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**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**

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A B I L L

To amend sections 109.42, 2743.191, 2907.02, 2907.07, 1
2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2
2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 3
2950.11, 2950.13, 2950.14, 2967.12, 2967.121, 4
2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5
3109.04, 5120.49, 5120.61, 5120.66, and 5149.10 6
and to enact section 2941.1418 of the Revised Code 7
to require that a person convicted of rape when 8
the victim is less than 13 or when the person 9
purposely compels the victim to submit by force or 10
threat of force be sentenced to an indefinite 11
prison term of 25 years to life; to require that a 12
person convicted of attempted rape be sentenced to 13
an indefinite prison term of 15 years to life if 14
also convicted of a specification that the 15
completed rape would have been committed against a 16
victim less than 13; to require that a person so 17
sentenced serve that term under the Sexually 18
Violent Predator Law as if a sexually violent 19
predator and automatically is classified a sexual 20
predator for the SORN Law; to permit the court to 21

subject a person so sentenced to supervision with 22
an active global positioning system device if 23
released from a state correctional institution; to 24
increase the penalty for importuning and establish 25
a presumption for a prison term if the victim is 26
under 13; to require a sheriff to notify the 27
public children services agency of registered sex 28
offenders in the jurisdiction; to require the 29
Department of Rehabilitation and Correction to 30
notify sheriffs of the release of sex offenders 31
and child-victim oriented offenders and to require 32
BCII to include on its Internet sex offender 33
database, and sheriffs who operate on the Internet 34
a sex offender database, to include on the 35
database the information received about the 36
offender; to provide for the consideration of 37
specified convictions of members of the household 38
of a parent in making child custody determinations 39
and to declare an emergency. 40

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

Section 1. That sections 109.42, 2743.191, 2907.02, 2907.07, 41
2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 42
2941.148, 2950.01, 2950.09, 2950.11, 2950.13, 2950.14, 2967.12, 43
2967.121, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 44
5120.49, 5120.61, 5120.66, and 5149.10 be amended and section 45
2941.1418 of the Revised Code be enacted to read as follows: 46

Sec. 109.42. (A) The attorney general shall prepare and have 47
printed a pamphlet that contains a compilation of all statutes 48
relative to victim's rights in which the attorney general lists 49
and explains the statutes in the form of a victim's bill of 50

rights. The attorney general shall distribute the pamphlet to all 51
sheriffs, marshals, municipal corporation and township police 52
departments, constables, and other law enforcement agencies, to 53
all prosecuting attorneys, city directors of law, village 54
solicitors, and other similar chief legal officers of municipal 55
corporations, and to organizations that represent or provide 56
services for victims of crime. The victim's bill of rights set 57
forth in the pamphlet shall contain a description of all of the 58
rights of victims that are provided for in Chapter 2930. or in any 59
other section of the Revised Code and shall include, but not be 60
limited to, all of the following: 61

(1) The right of a victim or a victim's representative to 62
attend a proceeding before a grand jury, in a juvenile case, or in 63
a criminal case pursuant to a subpoena without being discharged 64
from the victim's or representative's employment, having the 65
victim's or representative's employment terminated, having the 66
victim's or representative's pay decreased or withheld, or 67
otherwise being punished, penalized, or threatened as a result of 68
time lost from regular employment because of the victim's or 69
representative's attendance at the proceeding pursuant to the 70
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 71
2945.451 of the Revised Code; 72

(2) The potential availability pursuant to section 2151.359 73
or 2152.61 of the Revised Code of a forfeited recognizance to pay 74
damages caused by a child when the delinquency of the child or 75
child's violation of probation or community control is found to be 76
proximately caused by the failure of the child's parent or 77
guardian to subject the child to reasonable parental authority or 78
to faithfully discharge the conditions of probation or community 79
control; 80

(3) The availability of awards of reparations pursuant to 81

sections 2743.51 to 2743.72 of the Revised Code for injuries	82
caused by criminal offenses;	83
(4) The right of the victim in certain criminal or juvenile	84
cases or a victim's representative to receive, pursuant to section	85
2930.06 of the Revised Code, notice of the date, time, and place	86
of the trial or delinquency proceeding in the case or, if there	87
will not be a trial or delinquency proceeding, information from	88
the prosecutor, as defined in section 2930.01 of the Revised Code,	89
regarding the disposition of the case;	90
(5) The right of the victim in certain criminal or juvenile	91
cases or a victim's representative to receive, pursuant to section	92
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the	93
name of the person charged with the violation, the case or docket	94
number assigned to the charge, and a telephone number or numbers	95
that can be called to obtain information about the disposition of	96
the case;	97
(6) The right of the victim in certain criminal or juvenile	98
cases or of the victim's representative pursuant to section	99
2930.13 or 2930.14 of the Revised Code, subject to any reasonable	100
terms set by the court as authorized under section 2930.14 of the	101
Revised Code, to make a statement about the victimization and, if	102
applicable, a statement relative to the sentencing or disposition	103
of the offender;	104
(7) The opportunity to obtain a court order, pursuant to	105
section 2945.04 of the Revised Code, to prevent or stop the	106
commission of the offense of intimidation of a crime victim or	107
witness or an offense against the person or property of the	108
complainant, or of the complainant's ward or child;	109
(8) The right of the victim in certain criminal or juvenile	110
cases or a victim's representative pursuant to sections 2151.38,	111
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to	112

receive notice of a pending motion for judicial release or early
release of the person who committed the offense against the
victim, to make an oral or written statement at the court hearing
on the motion, and to be notified of the court's decision on the
motion;

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

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

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

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

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

(14) The right of the victim in certain criminal or juvenile 144
cases or a victim's representative, pursuant to section 2930.16 of 145
the Revised Code, to receive notice of the escape from confinement 146
or custody of the person who committed the offense, to receive 147
that notice from the custodial agency of the person at the 148
victim's last address or telephone number provided to the 149
custodial agency, and to receive notice that, if either the 150
victim's address or telephone number changes, it is in the 151
victim's interest to provide the new address or telephone number 152
to the custodial agency; 153

(15) The right of a victim of domestic violence to seek the 154
issuance of a civil protection order pursuant to section 3113.31 155
of the Revised Code, the right of a victim of a violation of 156
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 157
of the Revised Code, a violation of a substantially similar 158
municipal ordinance, or an offense of violence who is a family or 159
household member of the offender at the time of the offense to 160
seek the issuance of a temporary protection order pursuant to 161
section 2919.26 of the Revised Code, and the right of both types 162
of victims to be accompanied by a victim advocate during court 163
proceedings; 164

(16) The right of a victim of a sexually oriented offense 165
that is not a registration-exempt sexually oriented offense or of 166
a child-victim oriented offense that is committed by a person who 167
is convicted of or pleads guilty to an aggravated sexually 168
oriented offense, by a person who is adjudicated a sexual predator 169
or child-victim predator, or, in certain cases, by a person who is 170
determined to be a habitual sex offender or habitual child-victim 171
offender to receive, pursuant to section 2950.10 of the Revised 172
Code, notice that the person has registered with a sheriff under 173
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 174
notice of the person's name, the person's residence that is 175

registered, and the offender's school, institution of higher
education, or place of employment address or addresses that are
registered, the person's photograph, and a summary of the manner
in which the victim must make a request to receive the notice. As
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) or (A)(2) 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) 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 of the Revised Code and is sentenced for the violation
pursuant to division (B)(2) 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 officer of a municipal corporation or an assistant of any of those officers who prosecutes an offense committed in this state, upon first contact with the victim of the offense, the victim's family, or the victim's dependents, shall give the victim, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section and explain, upon request, the information in the pamphlet to the victim, the victim's family, or the victim's dependents.

(b) Subject to division (B)(1)(c) of this section, a law enforcement agency that investigates an offense or delinquent act committed in this state shall give the victim of the 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 at one of the following times:

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

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

If the agency does not give the victim, the victim's family,

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

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

(2) The failure of a law enforcement agency or of a
prosecuting attorney, assistant prosecuting attorney, city
director of law, assistant city director of law, village
solicitor, assistant village solicitor, or similar chief legal
officer of a municipal corporation or an assistant to any of those
officers to give, as required by division (B)(1) of this section,
the victim of an offense or delinquent act, the victim's family,
or the victim's dependents a copy of the pamphlet prepared
pursuant to division (A) of this section does not give the victim,
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 provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code. 271
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(C) The cost of printing and distributing the pamphlet prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section. 277
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(D) As used in this section: 282

(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code; 283
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(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code. 285
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Sec. 2743.191. (A)(1) There is hereby created in the state treasury the reparations fund, which shall be used only for the following purposes: 287
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(a) The payment of awards of reparations that are granted by the attorney general; 290
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(b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code; 292
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(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code; 295
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(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general; 297
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(e) The costs of administering sections 2907.28 and 2969.01 299

to 2969.06 of the Revised Code; 300

(f) The costs of investigation and decision-making as 301
certified by the attorney general; 302

(g) The provision of state financial assistance to victim 303
assistance programs in accordance with sections 109.91 and 109.92 304
of the Revised Code; 305

