of the plan is not in the best interest of the children, the court shall require the parents to make appropriate changes to the plan to meet the court's objections to it. If changes to the plan are made to meet the court's objections, and if the new plan is in the best interest of the children, the court shall approve the plan. If changes to the plan are not made to meet the court's objections, or if the parents attempt to make changes to the plan to meet the court's objections, but the court determines that the new plan or any part of the new plan still is not in the best interest of the children, the court may reject the portion of the parents' pleadings or deny their motion requesting shared parenting of the children and proceed as if the request in the pleadings or the motion had not been made. The court shall not approve a plan under this division unless it determines that the plan is in the best interest of the children.

(ii) If each parent makes a request in the parent's pleadings or files a motion and each also files a separate plan, the court shall review each plan filed to determine if either is in the best interest of the children. If the court determines that one of the filed plans is in the best interest of the children, the court may approve the plan. If the court determines that neither filed plan is in the best interest of the children, the court may order each parent to submit appropriate changes to the parent's plan or both of the filed plans to meet the court's objections, or may select one of the filed plans and order each parent to submit appropriate changes to the selected plan to meet the court's objections. If changes to the plan or plans are submitted to meet the court's objections, and if any of the filed plans with the changes is in the best interest of the children, the court may approve the plan with the changes. If changes to the plan or plans are not

submitted to meet the court's objections, or if the parents submit 6261
changes to the plan or plans to meet the court's objections but 6262
the court determines that none of the filed plans with the 6263
submitted changes is in the best interest of the children, the 6264
court may reject the portion of the parents' pleadings or deny 6265
their motions requesting shared parenting of the children and 6266
proceed as if the requests in the pleadings or the motions had not 6267
been made. If the court approves a plan under this division, 6268
either as originally filed or with submitted changes, or if the 6269
court rejects the portion of the parents' pleadings or denies 6270
their motions requesting shared parenting under this division and 6271
proceeds as if the requests in the pleadings or the motions had 6272
not been made, the court shall enter in the record of the case 6273
findings of fact and conclusions of law as to the reasons for the 6274
approval or the rejection or denial. Division (D)(1)(b) of this 6275
section applies in relation to the approval or disapproval of a 6276
plan under this division. 6277

(iii) If each parent makes a request in the parent's 6278
pleadings or files a motion but only one parent files a plan, or 6279
if only one parent makes a request in the parent's pleadings or 6280
files a motion and also files a plan, the court in the best 6281
interest of the children may order the other parent to file a plan 6282
for shared parenting in accordance with division (G) of this 6283
section. The court shall review each plan filed to determine if 6284
any plan is in the best interest of the children. If the court 6285
determines that one of the filed plans is in the best interest of 6286
the children, the court may approve the plan. If the court 6287
determines that no filed plan is in the best interest of the 6288
children, the court may order each parent to submit appropriate 6289
changes to the parent's plan or both of the filed plans to meet 6290
the court's objections or may select one filed plan and order each 6291
parent to submit appropriate changes to the selected plan to meet 6292

the court's objections. If changes to the plan or plans are
submitted to meet the court's objections, and if any of the filed
plans with the changes is in the best interest of the children,
the court may approve the plan with the changes. If changes to the
plan or plans are not submitted to meet the court's objections, or
if the parents submit changes to the plan or plans to meet the
court's objections but the court determines that none of the filed
plans with the submitted changes is in the best interest of the
children, the court may reject the portion of the parents'
pleadings or deny the parents' motion or reject the portion of the
parents' pleadings or deny their motions requesting shared
parenting of the children and proceed as if the request or
requests or the motion or motions had not been made. If the court
approves a plan under this division, either as originally filed or
with submitted changes, or if the court rejects the portion of the
pleadings or denies the motion or motions requesting shared
parenting under this division and proceeds as if the request or
requests or the motion or motions had not been made, the court
shall enter in the record of the case findings of fact and
conclusions of law as to the reasons for the approval or the
rejection or denial. Division (D)(1)(b) of this section applies in
relation to the approval or disapproval of a plan under this
division.

(b) The approval of a plan under division (D)(1)(a)(ii) or
(iii) of this section is discretionary with the court. The court
shall not approve more than one plan under either division and
shall not approve a plan under either division unless it
determines that the plan is in the best interest of the children.
If the court, under either division, does not determine that any
filed plan or any filed plan with submitted changes is in the best
interest of the children, the court shall not approve any plan.

(c) Whenever possible, the court shall require that a shared

parenting plan approved under division (D)(1)(a)(i), (ii), or 6325
(iii) of this section ensure the opportunity for both parents to 6326
have frequent and continuing contact with the child, unless 6327
frequent and continuing contact with any parent would not be in 6328
the best interest of the child. 6329

(d) If a court approves a shared parenting plan under 6330
division (D)(1)(a)(i), (ii), or (iii) of this section, the 6331
approved plan shall be incorporated into a final shared parenting 6332
decree granting the parents the shared parenting of the children. 6333
Any final shared parenting decree shall be issued at the same time 6334
as and shall be appended to the final decree of dissolution, 6335
divorce, annulment, or legal separation arising out of the action 6336
out of which the question of the allocation of parental rights and 6337
responsibilities for the care of the children arose. 6338

No provisional shared parenting decree shall be issued in 6339
relation to any shared parenting plan approved under division 6340
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 6341
parenting decree issued under this division has immediate effect 6342
as a final decree on the date of its issuance, subject to 6343
modification or termination as authorized by this section. 6344

(2) If the court finds, with respect to any child under 6345
eighteen years of age, that it is in the best interest of the 6346
child for neither parent to be designated the residential parent 6347
and legal custodian of the child, it may commit the child to a 6348
relative of the child or certify a copy of its findings, together 6349
with as much of the record and the further information, in 6350
narrative form or otherwise, that it considers necessary or as the 6351
juvenile court requests, to the juvenile court for further 6352
proceedings, and, upon the certification, the juvenile court has 6353
exclusive jurisdiction. 6354

(E)(1)(a) The court shall not modify a prior decree 6355

allocating parental rights and responsibilities for the care of
children unless it finds, based on facts that have arisen since
the prior decree or that were unknown to the court at the time of
the prior decree, that a change has occurred in the circumstances
of the child, the child's residential parent, or either of the
parents subject to a shared parenting decree, and that the
modification is necessary to serve the best interest of the child.
In applying these standards, the court shall retain the
residential parent designated by the prior decree or the prior
shared parenting decree, unless a modification is in the best
interest of the child and one of the following applies:

(i) The residential parent agrees to a change in the
residential parent or both parents under a shared parenting decree
agree to a change in the designation of residential parent.

(ii) The child, with the consent of the residential parent or
of both parents under a shared parenting decree, has been
integrated into the family of the person seeking to become the
residential parent.

(iii) The harm likely to be caused by a change of environment
is outweighed by the advantages of the change of environment to
the child.

(b) One or both of the parents under a prior decree
allocating parental rights and responsibilities for the care of
children that is not a shared parenting decree may file a motion
requesting that the prior decree be modified to give both parents
shared rights and responsibilities for the care of the children.
The motion shall include both a request for modification of the
prior decree and a request for a shared parenting order that
complies with division (G) of this section. Upon the filing of the
motion, if the court determines that a modification of the prior
decree is authorized under division (E)(1)(a) of this section, the

court may modify the prior decree to grant a shared parenting order, provided that the court shall not modify the prior decree to grant a shared parenting order unless the court complies with divisions (A) and (D)(1) of this section and, in accordance with those divisions, approves the submitted shared parenting plan and determines that shared parenting would be in the best interest of the children.

(2) In addition to a modification authorized under division (E)(1) of this section:

(a) Both parents under a shared parenting decree jointly may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree. Modifications under this division may be made at any time. The modifications to the plan shall be filed jointly by both parents with the court, and the court shall include them in the plan, unless they are not in the best interest of the children. If the modifications are not in the best interests of the children, the court, in its discretion, may reject the modifications or make modifications to the proposed modifications or the plan that are in the best interest of the children. Modifications jointly submitted by both parents under a shared parenting decree shall be effective, either as originally filed or as modified by the court, upon their inclusion by the court in the plan. Modifications to the plan made by the court shall be effective upon their inclusion by the court in the plan.

(b) The court may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree upon its own motion at any time if the court determines that the modifications are in the best interest of the children or upon the request of one or both of the parents under the decree. Modifications under this division may be made at any time. The court shall not make any modification to the plan

under this division, unless the modification is in the best
interest of the children.

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(c) The court may terminate a prior final shared parenting
decree that includes a shared parenting plan approved under
division (D)(1)(a)(i) of this section upon the request of one or
both of the parents or whenever it determines that shared
parenting is not in the best interest of the children. The court
may terminate a prior final shared parenting decree that includes
a shared parenting plan approved under division (D)(1)(a)(ii) or
(iii) of this section if it determines, upon its own motion or
upon the request of one or both parents, that shared parenting is
not in the best interest of the children. If modification of the
terms of the plan for shared parenting approved by the court and
incorporated by it into the final shared parenting decree is
attempted under division (E)(2)(a) of this section and the court
rejects the modifications, it may terminate the final shared
parenting decree if it determines that shared parenting is not in
the best interest of the children.

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(d) Upon the termination of a prior final shared parenting
decree under division (E)(2)(c) of this section, the court shall
proceed and issue a modified decree for the allocation of parental
rights and responsibilities for the care of the children under the
standards applicable under divisions (A), (B), and (C) of this
section as if no decree for shared parenting had been granted and
as if no request for shared parenting ever had been made.

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(F)(1) In determining the best interest of a child pursuant
to this section, whether on an original decree allocating parental
rights and responsibilities for the care of children or a
modification of a decree allocating those rights and
responsibilities, the court shall consider all relevant factors,
including, but not limited to:

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(a) The wishes of the child's parents regarding the child's care; 6450
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(b) If the court has interviewed the child in chambers pursuant to division (B) of this section regarding the child's wishes and concerns as to the allocation of parental rights and responsibilities concerning the child, the wishes and concerns of the child, as expressed to the court; 6452
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(c) The child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest; 6457
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(d) The child's adjustment to the child's home, school, and community; 6460
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(e) The mental and physical health of all persons involved in the situation; 6462
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(f) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights; 6464
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(g) Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor; 6467
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(h) Whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or 6471
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pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

(i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

(j) Whether either parent has established a residence, or is planning to establish a residence, outside this state.

(2) In determining whether shared parenting is in the best interest of the children, the court shall consider all relevant factors, including, but not limited to, the factors enumerated in division (F)(1) of this section, the factors enumerated in section 3119.23 of the Revised Code, and all of the following factors:

(a) The ability of the parents to cooperate and make decisions jointly, with respect to the children;

(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent;

(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent;

(d) The geographic proximity of the parents to each other, as 6511
the proximity relates to the practical considerations of shared 6512
parenting; 6513

(e) The recommendation of the guardian ad litem of the child, 6514
if the child has a guardian ad litem. 6515

(3) When allocating parental rights and responsibilities for 6516
the care of children, the court shall not give preference to a 6517
parent because of that parent's financial status or condition. 6518

(G) Either parent or both parents of any children may file a 6519
pleading or motion with the court requesting the court to grant 6520
both parents shared parental rights and responsibilities for the 6521
care of the children in a proceeding held pursuant to division (A) 6522
of this section. If a pleading or motion requesting shared 6523
parenting is filed, the parent or parents filing the pleading or 6524
motion also shall file with the court a plan for the exercise of 6525
shared parenting by both parents. If each parent files a pleading 6526
or motion requesting shared parenting but only one parent files a 6527
plan or if only one parent files a pleading or motion requesting 6528
shared parenting and also files a plan, the other parent as 6529
ordered by the court shall file with the court a plan for the 6530
exercise of shared parenting by both parents. The plan for shared 6531
parenting shall be filed with the petition for dissolution of 6532
marriage, if the question of parental rights and responsibilities 6533
for the care of the children arises out of an action for 6534
dissolution of marriage, or, in other cases, at a time at least 6535
thirty days prior to the hearing on the issue of the parental 6536
rights and responsibilities for the care of the children. A plan 6537
for shared parenting shall include provisions covering all factors 6538
that are relevant to the care of the children, including, but not 6539
limited to, provisions covering factors such as physical living 6540
arrangements, child support obligations, provision for the 6541
children's medical and dental care, school placement, and the 6542

parent with which the children will be physically located during 6543
legal holidays, school holidays, and other days of special 6544
importance. 6545

(H) If an appeal is taken from a decision of a court that 6546
grants or modifies a decree allocating parental rights and 6547
responsibilities for the care of children, the court of appeals 6548
shall give the case calendar priority and handle it expeditiously. 6549

(I) As used in this section, ~~"abused:~~ 6550

(1) "Abused child" has the same meaning as in section 6551
2151.031 of the Revised Code, and "neglected child" has the same 6552
meaning as in section 2151.03 of the Revised Code. 6553

(2) "Sexually oriented offense" has the same meaning as in 6554
section 2950.01 of the Revised Code. 6555

(J) As used in the Revised Code, "shared parenting" means 6556
that the parents share, in the manner set forth in the plan for 6557
shared parenting that is approved by the court under division 6558
(D)(1) and described in division (K)(6) of this section, all or 6559
some of the aspects of physical and legal care of their children. 6560