(h) The costs of paying the expenses of sex offense-related 306
examinations and antibiotics pursuant to section 2907.28 of the 307
Revised Code; 308

(i) The cost of printing and distributing the pamphlet 309
prepared by the attorney general pursuant to section 109.42 of the 310
Revised Code; 311

(j) Subject to division (D) of section 2743.71 of the Revised 312
Code, the costs associated with the printing and providing of 313
information cards or other printed materials to law enforcement 314
agencies and prosecuting authorities and with publicizing the 315
availability of awards of reparations pursuant to section 2743.71 316
of the Revised Code; 317

(k) The payment of costs of administering a DNA specimen 318
collection procedure pursuant to sections 2152.74 and 2901.07 of 319
the Revised Code, of performing DNA analysis of those DNA 320
specimens, and of entering the resulting DNA records regarding 321
those analyses into the DNA database pursuant to section 109.573 322
of the Revised Code; 323

(l) The payment of actual costs associated with initiatives 324
by the attorney general for the apprehension, prosecution, and 325
accountability of offenders, and the enhancing of services to 326
crime victims. The amount of payments made pursuant to division 327
(A)(1)(l) of this section during any given fiscal year shall not 328
exceed five per cent of the balance of the reparations fund at the 329

close of the immediately previous fiscal year;

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(m) The costs of administering the adult parole authority's supervision ~~of sexually violent predators with an active global positioning system device~~ pursuant to division (E) of section 2971.05 of the Revised Code of sexually violent predators who are sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, of offenders who are sentenced to a prison term pursuant to division (B)(1) of that section for a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, and of offenders who are sentenced to a prison term pursuant to division (B)(2) of section 2971.03 of the Revised Code for attempted rape and a specification of the type described in section 2941.1418 of the Revised Code.

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

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

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(1) The attorney general shall provide for payment of the

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claimant or providers in the amount of the award only if the 361
amount of the award is fifty dollars or more. 362

(2) The expense shall be charged against all available 363
unencumbered moneys in the fund. 364

(3) If sufficient unencumbered moneys do not exist in the 365
fund, the attorney general shall make application for payment of 366
the award out of the emergency purposes account or any other 367
appropriation for emergencies or contingencies, and payment out of 368
this account or other appropriation shall be authorized if there 369
are sufficient moneys greater than the sum total of then pending 370
emergency purposes account requests or requests for releases from 371
the other appropriations. 372

(4) If sufficient moneys do not exist in the account or any 373
other appropriation for emergencies or contingencies to pay the 374
award, the attorney general shall request the general assembly to 375
make an appropriation sufficient to pay the award, and no payment 376
shall be made until the appropriation has been made. The attorney 377
general shall make this appropriation request during the current 378
biennium and during each succeeding biennium until a sufficient 379
appropriation is made. If, prior to the time that an appropriation 380
is made by the general assembly pursuant to this division, the 381
fund has sufficient unencumbered funds to pay the award or part of 382
the award, the available funds shall be used to pay the award or 383
part of the award, and the appropriation request shall be amended 384
to request only sufficient funds to pay that part of the award 385
that is unpaid. 386

(C) The attorney general shall not make payment on a decision 387
or order granting an award until all appeals have been determined 388
and all rights to appeal exhausted, except as otherwise provided 389
in this section. If any party to a claim for an award of 390
reparations appeals from only a portion of an award, and a 391

remaining portion provides for the payment of money by the state, 392
that part of the award calling for the payment of money by the 393
state and not a subject of the appeal shall be processed for 394
payment as described in this section. 395

(D) The attorney general shall prepare itemized bills for the 396
costs of printing and distributing the pamphlet the attorney 397
general prepares pursuant to section 109.42 of the Revised Code. 398
The itemized bills shall set forth the name and address of the 399
persons owed the amounts set forth in them. 400

(E) As used in this section, "DNA analysis" and "DNA 401
specimen" have the same meanings as in section 109.573 of the 402
Revised Code. 403

Sec. 2907.02. (A)(1) No person shall engage in sexual conduct 404
with another who is not the spouse of the offender or who is the 405
spouse of the offender but is living separate and apart from the 406
offender, when any of the following applies: 407

(a) For the purpose of preventing resistance, the offender 408
substantially impairs the other person's judgment or control by 409
administering any drug, intoxicant, or controlled substance to the 410
other person surreptitiously or by force, threat of force, or 411
deception. 412

(b) The other person is less than thirteen years of age, 413
whether or not the offender knows the age of the other person. 414

(c) The other person's ability to resist or consent is 415
substantially impaired because of a mental or physical condition 416
or because of advanced age, and the offender knows or has 417
reasonable cause to believe that the other person's ability to 418
resist or consent is substantially impaired because of a mental or 419
physical condition or because of advanced age. 420

(2) No person shall engage in sexual conduct with another 421

when the offender purposely compels the other person to submit by
force or threat of force.

(B) Whoever violates this section is guilty of rape, a felony
of the first degree. If the offender under division (A)(1)(a) of
this section substantially impairs the other person's judgment or
control by administering any controlled substance described in
section 3719.41 of the Revised Code to the other person
surreptitiously or by force, threat of force, or deception, the
prison term imposed upon the offender shall be one of the prison
terms prescribed for a felony of the first degree in section
2929.14 of the Revised Code that is not less than five years. ~~If~~
~~the~~ Except as otherwise provided in this division, notwithstanding
sections 2929.11 to 2929.14 of the Revised Code, an offender under
division (A)(1)(b) or (A)(2) of this section purposely compels the
~~victim to submit by force or threat of force or if the victim~~
~~under division (A)(1)(b) of this section is less than ten years of~~
~~age, whoever violates division (A)(1)(b) of this section shall be~~
~~imprisoned for life~~ shall be sentenced to a prison term or term of
life imprisonment pursuant to section 2971.03 of the Revised Code.
If ~~the~~ an offender under division (A)(1)(b) of this section
previously has been convicted of or pleaded guilty to violating
division (A)(1)(b) of this section or to violating a law of
another state or the United States that is substantially similar
to division (A)(1)(b) of this section or if the offender during or
immediately after the commission of the offense caused serious
physical harm to the victim, ~~whoever violates division (A)(1)(b)~~
~~of this section shall be imprisoned for life or~~ in lieu of
sentencing the offender to a prison term or term of life
imprisonment pursuant to section 2971.03 of the Revised Code, the
court may impose upon the offender a term of life without parole.
If the court imposes a term of life without parole pursuant to
this division, division (F) of section 2971.03 of the Revised Code

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applies and the offender automatically is classified a sexual 454
predator, as described in that division. 455

(C) A victim need not prove physical resistance to the 456
offender in prosecutions under this section. 457

(D) Evidence of specific instances of the victim's sexual 458
activity, opinion evidence of the victim's sexual activity, and 459
reputation evidence of the victim's sexual activity shall not be 460
admitted under this section unless it involves evidence of the 461
origin of semen, pregnancy, or disease, or the victim's past 462
sexual activity with the offender, and only to the extent that the 463
court finds that the evidence is material to a fact at issue in 464
the case and that its inflammatory or prejudicial nature does not 465
outweigh its probative value. 466

Evidence of specific instances of the defendant's sexual 467
activity, opinion evidence of the defendant's sexual activity, and 468
reputation evidence of the defendant's sexual activity shall not 469
be admitted under this section unless it involves evidence of the 470
origin of semen, pregnancy, or disease, the defendant's past 471
sexual activity with the victim, or is admissible against the 472
defendant under section 2945.59 of the Revised Code, and only to 473
the extent that the court finds that the evidence is material to a 474
fact at issue in the case and that its inflammatory or prejudicial 475
nature does not outweigh its probative value. 476

(E) Prior to taking testimony or receiving evidence of any 477
sexual activity of the victim or the defendant in a proceeding 478
under this section, the court shall resolve the admissibility of 479
the proposed evidence in a hearing in chambers, which shall be 480
held at or before preliminary hearing and not less than three days 481
before trial, or for good cause shown during the trial. 482

(F) Upon approval by the court, the victim may be represented 483
by counsel in any hearing in chambers or other proceeding to 484

resolve the admissibility of evidence. If the victim is indigent 485
or otherwise is unable to obtain the services of counsel, the 486
court, upon request, may appoint counsel to represent the victim 487
without cost to the victim. 488

(G) It is not a defense to a charge under division (A)(2) of 489
this section that the offender and the victim were married or were 490
cohabiting at the time of the commission of the offense. 491

Sec. 2907.07. (A) No person shall solicit a person who is 492
less than thirteen years of age to engage in sexual activity with 493
the offender, whether or not the offender knows the age of such 494
person. 495

(B) No person shall solicit another, not the spouse of the 496
offender, to engage in sexual conduct with the offender, when the 497
offender is eighteen years of age or older and four or more years 498
older than the other person, and the other person is thirteen 499
years of age or older but less than sixteen years of age, whether 500
or not the offender knows the age of the other person. 501

(C) No person shall solicit another by means of a 502
telecommunications device, as defined in section 2913.01 of the 503
Revised Code, to engage in sexual activity with the offender when 504
the offender is eighteen years of age or older and either of the 505
following applies: 506

(1) The other person is less than thirteen years of age, and 507
the offender knows that the other person is less than thirteen 508
years of age or is reckless in that regard. 509

(2) The other person is a law enforcement officer posing as a 510
person who is less than thirteen years of age, and the offender 511
believes that the other person is less than thirteen years of age 512
or is reckless in that regard. 513

(D) No person shall solicit another by means of a 514

telecommunications device, as defined in section 2913.01 of the
Revised Code, to engage in sexual activity with the offender when
the offender is eighteen years of age or older and either of the
following applies:

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

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

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

(F) Whoever violates this section is guilty of importuning. A
violation of division (A) or (C) of this section is a felony of
the ~~fourth~~ third degree on a first offense and a felony of the
~~third~~ second degree on each subsequent offense. Notwithstanding
division (C) of section 2929.13 of the Revised Code, there is a
presumption that a prison term shall be imposed for a violation of
division (A) or (C) of this section as described in division (D)
of section 2929.13 of the Revised Code. A violation of division
(B) or (D) of this section is a felony of the fifth degree on a
first offense and a felony of the fourth degree on each subsequent

offense. 546

Sec. 2921.34. (A)(1) No person, knowing the person is under 547
detention or being reckless in that regard, shall purposely break 548
or attempt to break the detention, or purposely fail to return to 549
detention, either following temporary leave granted for a specific 550
purpose or limited period, or at the time required when serving a 551
sentence in intermittent confinement. 552

(2) ~~No person~~ Division (A)(2) of this section applies to any 553
person who is adjudicated a sexually violent predator and is 554
sentenced to a prison term pursuant to division (A)(3) of section 555
2971.03 of the Revised Code for the sexually violent offense, to 556
any person who is convicted of or pleads guilty to a violation of 557
division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 558
Code committed on or after the effective date of this amendment 559
and is sentenced to a prison term pursuant to division (B)(1) of 560
section 2971.03 of the Revised Code for the violation, and to any 561
person who is convicted of or pleads guilty to attempted rape 562
committed on or after the effective date of this amendment and a 563
specification of the type described in section 2941.1418 of the 564
Revised Code and is sentenced to a prison term pursuant to 565
division (B)(2) of section 2971.03 of the Revised Code for the 566
attempted rape. No person to whom this division applies, for whom 567
the requirement that the entire prison term imposed upon the 568
person pursuant to division (A)(3) or (B) of section 2971.03 of 569
the Revised Code be served in a state correctional institution has 570
been modified pursuant to section 2971.05 of the Revised Code, and 571
who, pursuant to that modification, is restricted to a geographic 572
area, knowing that the person is under a geographic restriction or 573
being reckless in that regard, shall purposely leave the 574
geographic area to which the restriction applies or purposely fail 575
to return to that geographic area following a temporary leave 576
granted for a specific purpose or for a limited period of time. 577

(B) Irregularity in bringing about or maintaining detention, 578
or lack of jurisdiction of the committing or detaining authority, 579
is not a defense to a charge under this section if the detention 580
is pursuant to judicial order or in a detention facility. In the 581
case of any other detention, irregularity or lack of jurisdiction 582
is an affirmative defense only if either of the following occurs: 583

(1) The escape involved no substantial risk of harm to the 584
person or property of another. 585

(2) The detaining authority knew or should have known there 586
was no legal basis or authority for the detention. 587

(C) Whoever violates this section is guilty of escape. 588

(1) If the offender, at the time of the commission of the 589
offense, was under detention as an alleged or adjudicated 590
delinquent child or unruly child and if the act for which the 591
offender was under detention would not be a felony if committed by 592
an adult, escape is a misdemeanor of the first degree. 593

(2) If the offender, at the time of the commission of the 594
offense, was under detention in any other manner ~~or~~, the offender 595
is a person who was adjudicated a sexually violent predator for 596
whom the requirement that the entire prison term imposed upon the 597
person pursuant to division (A)(3) of section 2971.03 of the 598
Revised Code be served in a state correctional institution has 599
been modified pursuant to section 2971.05 of the Revised Code, the 600
offender is a person who was convicted of or pleaded guilty to 601
committing on or after the effective date of this amendment a 602
violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 603
the Revised Code for whom the requirement that the entire prison 604
term imposed upon the person pursuant to division (B)(1) of 605
section 2971.03 of the Revised Code be served in a state 606
correctional institution has been modified pursuant to section 607
2971.05 of the Revised Code, or the offender is a person who was 608

convicted of or pleaded guilty to committing on or after the 609
effective date of this amendment attempted rape, who also was 610
convicted of or pleaded guilty to a specification of the type 611
described in section 2941.1418 of the Revised Code, who was 612
sentenced pursuant to division (B)(2) of section 2971.03 of the 613
Revised Code, and for whom the requirement that the entire prison 614
term imposed pursuant to that division be served in a state 615
correctional institution has been modified pursuant to section 616
2971.05 of the Revised Code, escape is one of the following: 617

(a) A felony of the second degree, when the most serious 618
offense for which the person was under detention or ~~adjudicated a~~ 619
~~sexually violent predator~~ for which the person had been sentenced 620
to the prison term under division (A)(3), (B)(1), or (B)(2) of 621
section 2971.03 of the Revised Code is aggravated murder, murder, 622
or a felony of the first or second degree or, if the person was 623
under detention as an alleged or adjudicated delinquent child, 624
when the most serious act for which the person was under detention 625
would be aggravated murder, murder, or a felony of the first or 626
second degree if committed by an adult; 627

(b) A felony of the third degree, when the most serious 628
offense for which the person was under detention or ~~adjudicated a~~ 629
~~sexually violent predator~~ for which the person had been sentenced 630
to the prison term under division (A)(3), (B)(1), or (B)(2) of 631
section 2971.03 of the Revised Code is a felony of the third, 632
fourth, or fifth degree or an unclassified felony or, if the 633
person was under detention as an alleged or adjudicated delinquent 634
child, when the most serious act for which the person was under 635
detention would be a felony of the third, fourth, or fifth degree 636
or an unclassified felony if committed by an adult; 637

(c) A felony of the fifth degree, when any of the following 638
applies: 639

(i) The most serious offense for which the person was under 640

detention is a misdemeanor. 641

(ii) The person was found not guilty by reason of insanity, 642
and the person's detention consisted of hospitalization, 643
institutionalization, or confinement in a facility under an order 644
made pursuant to or under authority of section 2945.40, 2945.401, 645
or 2945.402 of the Revised Code. 646

(d) A misdemeanor of the first degree, when the most serious 647
offense for which the person was under detention is a misdemeanor 648
and when the person fails to return to detention at a specified 649
time following temporary leave granted for a specific purpose or 650
limited period or at the time required when serving a sentence in 651
intermittent confinement. 652

(D) As used in this section: 653

(1) "Adjudicated a sexually violent predator" has the same 654
meaning as in section 2929.01 of the Revised Code, and a person is 655
"adjudicated a sexually violent predator" in the same manner and 656
the same circumstances as are described in that section. 657

(2) "Sexually violent offense" has the same meaning as in 658
section 2971.01 of the Revised Code. 659

Sec. 2923.02. (A) No person, purposely or knowingly, and when 660
purpose or knowledge is sufficient culpability for the commission 661
of an offense, shall engage in conduct that, if successful, would 662
constitute or result in the offense. 663

(B) It is no defense to a charge under this section that, in 664
retrospect, commission of the offense that was the object of the 665
attempt was either factually or legally impossible under the 666
attendant circumstances, if that offense could have been committed 667
had the attendant circumstances been as the actor believed them to 668
be. 669

(C) No person who is convicted of committing a specific 670

offense, of complicity in the commission of an offense, or of 671
conspiracy to commit an offense shall be convicted of an attempt 672
to commit the same offense in violation of this section. 673

(D) It is an affirmative defense to a charge under this 674
section that the actor abandoned the actor's effort to commit the 675
offense or otherwise prevented its commission, under circumstances 676
manifesting a complete and voluntary renunciation of the actor's 677
criminal purpose. 678

(E)(1) Whoever violates this section is guilty of an attempt 679
to commit an offense. An attempt to commit aggravated murder, 680
murder, or an offense for which the maximum penalty is 681
imprisonment for life is a felony of the first degree. An attempt 682
to commit a drug abuse offense for which the penalty is determined 683
by the amount or number of unit doses of the controlled substance 684
involved in the drug abuse offense is an offense of the same 685
degree as the drug abuse offense attempted would be if that drug 686
abuse offense had been committed and had involved an amount or 687
number of unit doses of the controlled substance that is within 688
the next lower range of controlled substance amounts than was 689
involved in the attempt. An attempt to commit any other offense is 690
an offense of the next lesser degree than the offense attempted. 691
In the case of an attempt to commit an offense other than a 692
violation of Chapter 3734. of the Revised Code that is not 693
specifically classified, an attempt is a misdemeanor of the first 694
degree if the offense attempted is a felony, and a misdemeanor of 695
the fourth degree if the offense attempted is a misdemeanor. In 696
the case of an attempt to commit a violation of any provision of 697
Chapter 3734. of the Revised Code, other than section 3734.18 of 698
the Revised Code, that relates to hazardous wastes, an attempt is 699
a felony punishable by a fine of not more than twenty-five 700
thousand dollars or imprisonment for not more than eighteen 701
months, or both. An attempt to commit a minor misdemeanor, or to 702

engage in conspiracy, is not an offense under this section. 703

(2) If a person is convicted of or pleads guilty to attempted rape and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, the offender shall be sentenced to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code. 704
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(F) As used in this section, "drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 709
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Sec. 2929.01. As used in this chapter: 711

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria: 712
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(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation. 716
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(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service. 719
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(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison. 724
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(B) "Bad time" means the time by which the parole board administratively extends an offender's stated prison term or terms pursuant to section 2967.11 of the Revised Code because the parole board finds by clear and convincing evidence that the offender, while serving the prison term or terms, committed an act that is a criminal offense under the law of this state or the United States, 727
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whether or not the offender is prosecuted for the commission of
that act.