(K) For purposes of the Revised Code: 6561

(1) A parent who is granted the care, custody, and control of 6562
a child under an order that was issued pursuant to this section 6563
prior to April 11, 1991, and that does not provide for shared 6564
parenting has "custody of the child" and "care, custody, and 6565
control of the child" under the order, and is the "residential 6566
parent," the "residential parent and legal custodian," or the 6567
"custodial parent" of the child under the order. 6568

(2) A parent who primarily is allocated the parental rights 6569
and responsibilities for the care of a child and who is designated 6570
as the residential parent and legal custodian of the child under 6571
an order that is issued pursuant to this section on or after April 6572

11, 1991, and that does not provide for shared parenting has 6573
"custody of the child" and "care, custody, and control of the 6574
child" under the order, and is the "residential parent," the 6575
"residential parent and legal custodian," or the "custodial 6576
parent" of the child under the order. 6577

(3) A parent who is not granted custody of a child under an 6578
order that was issued pursuant to this section prior to April 11, 6579
1991, and that does not provide for shared parenting is the 6580
"parent who is not the residential parent," the "parent who is not 6581
the residential parent and legal custodian," or the "noncustodial 6582
parent" of the child under the order. 6583

(4) A parent who is not primarily allocated the parental 6584
rights and responsibilities for the care of a child and who is not 6585
designated as the residential parent and legal custodian of the 6586
child under an order that is issued pursuant to this section on or 6587
after April 11, 1991, and that does not provide for shared 6588
parenting is the "parent who is not the residential parent," the 6589
"parent who is not the residential parent and legal custodian," or 6590
the "noncustodial parent" of the child under the order. 6591

(5) Unless the context clearly requires otherwise, if an 6592
order is issued by a court pursuant to this section and the order 6593
provides for shared parenting of a child, both parents have 6594
"custody of the child" or "care, custody, and control of the 6595
child" under the order, to the extent and in the manner specified 6596
in the order. 6597

(6) Unless the context clearly requires otherwise and except 6598
as otherwise provided in the order, if an order is issued by a 6599
court pursuant to this section and the order provides for shared 6600
parenting of a child, each parent, regardless of where the child 6601
is physically located or with whom the child is residing at a 6602
particular point in time, as specified in the order, is the 6603

"residential parent," the "residential parent and legal
custodian," or the "custodial parent" of the child. 6604
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(7) Unless the context clearly requires otherwise and except 6606
as otherwise provided in the order, a designation in the order of 6607
a parent as the residential parent for the purpose of determining 6608
the school the child attends, as the custodial parent for purposes 6609
of claiming the child as a dependent pursuant to section 152(e) of 6610
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 6611
1, as amended, or as the residential parent for purposes of 6612
receiving public assistance pursuant to division (A)(2) of this 6613
section, does not affect the designation pursuant to division 6614
(K)(6) of this section of each parent as the "residential parent," 6615
the "residential parent and legal custodian," or the "custodial 6616
parent" of the child. 6617

(L) The court shall require each parent of a child to file an 6618
affidavit attesting as to whether the parent, and the members of 6619
the parent's household, have been convicted of or pleaded guilty 6620
to any of the offenses identified in divisions (C) and (F)(1)(h) 6621
of this section. 6622

Sec. 3113.31. (A) As used in this section: 6623

(1) "Domestic violence" means the occurrence of one or more 6624
of the following acts against a family or household member: 6625

(a) Attempting to cause or recklessly causing bodily injury; 6626

(b) Placing another person by the threat of force in fear of 6627
imminent serious physical harm or committing a violation of 6628
section 2903.211 or 2911.211 of the Revised Code; 6629

(c) Committing any act with respect to a child that would 6630
result in the child being an abused child, as defined in section 6631
2151.031 of the Revised Code; 6632

(d) Committing a sexually oriented offense. 6633

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.

(3) "Family or household member" means any of the following:

(a) Any of the following who is residing with or has resided with the respondent:

(i) A spouse, a person living as a spouse, or a former spouse of the respondent;

(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or

household to avoid further domestic violence. 6664

(C) A person may seek relief under this section on the 6665
person's own behalf, or any parent or adult household member may 6666
seek relief under this section on behalf of any other family or 6667
household member, by filing a petition with the court. The 6668
petition shall contain or state: 6669

(1) An allegation that the respondent engaged in domestic 6670
violence against a family or household member of the respondent, 6671
including a description of the nature and extent of the domestic 6672
violence, ~~or committed a sexually oriented offense against the~~ 6673
~~petitioner or the victim if other than the petitioner;~~ 6674

(2) The relationship of the respondent to the petitioner, and 6675
to the victim if other than the petitioner; 6676

(3) A request for relief under this section. 6677

(D)(1) If a person who files a petition pursuant to this 6678
section requests an ex parte order, the court shall hold an ex 6679
parte hearing on the same day that the petition is filed. The 6680
court, for good cause shown at the ex parte hearing, may enter any 6681
temporary orders, with or without bond, including, but not limited 6682
to, an order described in division (E)(1)(a), (b), or (c) of this 6683
section, that the court finds necessary to protect the family or 6684
household member from domestic violence ~~or to protect the~~ 6685
~~petitioner or victim from a sexually oriented offense.~~ Immediate 6686
and present danger of domestic violence to the family or household 6687
member ~~or of a sexually oriented offense to the petitioner or~~ 6688
~~victim~~ constitutes good cause for purposes of this section. 6689
Immediate and present danger includes, but is not limited to, 6690
situations in which the respondent has threatened the family or 6691
household member with bodily harm, in which the respondent has 6692
threatened the ~~petitioner or victim~~ family or household member 6693
with a sexually oriented offense, or in which the respondent 6694

previously has been convicted of or pleaded guilty to an offense 6695
that constitutes domestic violence against the family or household 6696
member ~~or a sexually oriented offense against the petitioner or~~ 6697
~~victim.~~ 6698

(2)(a) If the court, after an ex parte hearing, issues an 6699
order described in division (E)(1)(b) or (c) of this section, the 6700
court shall schedule a full hearing for a date that is within 6701
seven court days after the ex parte hearing. If any other type of 6702
protection order that is authorized under division (E) of this 6703
section is issued by the court after an ex parte hearing, the 6704
court shall schedule a full hearing for a date that is within ten 6705
court days after the ex parte hearing. The court shall give the 6706
respondent notice of, and an opportunity to be heard at, the full 6707
hearing. The court shall hold the full hearing on the date 6708
scheduled under this division unless the court grants a 6709
continuance of the hearing in accordance with this division. Under 6710
any of the following circumstances or for any of the following 6711
reasons, the court may grant a continuance of the full hearing to 6712
a reasonable time determined by the court: 6713

(i) Prior to the date scheduled for the full hearing under 6714
this division, the respondent has not been served with the 6715
petition filed pursuant to this section and notice of the full 6716
hearing. 6717

(ii) The parties consent to the continuance. 6718

(iii) The continuance is needed to allow a party to obtain 6719
counsel. 6720

(iv) The continuance is needed for other good cause. 6721

(b) An ex parte order issued under this section does not 6722
expire because of a failure to serve notice of the full hearing 6723
upon the respondent before the date set for the full hearing under 6724
division (D)(2)(a) of this section or because the court grants a 6725

continuance under that division.

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(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

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(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:

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(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members, ~~or from committing sexually oriented offenses against the petitioner or victim;~~

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(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

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(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

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(d) Temporarily allocate parental rights and responsibilities

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for the care of, or establish temporary parenting time rights with
regard to, minor children, if no other court has determined, or is
determining, the allocation of parental rights and
responsibilities for the minor children or parenting time rights;

(e) Require the respondent to maintain support, if the
respondent customarily provides for or contributes to the support
of the family or household member, or if the respondent has a duty
to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic
violence, or any combination of those persons, to seek counseling;

(g) Require the respondent to refrain from entering the
residence, school, business, or place of employment of the
petitioner or family or household member;

(h) Grant other relief that the court considers equitable and
fair, including, but not limited to, ordering the respondent to
permit the use of a motor vehicle by the petitioner or other
family or household member and the apportionment of household and
family personal property.

(2) If a protection order has been issued pursuant to this
section in a prior action involving the respondent and the
petitioner or one or more of the family or household members or
victims, the court may include in a protection order that it
issues a prohibition against the respondent returning to the
residence or household. If it includes a prohibition against the
respondent returning to the residence or household in the order,
it also shall include in the order provisions of the type
described in division (E)(7) of this section. This division does
not preclude the court from including in a protection order or
consent agreement, in circumstances other than those described in
this division, a requirement that the respondent be evicted from
or vacate the residence or household or refrain from entering the

residence, school, business, or place of employment of the
petitioner or a family or household member, and, if the court
includes any requirement of that type in an order or agreement,
the court also shall include in the order provisions of the type
described in division (E)(7) of this section.

(3)(a) Any protection order issued or consent agreement
approved under this section shall be valid until a date certain,
but not later than five years from the date of its issuance or
approval unless modified or terminated as provided in division
(E)(8) of this section.

(b) Subject to the limitation on the duration of an order or
agreement set forth in division (E)(3)(a) of this section, any
order under division (E)(1)(d) of this section shall terminate on
the date that a court in an action for divorce, dissolution of
marriage, or legal separation brought by the petitioner or
respondent issues an order allocating parental rights and
responsibilities for the care of children or on the date that a
juvenile court in an action brought by the petitioner or
respondent issues an order awarding legal custody of minor
children. Subject to the limitation on the duration of an order or
agreement set forth in division (E)(3)(a) of this section, any
order under division (E)(1)(e) of this section shall terminate on
the date that a court in an action for divorce, dissolution of
marriage, or legal separation brought by the petitioner or
respondent issues a support order or on the date that a juvenile
court in an action brought by the petitioner or respondent issues
a support order.

(c) Any protection order issued or consent agreement approved
pursuant to this section may be renewed in the same manner as the
original order or agreement was issued or approved.

(4) A court may not issue a protection order that requires a

petitioner to do or to refrain from doing an act that the court
may require a respondent to do or to refrain from doing under
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this
section unless all of the following apply:

(a) The respondent files a separate petition for a protection
order in accordance with this section.

(b) The petitioner is served notice of the respondent's
petition at least forty-eight hours before the court holds a
hearing with respect to the respondent's petition, or the
petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order
pursuant to division (D) of this section, the court does not delay
any hearing required by that division beyond the time specified in
that division in order to consolidate the hearing with a hearing
on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents
evidence in support of the request for a protection order and the
petitioner is afforded an opportunity to defend against that
evidence, the court determines that the petitioner has committed
an act of domestic violence or has violated a temporary protection
order issued pursuant to section 2919.26 of the Revised Code, that
both the petitioner and the respondent acted primarily as
aggressors, and that neither the petitioner nor the respondent
acted primarily in self-defense.

(5) No protection order issued or consent agreement approved
under this section shall in any manner affect title to any real
property.

(6)(a) If a petitioner, or the child of a petitioner, who
obtains a protection order or consent agreement pursuant to
division (E)(1) of this section or a temporary protection order
pursuant to section 2919.26 of the Revised Code and is the subject

of a parenting time order issued pursuant to section 3109.051 or 6850
3109.12 of the Revised Code or a visitation or companionship order 6851
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 6852
Revised Code or division (E)(1)(d) of this section granting 6853
parenting time rights to the respondent, the court may require the 6854
public children services agency of the county in which the court 6855
is located to provide supervision of the respondent's exercise of 6856
parenting time or visitation or companionship rights with respect 6857
to the child for a period not to exceed nine months, if the court 6858
makes the following findings of fact: 6859

(i) The child is in danger from the respondent; 6860

(ii) No other person or agency is available to provide the 6861
supervision. 6862

(b) A court that requires an agency to provide supervision 6863
pursuant to division (E)(6)(a) of this section shall order the 6864
respondent to reimburse the agency for the cost of providing the 6865
supervision, if it determines that the respondent has sufficient 6866
income or resources to pay that cost. 6867

(7)(a) If a protection order issued or consent agreement 6868
approved under this section includes a requirement that the 6869
respondent be evicted from or vacate the residence or household or 6870
refrain from entering the residence, school, business, or place of 6871
employment of the petitioner or a family or household member, the 6872
order or agreement shall state clearly that the order or agreement 6873
cannot be waived or nullified by an invitation to the respondent 6874
from the petitioner or other family or household member to enter 6875
the residence, school, business, or place of employment or by the 6876
respondent's entry into one of those places otherwise upon the 6877
consent of the petitioner or other family or household member. 6878

(b) Division (E)(7)(a) of this section does not limit any 6879
discretion of a court to determine that a respondent charged with 6880

a violation of section 2919.27 of the Revised Code, with a 6881
violation of a municipal ordinance substantially equivalent to 6882
that section, or with contempt of court, which charge is based on 6883
an alleged violation of a protection order issued or consent 6884
agreement approved under this section, did not commit the 6885
violation or was not in contempt of court. 6886

(8)(a) The court may modify or terminate as provided in 6887
division (E)(8) of this section a protection order or consent 6888
agreement that was issued after a full hearing under this section. 6889
The court that issued the protection order or approved the consent 6890
agreement shall hear a motion for modification or termination of 6891
the protection order or consent agreement pursuant to division 6892
(E)(8) of this section. 6893