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

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

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

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

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

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

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(I) "Day reporting" means a sanction pursuant to which an

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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.

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(J) "Deadly weapon" has the same meaning as in section
2923.11 of the Revised Code.

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

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

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

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

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

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the Revised Code. 794

(P) "Halfway house" means a facility licensed by the division 795
of parole and community services of the department of 796
rehabilitation and correction pursuant to section 2967.14 of the 797
Revised Code as a suitable facility for the care and treatment of 798
adult offenders. 799

(Q) "House arrest" means a period of confinement of an 800
offender that is in the offender's home or in other premises 801
specified by the sentencing court or by the parole board pursuant 802
to section 2967.28 of the Revised Code and during which all of the 803
following apply: 804

(1) The offender is required to remain in the offender's home 805
or other specified premises for the specified period of 806
confinement, except for periods of time during which the offender 807
is at the offender's place of employment or at other premises as 808
authorized by the sentencing court or by the parole board. 809

(2) The offender is required to report periodically to a 810
person designated by the court or parole board. 811

(3) The offender is subject to any other restrictions and 812
requirements that may be imposed by the sentencing court or by the 813
parole board. 814

(R) "Intensive probation supervision" means a requirement 815
that an offender maintain frequent contact with a person appointed 816
by the court, or by the parole board pursuant to section 2967.28 817
of the Revised Code, to supervise the offender while the offender 818
is seeking or maintaining necessary employment and participating 819
in training, education, and treatment programs as required in the 820
court's or parole board's order. "Intensive probation supervision" 821
includes intensive parole supervision and intensive post-release 822
control supervision. 823

(S) "Jail" means a jail, workhouse, minimum security jail, or 824
other residential facility used for the confinement of alleged or 825
convicted offenders that is operated by a political subdivision or 826
a combination of political subdivisions of this state. 827

(T) "Jail term" means the term in a jail that a sentencing 828
court imposes or is authorized to impose pursuant to section 829
2929.24 or 2929.25 of the Revised Code or pursuant to any other 830
provision of the Revised Code that authorizes a term in a jail for 831
a misdemeanor conviction. 832

(U) "Mandatory jail term" means the term in a jail that a 833
sentencing court is required to impose pursuant to division (G) of 834
section 1547.99 of the Revised Code, division (E) of section 835
2903.06 or division (D) of section 2903.08 of the Revised Code, 836
division (E) of section 2929.24 of the Revised Code, division (B) 837
of section 4510.14 of the Revised Code, or division (G) of section 838
4511.19 of the Revised Code or pursuant to any other provision of 839
the Revised Code that requires a term in a jail for a misdemeanor 840
conviction. 841

(V) "Delinquent child" has the same meaning as in section 842
2152.02 of the Revised Code. 843

(W) "License violation report" means a report that is made by 844
a sentencing court, or by the parole board pursuant to section 845
2967.28 of the Revised Code, to the regulatory or licensing board 846
or agency that issued an offender a professional license or a 847
license or permit to do business in this state and that specifies 848
that the offender has been convicted of or pleaded guilty to an 849
offense that may violate the conditions under which the offender's 850
professional license or license or permit to do business in this 851
state was granted or an offense for which the offender's 852
professional license or license or permit to do business in this 853
state may be revoked or suspended. 854

(X) "Major drug offender" means an offender who is convicted 855
of or pleads guilty to the possession of, sale of, or offer to 856
sell any drug, compound, mixture, preparation, or substance that 857
consists of or contains at least one thousand grams of hashish; at 858
least one hundred grams of crack cocaine; at least one thousand 859
grams of cocaine that is not crack cocaine; at least two thousand 860
five hundred unit doses or two hundred fifty grams of heroin; at 861
least five thousand unit doses of L.S.D. or five hundred grams of 862
L.S.D. in a liquid concentrate, liquid extract, or liquid 863
distillate form; or at least one hundred times the amount of any 864
other schedule I or II controlled substance other than marihuana 865
that is necessary to commit a felony of the third degree pursuant 866
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 867
Code that is based on the possession of, sale of, or offer to sell 868
the controlled substance. 869

(Y) "Mandatory prison term" means any of the following: 870

(1) Subject to division (Y)(2) of this section, the term in 871
prison that must be imposed for the offenses or circumstances set 872
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 873
2929.13 and division (D) of section 2929.14 of the Revised Code. 874
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 875
and 2925.11 of the Revised Code, unless the maximum or another 876
specific term is required under section 2929.14 of the Revised 877
Code, a mandatory prison term described in this division may be 878
any prison term authorized for the level of offense. 879

(2) The term of sixty or one hundred twenty days in prison 880
that a sentencing court is required to impose for a third or 881
fourth degree felony OVI offense pursuant to division (G)(2) of 882
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 883
of the Revised Code or the term of one, two, three, four, or five 884
years in prison that a sentencing court is required to impose 885
pursuant to division (G)(2) of section 2929.13 of the Revised 886

Code. 887

(3) The term in prison imposed pursuant to division (A) of 888
section 2971.03 of the Revised Code for the offenses and in the 889
circumstances described in division (F)(11) of section 2929.13 of 890
the Revised Code, pursuant to division (B)(1) of section 2971.03 891
of the Revised Code for the offense of rape committed on or after 892
the effective date of this amendment in violation of division 893
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, or 894
pursuant to division (B)(2) of section 2971.03 of the Revised Code 895
for the offense of attempted rape committed on or after the 896
effective date of this amendment and a specification of the type 897
described in section 2941.1418 of the Revised Code and that term 898
as modified or terminated pursuant to section 2971.05 of the 899
Revised Code. 900

(Z) "Monitored time" means a period of time during which an 901
offender continues to be under the control of the sentencing court 902
or parole board, subject to no conditions other than leading a 903
law-abiding life. 904

(AA) "Offender" means a person who, in this state, is 905
convicted of or pleads guilty to a felony or a misdemeanor. 906

(BB) "Prison" means a residential facility used for the 907
confinement of convicted felony offenders that is under the 908
control of the department of rehabilitation and correction but 909
does not include a violation sanction center operated under 910
authority of section 2967.141 of the Revised Code. 911

(CC) "Prison term" includes any of the following sanctions 912
for an offender: 913

(1) A stated prison term; 914

(2) A term in a prison shortened by, or with the approval of, 915
the sentencing court pursuant to section 2929.20, 2967.26, 916

5120.031, 5120.032, or 5120.073 of the Revised Code;	917
(3) A term in prison extended by bad time imposed pursuant to section 2967.11 of the Revised Code or imposed for a violation of post-release control pursuant to section 2967.28 of the Revised Code.	918 919 920 921
(DD) "Repeat violent offender" means a person about whom both of the following apply:	922 923
(1) The person has been convicted of or has pleaded guilty to, and is being sentenced for committing, for complicity in committing, or for an attempt to commit, aggravated murder, murder, involuntary manslaughter, a felony of the first degree other than one set forth in Chapter 2925. of the Revised Code, a felony of the first degree set forth in Chapter 2925. of the Revised Code that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person, or a felony of the second degree that involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person.	924 925 926 927 928 929 930 931 932 933 934
(2) Either of the following applies:	935
(a) The person previously was convicted of or pleaded guilty to, and previously served or, at the time of the offense was serving, a prison term for, any of the following:	936 937 938
(i) 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;	939 940 941 942 943 944
(ii) An offense under an existing or former law of this state, another state, or the United States that is or was	945 946

substantially equivalent to an offense listed under division 947
(DD)(2)(a)(i) of this section and that resulted in the death of a 948
person or in physical harm to a person. 949

(b) The person previously was adjudicated a delinquent child 950
for committing an act that if committed by an adult would have 951
been an offense listed in division (DD)(2)(a)(i) or (ii) of this 952
section, the person was committed to the department of youth 953
services for that delinquent act. 954

(EE) "Sanction" means any penalty imposed upon an offender 955
who is convicted of or pleads guilty to an offense, as punishment 956
for the offense. "Sanction" includes any sanction imposed pursuant 957
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 958
2929.28 of the Revised Code. 959

(FF) "Sentence" means the sanction or combination of 960
sanctions imposed by the sentencing court on an offender who is 961
convicted of or pleads guilty to an offense. 962

(GG) "Stated prison term" means the prison term, mandatory 963
prison term, or combination of all prison terms and mandatory 964
prison terms imposed by the sentencing court pursuant to section 965
2929.14 or 2971.03 of the Revised Code. "Stated prison term" 966
includes any credit received by the offender for time spent in 967
jail awaiting trial, sentencing, or transfer to prison for the 968
offense and any time spent under house arrest or house arrest with 969
electronic monitoring imposed after earning credits pursuant to 970
section 2967.193 of the Revised Code. 971

(HH) "Victim-offender mediation" means a reconciliation or 972
mediation program that involves an offender and the victim of the 973
offense committed by the offender and that includes a meeting in 974
which the offender and the victim may discuss the offense, discuss 975
restitution, and consider other sanctions for the offense. 976

(II) "Fourth degree felony OVI offense" means a violation of 977

division (A) of section 4511.19 of the Revised Code that, under 978
division (G) of that section, is a felony of the fourth degree. 979

(JJ) "Mandatory term of local incarceration" means the term 980
of sixty or one hundred twenty days in a jail, a community-based 981
correctional facility, a halfway house, or an alternative 982
residential facility that a sentencing court may impose upon a 983
person who is convicted of or pleads guilty to a fourth degree 984
felony OVI offense pursuant to division (G)(1) of section 2929.13 985
of the Revised Code and division (G)(1)(d) or (e) of section 986
4511.19 of the Revised Code. 987

(KK) "Designated homicide, assault, or kidnapping offense," 988
"violent sex offense," "sexual motivation specification," 989
"sexually violent offense," "sexually violent predator," and 990
"sexually violent predator specification" have the same meanings 991
as in section 2971.01 of the Revised Code. 992

(LL) "Habitual sex offender," "sexually oriented offense," 993
"sexual predator," "registration-exempt sexually oriented 994
offense," "child-victim oriented offense," "habitual child-victim 995
offender," and "child-victim predator" have the same meanings as 996
in section 2950.01 of the Revised Code. 997

(MM) An offense is "committed in the vicinity of a child" if 998
the offender commits the offense within thirty feet of or within 999
the same residential unit as a child who is under eighteen years 1000
of age, regardless of whether the offender knows the age of the 1001
child or whether the offender knows the offense is being committed 1002
within thirty feet of or within the same residential unit as the 1003
child and regardless of whether the child actually views the 1004
commission of the offense. 1005

(NN) "Family or household member" has the same meaning as in 1006
section 2919.25 of the Revised Code. 1007

(OO) "Motor vehicle" and "manufactured home" have the same 1008

meanings as in section 4501.01 of the Revised Code. 1009

(PP) "Detention" and "detention facility" have the same 1010
meanings as in section 2921.01 of the Revised Code. 1011

(QQ) "Third degree felony OVI offense" means a violation of 1012
division (A) of section 4511.19 of the Revised Code that, under 1013
division (G) of that section, is a felony of the third degree. 1014

(RR) "Random drug testing" has the same meaning as in section 1015
5120.63 of the Revised Code. 1016

(SS) "Felony sex offense" has the same meaning as in section 1017
2967.28 of the Revised Code. 1018

(TT) "Body armor" has the same meaning as in section 1019
2941.1411 of the Revised Code. 1020

(UU) "Electronic monitoring" means monitoring through the use 1021
of an electronic monitoring device. 1022

(VV) "Electronic monitoring device" means any of the 1023
following: 1024

(1) Any device that can be operated by electrical or battery 1025
power and that conforms with all of the following: 1026

(a) The device has a transmitter that can be attached to a 1027
person, that will transmit a specified signal to a receiver of the 1028
type described in division (VV)(1)(b) of this section if the 1029
transmitter is removed from the person, turned off, or altered in 1030
any manner without prior court approval in relation to electronic 1031
monitoring or without prior approval of the department of 1032
rehabilitation and correction in relation to the use of an 1033
electronic monitoring device for an inmate on transitional control 1034
or otherwise is tampered with, that can transmit continuously and 1035
periodically a signal to that receiver when the person is within a 1036
specified distance from the receiver, and that can transmit an 1037
appropriate signal to that receiver if the person to whom it is 1038

attached travels a specified distance from that receiver. 1039

(b) The device has a receiver that can receive continuously 1040
the signals transmitted by a transmitter of the type described in 1041
division (VV)(1)(a) of this section, can transmit continuously 1042
those signals by telephone to a central monitoring computer of the 1043
type described in division (VV)(1)(c) of this section, and can 1044
transmit continuously an appropriate signal to that central 1045
monitoring computer if the receiver is turned off or altered 1046
without prior court approval or otherwise tampered with. 1047

(c) The device has a central monitoring computer that can 1048
receive continuously the signals transmitted by telephone by a 1049
receiver of the type described in division (VV)(1)(b) of this 1050
section and can monitor continuously the person to whom an 1051
electronic monitoring device of the type described in division 1052
(VV)(1)(a) of this section is attached. 1053

(2) Any device that is not a device of the type described in 1054
division (VV)(1) of this section and that conforms with all of the 1055
following: 1056

(a) The device includes a transmitter and receiver that can 1057
monitor and determine the location of a subject person at any 1058
time, or at a designated point in time, through the use of a 1059
central monitoring computer or through other electronic means. 1060

(b) The device includes a transmitter and receiver that can 1061
determine at any time, or at a designated point in time, through 1062
the use of a central monitoring computer or other electronic means 1063
the fact that the transmitter is turned off or altered in any 1064
manner without prior approval of the court in relation to the 1065
electronic monitoring or without prior approval of the department 1066
of rehabilitation and correction in relation to the use of an 1067
electronic monitoring device for an inmate on transitional control 1068
or otherwise is tampered with. 1069

(3) Any type of technology that can adequately track or 1070
determine the location of a subject person at any time and that is 1071
approved by the director of rehabilitation and correction, 1072
including, but not limited to, any satellite technology, voice 1073
tracking system, or retinal scanning system that is so approved. 1074

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1075
a victim of an offense as a result of or related to the commission 1076
of the offense, including, but not limited to, pain and suffering; 1077
loss of society, consortium, companionship, care, assistance, 1078
attention, protection, advice, guidance, counsel, instruction, 1079
training, or education; mental anguish; and any other intangible 1080
loss. 1081

(XX) "Prosecutor" has the same meaning as in section 2935.01 1082
of the Revised Code. 1083

(YY) "Continuous alcohol monitoring" means the ability to 1084
automatically test and periodically transmit alcohol consumption 1085
levels and tamper attempts at least every hour, regardless of the 1086
location of the person who is being monitored. 1087

(ZZ) A person is "adjudicated a sexually violent predator" if 1088
the person is convicted of or pleads guilty to a violent sex 1089
offense and also is convicted of or pleads guilty to a sexually 1090
violent predator specification that was included in the 1091
indictment, count in the indictment, or information charging that 1092
violent sex offense or if the person is convicted of or pleads 1093
guilty to a designated homicide, assault, or kidnapping offense 1094
and also is convicted of or pleads guilty to both a sexual 1095
motivation specification and a sexually violent predator 1096
specification that were included in the indictment, count in the 1097
indictment, or information charging that designated homicide, 1098
assault, or kidnapping offense. 1099

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1100
(G) of this section and unless a specific sanction is required to 1101
be imposed or is precluded from being imposed pursuant to law, a 1102
court that imposes a sentence upon an offender for a felony may 1103
impose any sanction or combination of sanctions on the offender 1104
that are provided in sections 2929.14 to 2929.18 of the Revised 1105
Code. The sentence shall not impose an unnecessary burden on state 1106
or local government resources. 1107

If the offender is eligible to be sentenced to community 1108
control sanctions, the court shall consider the appropriateness of 1109
imposing a financial sanction pursuant to section 2929.18 of the 1110
Revised Code or a sanction of community service pursuant to 1111
section 2929.17 of the Revised Code as the sole sanction for the 1112
offense. Except as otherwise provided in this division, if the 1113
court is required to impose a mandatory prison term for the 1114
offense for which sentence is being imposed, the court also may 1115
impose a financial sanction pursuant to section 2929.18 of the 1116
Revised Code but may not impose any additional sanction or 1117
combination of sanctions under section 2929.16 or 2929.17 of the 1118
Revised Code. 1119

If the offender is being sentenced for a fourth degree felony 1120
OVI offense or for a third degree felony OVI offense, in addition 1121
to the mandatory term of local incarceration or the mandatory 1122
prison term required for the offense by division (G)(1) or (2) of 1123
this section, the court shall impose upon the offender a mandatory 1124
fine in accordance with division (B)(3) of section 2929.18 of the 1125
Revised Code and may impose whichever of the following is 1126
applicable: 1127

(1) For a fourth degree felony OVI offense for which sentence 1128
is imposed under division (G)(1) of this section, an additional 1129
community control sanction or combination of community control 1130
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 1131

the court imposes upon the offender a community control sanction 1132
and the offender violates any condition of the community control 1133
sanction, the court may take any action prescribed in division (B) 1134
of section 2929.15 of the Revised Code relative to the offender, 1135
including imposing a prison term on the offender pursuant to that 1136
division. 1137