(b) Either the petitioner or the respondent of the original 6894
protection order or consent agreement may bring a motion for 6895
modification or termination of a protection order or consent 6896
agreement that was issued or approved after a full hearing. The 6897
court shall require notice of the motion to be made as provided by 6898
the Rules of Civil Procedure. If the petitioner for the original 6899
protection order or consent agreement has requested that the 6900
petitioner's address be kept confidential, the court shall not 6901
disclose the address to the respondent of the original protection 6902
order or consent agreement or any other person, except as 6903
otherwise required by law. The moving party has the burden of 6904
proof to show, by a preponderance of the evidence, that 6905
modification or termination of the protection order or consent 6906
agreement is appropriate because either the protection order or 6907
consent agreement is no longer needed or because the terms of the 6908
original protection order or consent agreement are no longer 6909
appropriate. 6910

(c) In considering whether to modify or terminate a 6911
protection order or consent agreement issued or approved under 6912

this section, the court shall consider all relevant factors, 6913
including, but not limited to, the following: 6914

(i) Whether the petitioner consents to modification or 6915
termination of the protection order or consent agreement; 6916

(ii) Whether the petitioner fears the respondent; 6917

(iii) The current nature of the relationship between the 6918
petitioner and the respondent; 6919

(iv) The circumstances of the petitioner and respondent, 6920
including the relative proximity of the petitioner's and 6921
respondent's workplaces and residences and whether the petitioner 6922
and respondent have minor children together; 6923

(v) Whether the respondent has complied with the terms and 6924
conditions of the original protection order or consent agreement; 6925

(vi) Whether the respondent has a continuing involvement with 6926
illegal drugs or alcohol; 6927

(vii) Whether the respondent has been convicted of or pleaded 6928
guilty to an offense of violence since the issuance of the 6929
protection order or approval of the consent agreement; 6930

(viii) Whether any other protection orders, consent 6931
agreements, restraining orders, or no contact orders have been 6932
issued against the respondent pursuant to this section, section 6933
2919.26 of the Revised Code, any other provision of state law, or 6934
the law of any other state; 6935

(ix) Whether the respondent has participated in any domestic 6936
violence treatment, intervention program, or other counseling 6937
addressing domestic violence and whether the respondent has 6938
completed the treatment, program, or counseling; 6939

(x) The time that has elapsed since the protection order was 6940
issued or since the consent agreement was approved; 6941

(xi) The age and health of the respondent; 6942

(xii) When the last incident of abuse, threat of harm, or 6943
commission of a sexually oriented offense occurred or other 6944
relevant information concerning the safety and protection of the 6945
petitioner or other protected parties. 6946

(d) If a protection order or consent agreement is modified or 6947
terminated as provided in division (E)(8) of this section, the 6948
court shall issue copies of the modified or terminated order or 6949
agreement as provided in division (F) of this section. A 6950
petitioner may also provide notice of the modification or 6951
termination to the judicial and law enforcement officials in any 6952
county other than the county in which the order or agreement is 6953
modified or terminated as provided in division (N) of this 6954
section. 6955

(e) If the respondent moves for modification or termination 6956
of a protection order or consent agreement pursuant to this 6957
section, the court may assess costs against the respondent for the 6958
filing of the motion. 6959

(F)(1) A copy of any protection order, or consent agreement, 6960
that is issued ~~or~~, approved, modified, or terminated under this 6961
section shall be issued by the court to the petitioner, to the 6962
respondent, and to all law enforcement agencies that have 6963
jurisdiction to enforce the order or agreement. The court shall 6964
direct that a copy of an order be delivered to the respondent on 6965
the same day that the order is entered. 6966

(2) All law enforcement agencies shall establish and maintain 6967
an index for the protection orders and the approved consent 6968
agreements delivered to the agencies pursuant to division (F)(1) 6969
of this section. With respect to each order and consent agreement 6970
delivered, each agency shall note on the index the date and time 6971
that it received the order or consent agreement. 6972

(3) Regardless of whether the petitioner has registered the order or agreement in the county in which the officer's agency has jurisdiction pursuant to division (N) of this section, any officer of a law enforcement agency shall enforce a protection order issued or consent agreement approved by any court in this state in accordance with the provisions of the order or agreement, including removing the respondent from the premises, if appropriate.

(G) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that an order under this section may be obtained with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order or approves a consent agreement, ~~or~~ that refuses to grant a protection order or approve a consent agreement that modifies or terminates a protection order or consent agreement, or that refuses to modify or terminate a protection order or consent agreement, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law. When a petition under this section alleges domestic violence against minor children, the court shall report the fact, or cause reports to be made, to a county, township, or municipal peace officer under section 2151.421 of the Revised Code.

(I) Any law enforcement agency that investigates a domestic dispute shall provide information to the family or household members involved regarding the relief available under this section and section 2919.26 of the Revised Code.

(J) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section or in connection with the filing, issuance, registration, or service of a protection order or consent agreement, or for obtaining a certified copy of a protection order or consent agreement.

(K)(1) The court shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code when it makes or modifies an order for child support under this section.

(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(L)(1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions:

(a) Criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement

approved under this section does not bar criminal prosecution of 7035
the person for a violation of section 2919.27 of the Revised Code. 7036
However, a person punished for contempt of court is entitled to 7037
credit for the punishment imposed upon conviction of a violation 7038
of that section, and a person convicted of a violation of that 7039
section shall not subsequently be punished for contempt of court 7040
arising out of the same activity. 7041

(M) In all stages of a proceeding under this section, a 7042
petitioner may be accompanied by a victim advocate. 7043

(N)(1) A petitioner who obtains a protection order or consent 7044
agreement under this section or a temporary protection order under 7045
section 2919.26 of the Revised Code may provide notice of the 7046
issuance or approval of the order or agreement to the judicial and 7047
law enforcement officials in any county other than the county in 7048
which the order is issued or the agreement is approved by 7049
registering that order or agreement in the other county pursuant 7050
to division (N)(2) of this section and filing a copy of the 7051
registered order or registered agreement with a law enforcement 7052
agency in the other county in accordance with that division. A 7053
person who obtains a protection order issued by a court of another 7054
state may provide notice of the issuance of the order to the 7055
judicial and law enforcement officials in any county of this state 7056
by registering the order in that county pursuant to section 7057
2919.272 of the Revised Code and filing a copy of the registered 7058
order with a law enforcement agency in that county. 7059

(2) A petitioner may register a temporary protection order, 7060
protection order, or consent agreement in a county other than the 7061
county in which the court that issued the order or approved the 7062
agreement is located in the following manner: 7063