(2) For a third or fourth degree felony OVI offense for which 1138
sentence is imposed under division (G)(2) of this section, an 1139
additional prison term as described in division (D)(4) of section 1140
2929.14 of the Revised Code or a community control sanction as 1141
described in division (G)(2) of this section. 1142

(B)(1) Except as provided in division (B)(2), (E), (F), or 1143
(G) of this section, in sentencing an offender for a felony of the 1144
fourth or fifth degree, the sentencing court shall determine 1145
whether any of the following apply: 1146

(a) In committing the offense, the offender caused physical 1147
harm to a person. 1148

(b) In committing the offense, the offender attempted to 1149
cause or made an actual threat of physical harm to a person with a 1150
deadly weapon. 1151

(c) In committing the offense, the offender attempted to 1152
cause or made an actual threat of physical harm to a person, and 1153
the offender previously was convicted of an offense that caused 1154
physical harm to a person. 1155

(d) The offender held a public office or position of trust 1156
and the offense related to that office or position; the offender's 1157
position obliged the offender to prevent the offense or to bring 1158
those committing it to justice; or the offender's professional 1159
reputation or position facilitated the offense or was likely to 1160
influence the future conduct of others. 1161

(e) The offender committed the offense for hire or as part of 1162
an organized criminal activity. 1163

(f) The offense is a sex offense that is a fourth or fifth 1164
degree felony violation of section 2907.03, 2907.04, 2907.05, 1165
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1166
Revised Code. 1167

(g) The offender at the time of the offense was serving, or 1168
the offender previously had served, a prison term. 1169

(h) The offender committed the offense while under a 1170
community control sanction, while on probation, or while released 1171
from custody on a bond or personal recognizance. 1172

(i) The offender committed the offense while in possession of 1173
a firearm. 1174

(2)(a) If the court makes a finding described in division 1175
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1176
section and if the court, after considering the factors set forth 1177
in section 2929.12 of the Revised Code, finds that a prison term 1178
is consistent with the purposes and principles of sentencing set 1179
forth in section 2929.11 of the Revised Code and finds that the 1180
offender is not amenable to an available community control 1181
sanction, the court shall impose a prison term upon the offender. 1182

(b) Except as provided in division (E), (F), or (G) of this 1183
section, if the court does not make a finding described in 1184
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1185
this section and if the court, after considering the factors set 1186
forth in section 2929.12 of the Revised Code, finds that a 1187
community control sanction or combination of community control 1188
sanctions is consistent with the purposes and principles of 1189
sentencing set forth in section 2929.11 of the Revised Code, the 1190
court shall impose a community control sanction or combination of 1191
community control sanctions upon the offender. 1192

(C) Except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code.

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

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

(2) A community control sanction or a combination of community control sanctions would not demean the seriousness of

the offense, because one or more factors under section 2929.12 of
the Revised Code that indicate that the offender's conduct was
less serious than conduct normally constituting the offense are
applicable, and they outweigh the applicable factors under that
section that indicate that the offender's conduct was more serious
than conduct normally constituting the offense.

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

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

(a) The offender had been ordered as a sanction for the
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) or (A)(2) of section 2907.02 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is under thirteen years of age, ~~if~~ 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 ~~if~~ the victim of the previous offense was under thirteen years of age;

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

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

(6) Any offense that is a first or second degree felony and

that is not set forth in division (F)(1), (2), (3), or (4) of this 1287
section, if the offender previously was convicted of or pleaded 1288
guilty to aggravated murder, murder, any first or second degree 1289
felony, or an offense under an existing or former law of this 1290
state, another state, or the United States that is or was 1291
substantially equivalent to one of those offenses; 1292

(7) Any offense that is a third degree felony and that is 1293
listed in division (DD)(1) of section 2929.01 of the Revised Code 1294
if the offender previously was convicted of or pleaded guilty to 1295
any offense that is listed in division (DD)(2)(a)(i) or (ii) of 1296
section 2929.01 of the Revised Code; 1297

(8) Any offense, other than a violation of section 2923.12 of 1298
the Revised Code, that is a felony, if the offender had a firearm 1299
on or about the offender's person or under the offender's control 1300
while committing the felony, with respect to a portion of the 1301
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 1302
of the Revised Code for having the firearm; 1303

(9) Any offense of violence that is a felony, if the offender 1304
wore or carried body armor while committing the felony offense of 1305
violence, with respect to the portion of the sentence imposed 1306
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 1307
Code for wearing or carrying the body armor; 1308

(10) Corrupt activity in violation of section 2923.32 of the 1309
Revised Code when the most serious offense in the pattern of 1310
corrupt activity that is the basis of the offense is a felony of 1311
the first degree; 1312

(11) Any violent sex offense or designated homicide, assault, 1313
or kidnapping offense if, in relation to that offense, the 1314
offender is adjudicated a sexually violent predator; 1315

(12) A violation of division (A)(1) or (2) of section 2921.36 1316
of the Revised Code, or a violation of division (C) of that 1317

section involving an item listed in division (A)(1) or (2) of that 1318
section, if the offender is an officer or employee of the 1319
department of rehabilitation and correction; 1320

(13) A violation of division (A)(1) or (2) of section 2903.06 1321
of the Revised Code if the victim of the offense is a peace 1322
officer, as defined in section 2935.01 of the Revised Code, with 1323
respect to the portion of the sentence imposed pursuant to 1324
division (D)(5) of section 2929.14 of the Revised Code; 1325

(14) A violation of division (A)(1) or (2) of section 2903.06 1326
of the Revised Code if the offender has been convicted of or 1327
pleaded guilty to three or more violations of division (A) or (B) 1328
of section 4511.19 of the Revised Code or an equivalent offense, 1329
as defined in section 2941.1415 of the Revised Code, or three or 1330
more violations of any combination of those divisions and 1331
offenses, with respect to the portion of the sentence imposed 1332
pursuant to division (D)(6) of section 2929.14 of the Revised 1333
Code. 1334

(G) Notwithstanding divisions (A) to (E) of this section, if 1335
an offender is being sentenced for a fourth degree felony OVI 1336
offense or for a third degree felony OVI offense, the court shall 1337
impose upon the offender a mandatory term of local incarceration 1338
or a mandatory prison term in accordance with the following: 1339

(1) If the offender is being sentenced for a fourth degree 1340
felony OVI offense and if the offender has not been convicted of 1341
and has not pleaded guilty to a specification of the type 1342
described in section 2941.1413 of the Revised Code, the court may 1343
impose upon the offender a mandatory term of local incarceration 1344
of sixty days or one hundred twenty days as specified in division 1345
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1346
not reduce the term pursuant to section 2929.20, 2967.193, or any 1347
other provision of the Revised Code. The court that imposes a 1348

mandatory term of local incarceration under this division shall 1349
specify whether the term is to be served in a jail, a 1350
community-based correctional facility, a halfway house, or an 1351
alternative residential facility, and the offender shall serve the 1352
term in the type of facility specified by the court. A mandatory 1353
term of local incarceration imposed under division (G)(1) of this 1354
section is not subject to extension under section 2967.11 of the 1355
Revised Code, to a period of post-release control under section 1356
2967.28 of the Revised Code, or to any other Revised Code 1357
provision that pertains to a prison term except as provided in 1358
division (A)(1) of this section. 1359

(2) If the offender is being sentenced for a third degree 1360
felony OVI offense, or if the offender is being sentenced for a 1361
fourth degree felony OVI offense and the court does not impose a 1362
mandatory term of local incarceration under division (G)(1) of 1363
this section, the court shall impose upon the offender a mandatory 1364
prison term of one, two, three, four, or five years if the 1365
offender also is convicted of or also pleads guilty to a 1366
specification of the type described in section 2941.1413 of the 1367
Revised Code or shall impose upon the offender a mandatory prison 1368
term of sixty days or one hundred twenty days as specified in 1369
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1370
if the offender has not been convicted of and has not pleaded 1371
guilty to a specification of that type. The court shall not reduce 1372
the term pursuant to section 2929.20, 2967.193, or any other 1373
provision of the Revised Code. The offender shall serve the one-, 1374
two-, three-, four-, or five-year mandatory prison term 1375
consecutively to and prior to the prison term imposed for the 1376
underlying offense and consecutively to any other mandatory prison 1377
term imposed in relation to the offense. In no case shall an 1378
offender who once has been sentenced to a mandatory term of local 1379
incarceration pursuant to division (G)(1) of this section for a 1380

fourth degree felony OVI offense be sentenced to another mandatory
term of local incarceration under that division for any violation
of division (A) of section 4511.19 of the Revised Code. In
addition to the mandatory prison term described in division (G)(2)
of this section, the court may sentence the offender to a
community control sanction under section 2929.16 or 2929.17 of the
Revised Code, but the offender shall serve the prison term prior
to serving the community control sanction. The department of
rehabilitation and correction may place an offender sentenced to a
mandatory prison term under this division in an intensive program
prison established pursuant to section 5120.033 of the Revised
Code if the department gave the sentencing judge prior notice of
its intent to place the offender in an intensive program prison
established under that section and if the judge did not notify the
department that the judge disapproved the placement. Upon the
establishment of the initial intensive program prison pursuant to
section 5120.033 of the Revised Code that is privately operated
and managed by a contractor pursuant to a contract entered into
under section 9.06 of the Revised Code, both of the following
apply:

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

(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 1413
require the offender to submit to a DNA specimen collection 1414
procedure pursuant to section 2901.07 of the Revised Code if 1415
~~either~~ any of the following applies: 1416

(1) The offense was a violent sex offense or a designated 1417
homicide, assault, or kidnapping offense and, in relation to that 1418
offense, the offender was adjudicated a sexually violent predator. 1419

(2) The offense was a violation of division (A)(1)(b) or 1420
(A)(2) of section 2907.02 of the Revised Code committed on or 1421
after the effective date of this amendment. 1422

(3) The offense was attempted rape committed on or after the 1423
effective date of this amendment, and the offender also was 1424
convicted of or pleaded guilty to a specification of the type 1425
described in section 2941.1418 of the Revised Code. 1426

(4) The judge imposing sentence for the sexually oriented 1427
offense determines pursuant to division (B) of section 2950.09 of 1428
the Revised Code that the offender is a sexual predator. 1429

(I) If an offender is being sentenced for a sexually oriented 1430
offense that is not a registration-exempt sexually oriented 1431
offense or for a child-victim oriented offense committed on or 1432
after January 1, 1997, the judge shall include in the sentence a 1433
summary of the offender's duties imposed under sections 2950.04, 1434
2950.041, 2950.05, and 2950.06 of the Revised Code and the 1435
duration of the duties. The judge shall inform the offender, at 1436
the time of sentencing, of those duties and of their duration and, 1437
if required under division (A)(2) of section 2950.03 of the 1438
Revised Code, shall perform the duties specified in that section. 1439

(J)(1) Except as provided in division (J)(2) of this section, 1440
when considering sentencing factors under this section in relation 1441
to an offender who is convicted of or pleads guilty to an attempt 1442
to commit an offense in violation of section 2923.02 of the 1443

Revised Code, the sentencing court shall consider the factors 1444
applicable to the felony category of the violation of section 1445
2923.02 of the Revised Code instead of the factors applicable to 1446
the felony category of the offense attempted. 1447

(2) When considering sentencing factors under this section in 1448
relation to an offender who is convicted of or pleads guilty to an 1449
attempt to commit a drug abuse offense for which the penalty is 1450
determined by the amount or number of unit doses of the controlled 1451
substance involved in the drug abuse offense, the sentencing court 1452
shall consider the factors applicable to the felony category that 1453
the drug abuse offense attempted would be if that drug abuse 1454
offense had been committed and had involved an amount or number of 1455
unit doses of the controlled substance that is within the next 1456
lower range of controlled substance amounts than was involved in 1457
the attempt. 1458

(K) As used in this section, "drug abuse offense" has the 1459
same meaning as in section 2925.01 of the Revised Code. 1460

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 1461
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 1462
except in relation to an offense for which a sentence of death or 1463
life imprisonment is to be imposed, if the court imposing a 1464
sentence upon an offender for a felony elects or is required to 1465
impose a prison term on the offender pursuant to this chapter, the 1466
court shall impose a definite prison term that shall be one of the 1467
following: 1468

(1) For a felony of the first degree, the prison term shall 1469
be three, four, five, six, seven, eight, nine, or ten years. 1470

(2) For a felony of the second degree, the prison term shall 1471
be two, three, four, five, six, seven, or eight years. 1472

(3) For a felony of the third degree, the prison term shall 1473

be one, two, three, four, or five years. 1474

(4) For a felony of the fourth degree, the prison term shall 1475
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1476
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1477

(5) For a felony of the fifth degree, the prison term shall 1478
be six, seven, eight, nine, ten, eleven, or twelve months. 1479

(B) Except as provided in division (C), (D)(1), (D)(2), 1480
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 1481
of the Revised Code, or in Chapter 2925. of the Revised Code, if 1482
the court imposing a sentence upon an offender for a felony elects 1483
or is required to impose a prison term on the offender, the court 1484
shall impose the shortest prison term authorized for the offense 1485
pursuant to division (A) of this section, unless one or more of 1486
the following applies: 1487

(1) The offender was serving a prison term at the time of the 1488
offense, or the offender previously had served a prison term. 1489

(2) The court finds on the record that the shortest prison 1490
term will demean the seriousness of the offender's conduct or will 1491
not adequately protect the public from future crime by the 1492
offender or others. 1493

(C) Except as provided in division (G) of this section or in 1494
Chapter 2925. of the Revised Code, the court imposing a sentence 1495
upon an offender for a felony may impose the longest prison term 1496
authorized for the offense pursuant to division (A) of this 1497
section only upon offenders who committed the worst forms of the 1498
offense, upon offenders who pose the greatest likelihood of 1499
committing future crimes, upon certain major drug offenders under 1500
division (D)(3) of this section, and upon certain repeat violent 1501
offenders in accordance with division (D)(2) of this section. 1502

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1503

section, if an offender who is convicted of or pleads guilty to a
felony also is convicted of or pleads guilty to a specification of
the type described in section 2941.141, 2941.144, or 2941.145 of
the Revised Code, the court shall impose on the offender one of
the following prison terms:

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

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

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

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

(c) Except as provided in division (D)(1)(e) of this section,

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

(d) If an offender who is convicted of or pleads guilty to an
offense of violence that is a felony also is convicted of or
pleads guilty to a specification of the type described in section
2941.1411 of the Revised Code that charges the offender with
wearing or carrying body armor while committing the felony offense
of violence, the court shall impose on the offender a prison term
of two years. The prison term so imposed shall not be reduced
pursuant to section 2929.20, section 2967.193, or any other

provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 1567
court shall not impose more than one prison term on an offender 1568
under division (D)(1)(d) of this section for felonies committed as 1569
part of the same act or transaction. If a court imposes an 1570
additional prison term under division (D)(1)(a) or (c) of this 1571
section, the court is not precluded from imposing an additional 1572
prison term under division (D)(1)(d) of this section. 1573

(e) The court shall not impose any of the prison terms 1574
described in division (D)(1)(a) of this section or any of the 1575
additional prison terms described in division (D)(1)(c) of this 1576
section upon an offender for a violation of section 2923.12 or 1577
2923.123 of the Revised Code. The court shall not impose any of 1578
the prison terms described in division (D)(1)(a) of this section 1579
or any of the additional prison terms described in division 1580
(D)(1)(c) of this section upon an offender for a violation of 1581
section 2923.13 of the Revised Code unless all of the following 1582
apply: 1583

(i) The offender previously has been convicted of aggravated 1584
murder, murder, or any felony of the first or second degree. 1585

(ii) Less than five years have passed since the offender was 1586
released from prison or post-release control, whichever is later, 1587
for the prior offense. 1588

(f) If an offender is convicted of or pleads guilty to a 1589
felony that includes, as an essential element, causing or 1590
attempting to cause the death of or physical harm to another and 1591
also is convicted of or pleads guilty to a specification of the 1592
type described in section 2941.1412 of the Revised Code that 1593
charges the offender with committing the offense by discharging a 1594
firearm at a peace officer as defined in section 2935.01 of the 1595
Revised Code or a corrections officer as defined in section 1596
2941.1412 of the Revised Code, the court, after imposing a prison 1597

term on the offender for the felony offense under division (A), 1598
(D)(2), or (D)(3) of this section, shall impose an additional 1599
prison term of seven years upon the offender that shall not be 1600
reduced pursuant to section 2929.20, section 2967.193, or any 1601
other provision of Chapter 2967. or Chapter 5120. of the Revised 1602
Code. A court shall not impose more than one additional prison 1603
term on an offender under division (D)(1)(f) of this section for 1604
felonies committed as part of the same act or transaction. If a 1605
court imposes an additional prison term on an offender under 1606
division (D)(1)(f) of this section relative to an offense, the 1607
court shall not impose a prison term under division (D)(1)(a) or 1608
(c) of this section relative to the same offense. 1609

(2)(a) If an offender who is convicted of or pleads guilty to 1610
a felony also is convicted of or pleads guilty to a specification 1611
of the type described in section 2941.149 of the Revised Code that 1612
the offender is a repeat violent offender, the court shall impose 1613
a prison term from the range of terms authorized for the offense 1614
under division (A) of this section that may be the longest term in 1615
the range and that shall not be reduced pursuant to section 1616
2929.20, section 2967.193, or any other provision of Chapter 2967. 1617
or Chapter 5120. of the Revised Code. If the court finds that the 1618
repeat violent offender, in committing the offense, caused any 1619
physical harm that carried a substantial risk of death to a person 1620
or that involved substantial permanent incapacity or substantial 1621
permanent disfigurement of a person, the court shall impose the 1622
longest prison term from the range of terms authorized for the 1623
offense under division (A) of this section. 1624