(a) The petitioner shall obtain a certified copy of the order 7064
or agreement from the clerk of the court that issued the order or 7065

approved the agreement and present that certified copy to the 7066
clerk of the court of common pleas or the clerk of a municipal 7067
court or county court in the county in which the order or 7068
agreement is to be registered. 7069

(b) Upon accepting the certified copy of the order or 7070
agreement for registration, the clerk of the court of common 7071
pleas, municipal court, or county court shall place an endorsement 7072
of registration on the order or agreement and give the petitioner 7073
a copy of the order or agreement that bears that proof of 7074
registration. 7075

(3) The clerk of each court of common pleas, the clerk of 7076
each municipal court, and the clerk of each county court shall 7077
maintain a registry of certified copies of temporary protection 7078
orders, protection orders, or consent agreements that have been 7079
issued or approved by courts in other counties and that have been 7080
registered with the clerk. 7081

Sec. 5120.49. The department of rehabilitation and 7082
correction, by rule adopted under Chapter 119. of the Revised 7083
Code, shall prescribe standards and guidelines to be used by the 7084
parole board in determining, pursuant to section 2971.04 of the 7085
Revised Code, whether it should terminate its control over an 7086
offender's service of a prison term imposed upon the offender 7087
under division (A)(3) of section 2971.03 of the Revised Code for 7088
conviction of or a plea of guilty to a violent sex offense and a 7089
sexually violent predator specification or for conviction of or a 7090
plea of guilty to a designated homicide, assault, or kidnapping 7091
offense and both a sexual motivation specification and a sexually 7092
violent predator specification, imposed upon the offender under 7093
division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised 7094
Code for conviction of or a plea of guilty to a violation of 7095
division (A)(1)(b) of section 2907.02 of the Revised Code 7096

committed on or after the effective date of this amendment, or 7097
imposed upon the offender under division (B)(2)(a), (b), or (c) of 7098
section 2971.03 of the Revised Code for conviction of or a plea of 7099
guilty to attempted rape committed on or after the effective date 7100
of this amendment and a conviction of or plea of guilty to a 7101
specification of the type described in section 2941.1418, 7102
2941.1419, or 2941.1420 of the Revised Code. The rules shall 7103
include provisions that specify that the parole board may not 7104
terminate its control over an offender's service of a prison term 7105
imposed upon the offender under ~~that division~~ either of the 7106
specified divisions until after the offender has served the 7107
minimum term imposed as part of that prison term and until the 7108
parole board has determined that the offender does not represent a 7109
substantial risk of physical harm to others. 7110

Sec. 5120.61. (A)(1) Not later than ninety days after ~~the~~ 7111
~~effective date of this section~~ January 1, 1997, the department of 7112
rehabilitation and correction shall adopt standards that it will 7113
use under this section to assess a criminal offender who is 7114
convicted of or pleads guilty to a violent sex offense or 7115
designated homicide, assault, or kidnapping offense and is 7116
adjudicated a sexually violent predator in relation to that 7117
offense, who is convicted of or pleads guilty to a violation of 7118
division (A)(1)(b) of section 2907.02 of the Revised Code 7119
committed on or after the effective date of this amendment and 7120
either who is sentenced under section 2971.03 of the Revised Code 7121
or upon whom a sentence of life without parole is imposed under 7122
division (B) of section 2907.02 of the Revised Code, or who is 7123
convicted of or pleads guilty to attempted rape committed on or 7124
after the effective date of this amendment and a specification of 7125
the type described in section 2941.1418, 2941.1419, or 2941.1420 7126
of the Revised Code. The department may periodically revise the 7127
standards. 7128

(2) When the department is requested by the parole board or the court to provide a risk assessment report of the offender under section 2971.04 or 2971.05 of the Revised Code, it shall assess the offender and complete the assessment as soon as possible after the offender has commenced serving the prison term or term of life imprisonment without parole imposed under division (A), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code. Thereafter, the department shall update a risk assessment report pertaining to an offender as follows:

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

(b) Upon the request of the parole board for use in determining pursuant to section 2971.04 of the Revised Code whether it should terminate its control over an offender's service of a prison term imposed upon the offender under division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code;

(c) Upon the request of the court.

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

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

(a) The parole board for its use in determining pursuant to section 2971.04 of the Revised Code whether it should terminate

its control over an offender's service of a prison term imposed 7160
upon the offender under division (A)(3), (B)(1)(a), (b), or (c), 7161
or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, 7162
if the parole board has not terminated its control over the 7163
offender; 7164

(b) The court for use in determining, pursuant to section 7165
2971.05 of the Revised Code, whether to modify the requirement 7166
that the offender serve the entire prison term imposed upon the 7167
offender under division (A)(3), (B)(1)(a), (b), or (c), or 7168
(B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code in a 7169
state correctional institution, whether to revise any modification 7170
previously made, or whether to terminate the prison term; 7171

(c) The prosecuting attorney who prosecuted the case, or the 7172
successor in office to that prosecuting attorney; 7173

(d) The offender. 7174

(B) When the department of rehabilitation and correction 7175
provides a risk assessment report regarding an offender to the 7176
parole board or court pursuant to division (A)(4)(a) or (b) of 7177
this section, the department, prior to the parole board's or 7178
court's hearing, also shall provide to the offender or to the 7179
offender's attorney of record a copy of the report and a copy of 7180
any other relevant documents the department possesses regarding 7181
the offender that the department does not consider to be 7182
confidential. 7183

(C) As used in this section: 7184

(1) "Adjudicated a sexually violent predator" has the same 7185
meaning as in section 2929.01 of the Revised Code, and a person is 7186
"adjudicated a sexually violent predator" in the same manner and 7187
the same circumstances as are described in that section. 7188

(2) "Designated homicide, assault, or kidnapping offense" and 7189

"violent sex offense" have the same meanings as in section 2971.01 7190
of the Revised Code. 7191

Sec. 5120.66. (A) Within ninety days after ~~the effective date~~ 7192
~~of this section~~ November 23, 2005, but not before January 1, 2006, 7193
the department of rehabilitation and correction shall establish 7194
and operate on the internet a database that contains all of the 7195
following: 7196

(1) For each inmate in the custody of the department under a 7197
sentence imposed for a conviction of or plea of guilty to any 7198
offense, all of the following information: 7199

(a) The inmate's name; 7200

(b) For each offense for which the inmate was sentenced to a 7201
prison term or term of imprisonment and is in the department's 7202
custody, the name of the offense, the Revised Code section of 7203
which the offense is a violation, the gender of each victim of the 7204
offense if those facts are known, whether each victim of the 7205
offense was an adult or child if those facts are known, the range 7206
of the possible prison terms or term of imprisonment that could 7207
have been imposed for the offense, the actual prison term or term 7208
of imprisonment imposed for the offense, the county in which the 7209
offense was committed, the date on which the inmate began serving 7210
the prison term or term of imprisonment imposed for the offense, 7211
and either the date on which the inmate will be eligible for 7212
parole relative to the offense if the prison term or term of 7213
imprisonment is an indefinite term or life term or the date on 7214
which the term ends if the prison term is a definite term; 7215

(c) All of the following information that is applicable 7216
regarding the inmate: 7217

(i) If known to the department prior to the conduct of any 7218
hearing for judicial release of the defendant pursuant to section 7219

2929.20 of the Revised Code in relation to any prison term or term 7220
of imprisonment the inmate is serving for any offense, notice of 7221
the fact that the inmate will be having a hearing regarding a 7222
possible grant of judicial release, the date of the hearing, and 7223
the right of any person pursuant to division (J) of that section 7224
to submit to the court a written statement regarding the possible 7225
judicial release; 7226

(ii) If the inmate is serving a prison term pursuant to 7227
division (A)(3) of section 2971.03 of the Revised Code as a 7228
sexually violent predator who committed a sexually violent 7229
offense, a prison term pursuant to division (B)(1)(a), (b), or (c) 7230
of section 2971.03 of the Revised Code imposed for a violation of 7231
division (A)(1)(b) of section 2907.02 of the Revised Code 7232
committed on or after the effective date of this amendment, a 7233
prison term pursuant to division (B)(2)(a) of section 2971.03 of 7234
the Revised Code imposed for attempted rape committed on or after 7235
the effective date of this amendment and a specification of the 7236
type described in section 2941.1418 of the Revised Code, a prison 7237
term pursuant to division (B)(2)(b) of section 2971.03 of the 7238
Revised Code imposed for attempted rape committed on or after the 7239
effective date of this amendment and a specification of the type 7240
described in section 2941.1419 of the Revised Code, or a prison 7241
term pursuant to division (B)(2)(c) of section 2971.03 of the 7242
Revised Code imposed for attempted rape committed on or after the 7243
effective date of this amendment and a specification of the type 7244
described in section 2941.1420 of the Revised Code, prior to the 7245
conduct of any hearing pursuant to section 2971.05 of the Revised 7246
Code to determine whether to modify the requirement that the 7247
inmate serve the entire prison term in a state correctional 7248
facility in accordance with division (C) of that section, whether 7249
to continue, revise, or revoke any existing modification of that 7250
requirement, or whether to terminate the prison term in accordance 7251

with division (D) of that section, notice of the fact that the 7252
inmate will be having a hearing regarding those determinations and 7253
of the date of the hearing; 7254

(iii) At least three weeks before the adult parole authority 7255
recommends a pardon or commutation of sentence for the inmate or 7256
at least three weeks prior to a hearing before the adult parole 7257
authority regarding a grant of parole to the inmate in relation to 7258
any prison term or term of imprisonment the inmate is serving for 7259
any offense, notice of the fact that the inmate might be under 7260
consideration for a pardon or commutation of sentence or will be 7261
having a hearing regarding a possible grant of parole, of the date 7262
of any hearing regarding a possible grant of parole, and of the 7263
right of any person to submit a written statement regarding the 7264
pending action; 7265

(iv) At least three weeks before the inmate has a hearing 7266
regarding a transfer to transitional control under section 2967.26 7267
of the Revised Code in relation to any prison term or term of 7268
imprisonment the inmate is serving for any offense, notice of the 7269
pendency of the transfer, of the date of the possible transfer, 7270
and of the right of any person to submit a statement regarding the 7271
possible transfer; 7272

(v) Prompt notice of the inmate's escape from any facility in 7273
which the inmate was incarcerated and of the capture of the inmate 7274
after an escape; 7275

(vi) Notice of the inmate's death while in confinement; 7276

(vii) Prior to the release of the inmate from confinement, 7277
notice of the fact that the inmate will be released, of the date 7278
of the release, and, if applicable, of the standard terms and 7279
conditions of the release; 7280

(viii) Notice of the inmate's judicial release. 7281

(2) Information as to where a person can send written 7282

statements of the types referred to in divisions (A)(1)(c)(i), 7283
(iii), and (iv) of this section. 7284

(B)(1) The department shall update the database required 7285
under division (A) of this section every twenty-four hours to 7286
ensure that the information it contains is accurate and current. 7287

(2) The database required under division (A) of this section 7288
is a public record open for inspection under section 149.43 of the 7289
Revised Code. The department shall make the database searchable by 7290
inmate name and by the county and zip code where the offender 7291
intends to reside after release from a state correctional 7292
institution if this information is known to the department. 7293

(3) The database required under division (A) of this section 7294
may contain information regarding inmates who are listed in the 7295
database in addition to the information described in that 7296
division. 7297

(4) No information included on the database required under 7298
division (A) of this section shall identify or enable the 7299
identification of any victim of any offense committed by an 7300
inmate. 7301

(C) The failure of the department to comply with the 7302
requirements of division (A) or (B) of this section does not give 7303
any rights or any grounds for appeal or post-conviction relief to 7304
any inmate. 7305

(D) This section, and the related provisions of sections 7306
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 7307
in the act in which this section was enacted, shall be known as 7308
"Laura's Law." 7309

Sec. 5149.10. (A) The parole board shall consist of up to 7310
twelve members, one of whom shall be designated as chairperson by 7311
the director of the department of rehabilitation and correction 7312

and who shall continue as chairperson until a successor is 7313
designated, and any other personnel that are necessary for the 7314
orderly performance of the duties of the board. In addition to the 7315
rules authorized by section 5149.02 of the Revised Code, the chief 7316
of the adult parole authority, subject to the approval of the 7317
chief of the division of parole and community services and subject 7318
to this section, shall adopt rules governing the proceedings of 7319
the parole board. The rules shall provide for the convening of 7320
full board hearings, the procedures to be followed in full board 7321
hearings, and general procedures to be followed in other hearings 7322
of the board and by the board's hearing officers. The rules also 7323
shall require agreement by a majority of all the board members to 7324
any recommendation of clemency transmitted to the governor. 7325

When the board members sit as a full board, the chairperson 7326
shall preside. The chairperson shall also allocate the work of the 7327
parole board among the board members. The full board shall meet at 7328
least once each month. In the case of a tie vote on the full 7329
board, the chief of the adult parole authority shall cast the 7330
deciding vote. The chairperson may designate a person to serve in 7331
the chairperson's place. 7332

Except as otherwise provided in division (B) of this section, 7333
no person shall be appointed a member of the board who is not 7334
qualified by education or experience in correctional work, 7335
including law enforcement, prosecution of offenses, advocating for 7336
the rights of victims of crime, probation, or parole, in law, in 7337
social work, or in a combination of the three categories. 7338

(B) The director of rehabilitation and correction, in 7339
consultation with the governor, shall appoint one member of the 7340
board, who shall be a person who has been a victim of crime or who 7341
is a member of a victim's family or who represents an organization 7342
that advocates for the rights of victims of crime. After 7343
appointment, this member shall be an unclassified employee of the 7344

department of rehabilitation and correction. 7345

The initial appointment shall be for a term ending four years 7346
after the effective date of this amendment. Thereafter, the term 7347
of office of the member appointed under this division shall be for 7348
four years, with each term ending on the same day of the same 7349
month as did the term that it succeeds. The member shall hold 7350
office from the date of appointment until the end of the term for 7351
which the member was appointed and may be reappointed. Vacancies 7352
shall be filled in the manner provided for original appointments. 7353
Any member appointed under this division to fill a vacancy 7354
occurring prior to the expiration date of the term for which the 7355
member's predecessor was appointed shall hold office as a member 7356
for the remainder of that term. The member appointed under this 7357
division shall continue in office subsequent to the expiration 7358
date of the member's term until the member's successor takes 7359
office or until a period of sixty days has elapsed, whichever 7360
occurs first. 7361

The member appointed under this division shall be compensated 7362
in the same manner as other board members and shall be reimbursed 7363
for actual and necessary expenses incurred in the performance of 7364
the members' duties. The member may vote on all cases heard by the 7365
full board under section 5149.101 of the Revised Code, has such 7366
duties as are assigned by the chairperson of the board, and shall 7367
coordinate the member's activities with the office of victims' 7368
services created under section 5120.60 of the Revised Code. 7369

As used in this division, "crime," "member of the victim's 7370
family," and "victim" have the meanings given in section 2930.01 7371
of the Revised Code. 7372

(C) The chairperson shall submit all recommendations for or 7373
against clemency directly to the governor. 7374

(D) The chairperson shall transmit to the chief of the adult 7375

parole authority all determinations for or against parole made by 7376
the board. Parole determinations are final and are not subject to 7377
review or change by the chief. 7378

(E) In addition to its duties pertaining to parole and 7379
clemency, if an offender is sentenced to a prison term pursuant to 7380
division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) 7381
of section 2971.03 of the Revised Code, the parole board shall 7382
have control over the offender's service of the prison term during 7383
the entire term unless the board terminates its control in 7384
accordance with section 2971.04 of the Revised Code. The parole 7385
board may terminate its control over the offender's service of the 7386
prison term only in accordance with section 2971.04 of the Revised 7387
Code. 7388

Section 2. That existing sections 109.42, 2743.191, 2903.212, 7389
2903.213, 2903.214, 2907.02, 2907.07, 2919.26, 2921.34, 2923.02, 7390
2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 7391
2950.09, 2950.11, 2950.13, 2950.14, 2967.12, 2967.121, 2971.03, 7392
2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 3113.31, 5120.49, 7393
5120.61, 5120.66, and 5149.10 of the Revised Code are hereby 7394
repealed. 7395

Section 3. (A) Section 2930.16 of the Revised Code is 7396
presented in this act as a composite of the section as amended by 7397
both Am. Sub. H.B. 375 and Am. Sub. H.B. 473 of the 125th General 7398
Assembly. The General Assembly, applying the principle stated in 7399
division (B) of section 1.52 of the Revised Code that amendments 7400
are to be harmonized if reasonably capable of simultaneous 7401
operation, finds that the composite is the resulting version of 7402
the section in effect prior to the effective date of the section 7403
as presented in this act. 7404

(B) Section 2929.01 of the Revised Code is presented in this 7405

act as a composite of the section as amended by both Am. Sub. H.B. 7406
95 and Am. Sub. H.B. 162 of the 126th General Assembly. The 7407
General Assembly, applying the principle stated in division (B) of 7408
section 1.52 of the Revised Code that amendments are to be 7409
harmonized if reasonably capable of simultaneous operation, finds 7410
that the composite is the resulting version of the section in 7411
effect prior to the effective date of the section as presented in 7412
this act. 7413

Section 4. It is the intent of the General Assembly that the 7414
offense of child rape described in division (A)(1)(b) of section 7415
2907.02 of the Revised Code, as enacted by this act, prevails over 7416
the offense of sexual battery committed against a person who is 7417
under the age of thirteen as described in section 2907.03 of the 7418
Revised Code in circumstances when a person violates the 7419
prohibitions of both offenses. 7420

Section 5. (A) There is hereby created the Adam Walsh study 7421
committee which shall submit recommendations to the General 7422
Assembly regarding the legislative changes that are needed to 7423
conform Ohio law to the federal Sex Offender Registration and 7424
Notification Act, Pub. L. No. 109-249 (the "Adam Walsh Act"). 7425

(B) The committee shall be comprised of the following persons 7426
who shall serve without compensation: 7427

(1) Two members of the House of Representatives who are from 7428
the majority party, selected by the Speaker of the House of 7429
Representatives, one of whom is to be designated as a co-chair of 7430
the committee; 7431

(2) One member of the House of Representatives who is from 7432
the minority party, selected by the Speaker of the House of 7433
Representatives; 7434

(3) Two members of the Senate who are from the majority 7435

party, selected by the President of the Senate, one of whom is to
be designated as a co-chair of the committee; 7436
7437

(4) One member of the Senate who is from the minority party,
selected by the President of the Senate; 7438
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(5) A representative of the Ohio Prosecuting Attorneys
Association; 7440
7441

(6) A representative of the Attorney General's Office; 7442

(7) A representative of the Ohio Department of Rehabilitation
and Correction; 7443
7444

(8) A representative of the Ohio Department of Youth
Services; 7445
7446

(9) A representative of the Office of the Ohio Public
Defender; 7447
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(10) A representative of the Ohio Judicial Conference; 7449

(11) A representative of the Ohio Office of Criminal Justice
Services. 7450
7451

(C) The committee shall submit recommendations to the General
Assembly by March 30, 2007, regarding legislative changes that are
needed to qualify for the federal Sex Offender Management
Assistance Program authorized by the federal Sex Offender
Notification and Registration Act. Any other recommendations of
the committee shall be submitted to the General Assembly by
December 31, 2007. Upon submission of the final recommendations,
the committee shall cease to exist. 7452
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Section 6. This act is hereby declared to be an emergency
measure necessary for the immediate preservation of the public
peace, health, and safety. The reason for such necessity is that
the penalty provisions of this act are crucially needed to
increase protection for the children of this state from being
victimized by serious, violent sex offenses involving sexual 7460
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conduct. Therefore, this act shall go into immediate effect.

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