(b) If the court imposing a prison term on a repeat violent 1625
offender imposes the longest prison term from the range of terms 1626
authorized for the offense under division (A) of this section, the 1627
court may impose on the offender an additional definite prison 1628
term of one, two, three, four, five, six, seven, eight, nine, or 1629

ten years if the court finds that both of the following apply with
respect to the prison terms imposed on the offender pursuant to
division (D)(2)(a) of this section and, if applicable, divisions
(D)(1) and (3) of this section:

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

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

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

the type described in section 2941.1410 of the Revised Code 1662
charging that the offender is a major drug offender, if the court 1663
imposing sentence upon an offender for a felony finds that the 1664
offender is guilty of corrupt activity with the most serious 1665
offense in the pattern of corrupt activity being a felony of the 1666
first degree, or if the offender is guilty of an attempted 1667
violation of section 2907.02 of the Revised Code and, had the 1668
offender completed the violation of section 2907.02 of the Revised 1669
Code that was attempted, the offender would have been subject to a 1670
sentence of life imprisonment or life imprisonment without parole 1671
for the violation of section 2907.02 of the Revised Code, the 1672
court shall impose upon the offender for the felony violation a 1673
ten-year prison term that cannot be reduced pursuant to section 1674
2929.20 or Chapter 2967. or 5120. of the Revised Code. 1675

(b) The court imposing a prison term on an offender under 1676
division (D)(3)(a) of this section may impose an additional prison 1677
term of one, two, three, four, five, six, seven, eight, nine, or 1678
ten years, if the court, with respect to the term imposed under 1679
division (D)(3)(a) of this section and, if applicable, divisions 1680
(D)(1) and (2) of this section, makes both of the findings set 1681
forth in divisions (D)(2)(b)(i) and (ii) of this section. 1682

(4) If the offender is being sentenced for a third or fourth 1683
degree felony OVI offense under division (G)(2) of section 2929.13 1684
of the Revised Code, the sentencing court shall impose upon the 1685
offender a mandatory prison term in accordance with that division. 1686
In addition to the mandatory prison term, if the offender is being 1687
sentenced for a fourth degree felony OVI offense, the court, 1688
notwithstanding division (A)(4) of this section, may sentence the 1689
offender to a definite prison term of not less than six months and 1690
not more than thirty months, and if the offender is being 1691
sentenced for a third degree felony OVI offense, the sentencing 1692
court may sentence the offender to an additional prison term of 1693

any duration specified in division (A)(3) of this section. In 1694
either case, the additional prison term imposed shall be reduced 1695
by the sixty or one hundred twenty days imposed upon the offender 1696
as the mandatory prison term. The total of the additional prison 1697
term imposed under division (D)(4) of this section plus the sixty 1698
or one hundred twenty days imposed as the mandatory prison term 1699
shall equal a definite term in the range of six months to thirty 1700
months for a fourth degree felony OVI offense and shall equal one 1701
of the authorized prison terms specified in division (A)(3) of 1702
this section for a third degree felony OVI offense. If the court 1703
imposes an additional prison term under division (D)(4) of this 1704
section, the offender shall serve the additional prison term after 1705
the offender has served the mandatory prison term required for the 1706
offense. In addition to the mandatory prison term or mandatory and 1707
additional prison term imposed as described in division (D)(4) of 1708
this section, the court also may sentence the offender to a 1709
community control sanction under section 2929.16 or 2929.17 of the 1710
Revised Code, but the offender shall serve all of the prison terms 1711
so imposed prior to serving the community control sanction. 1712

If the offender is being sentenced for a fourth degree felony 1713
OVI offense under division (G)(1) of section 2929.13 of the 1714
Revised Code and the court imposes a mandatory term of local 1715
incarceration, the court may impose a prison term as described in 1716
division (A)(1) of that section. 1717

(5) If an offender is convicted of or pleads guilty to a 1718
violation of division (A)(1) or (2) of section 2903.06 of the 1719
Revised Code and also is convicted of or pleads guilty to a 1720
specification of the type described in section 2941.1414 of the 1721
Revised Code that charges that the victim of the offense is a 1722
peace officer, as defined in section 2935.01 of the Revised Code, 1723
the court shall impose on the offender a prison term of five 1724
years. If a court imposes a prison term on an offender under 1725

division (D)(5) of this section, the prison term shall not be 1726
reduced pursuant to section 2929.20, section 2967.193, or any 1727
other provision of Chapter 2967. or Chapter 5120. of the Revised 1728
Code. A court shall not impose more than one prison term on an 1729
offender under division (D)(5) of this section for felonies 1730
committed as part of the same act. 1731

(6) If an offender is convicted of or pleads guilty to a 1732
violation of division (A)(1) or (2) of section 2903.06 of the 1733
Revised Code and also is convicted of or pleads guilty to a 1734
specification of the type described in section 2941.1415 of the 1735
Revised Code that charges that the offender previously has been 1736
convicted of or pleaded guilty to three or more violations of 1737
division (A) or (B) of section 4511.19 of the Revised Code or an 1738
equivalent offense, as defined in section 2941.1415 of the Revised 1739
Code, or three or more violations of any combination of those 1740
divisions and offenses, the court shall impose on the offender a 1741
prison term of three years. If a court imposes a prison term on an 1742
offender under division (D)(6) of this section, the prison term 1743
shall not be reduced pursuant to section 2929.20, section 1744
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 1745
of the Revised Code. A court shall not impose more than one prison 1746
term on an offender under division (D)(6) of this section for 1747
felonies committed as part of the same act. 1748

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 1749
mandatory prison term is imposed upon an offender pursuant to 1750
division (D)(1)(a) of this section for having a firearm on or 1751
about the offender's person or under the offender's control while 1752
committing a felony, if a mandatory prison term is imposed upon an 1753
offender pursuant to division (D)(1)(c) of this section for 1754
committing a felony specified in that division by discharging a 1755
firearm from a motor vehicle, or if both types of mandatory prison 1756
terms are imposed, the offender shall serve any mandatory prison 1757

term imposed under either division consecutively to any other 1758
mandatory prison term imposed under either division or under 1759
division (D)(1)(d) of this section, consecutively to and prior to 1760
any prison term imposed for the underlying felony pursuant to 1761
division (A), (D)(2), or (D)(3) of this section or any other 1762
section of the Revised Code, and consecutively to any other prison 1763
term or mandatory prison term previously or subsequently imposed 1764
upon the offender. 1765

(b) If a mandatory prison term is imposed upon an offender 1766
pursuant to division (D)(1)(d) of this section for wearing or 1767
carrying body armor while committing an offense of violence that 1768
is a felony, the offender shall serve the mandatory term so 1769
imposed consecutively to any other mandatory prison term imposed 1770
under that division or under division (D)(1)(a) or (c) of this 1771
section, consecutively to and prior to any prison term imposed for 1772
the underlying felony under division (A), (D)(2), or (D)(3) of 1773
this section or any other section of the Revised Code, and 1774
consecutively to any other prison term or mandatory prison term 1775
previously or subsequently imposed upon the offender. 1776

(c) If a mandatory prison term is imposed upon an offender 1777
pursuant to division (D)(1)(f) of this section, the offender shall 1778
serve the mandatory prison term so imposed consecutively to and 1779
prior to any prison term imposed for the underlying felony under 1780
division (A), (D)(2), or (D)(3) of this section or any other 1781
section of the Revised Code, and consecutively to any other prison 1782
term or mandatory prison term previously or subsequently imposed 1783
upon the offender. 1784

(2) If an offender who is an inmate in a jail, prison, or 1785
other residential detention facility violates section 2917.02, 1786
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1787
who is under detention at a detention facility commits a felony 1788
violation of section 2923.131 of the Revised Code, or if an 1789

offender who is an inmate in a jail, prison, or other residential
detention facility or is under detention at a detention facility
commits another felony while the offender is an escapee in
violation of section 2921.34 of the Revised Code, any prison term
imposed upon the offender for one of those violations shall be
served by the offender consecutively to the prison term or term of
imprisonment the offender was serving when the offender committed
that offense and to any other prison term previously or
subsequently imposed upon the offender.

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

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

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

(b) At least two of the multiple offenses were committed as

part of one or more courses of conduct, and the harm caused by two 1821
or more of the multiple offenses so committed was so great or 1822
unusual that no single prison term for any of the offenses 1823
committed as part of any of the courses of conduct adequately 1824
reflects the seriousness of the offender's conduct. 1825

(c) The offender's history of criminal conduct demonstrates 1826
that consecutive sentences are necessary to protect the public 1827
from future crime by the offender. 1828

(5) If a mandatory prison term is imposed upon an offender 1829
pursuant to division (D)(5) or (6) of this section, the offender 1830
shall serve the mandatory prison term consecutively to and prior 1831
to any prison term imposed for the underlying violation of 1832
division (A)(1) or (2) of section 2903.06 of the Revised Code 1833
pursuant to division (A) of this section. If a mandatory prison 1834
term is imposed upon an offender pursuant to division (D)(5) of 1835
this section, and if a mandatory prison term also is imposed upon 1836
the offender pursuant to division (D)(6) of this section in 1837
relation to the same violation, the offender shall serve the 1838
mandatory prison term imposed pursuant to division (D)(5) of this 1839
section consecutively to and prior to the mandatory prison term 1840
imposed pursuant to division (D)(6) of this section and 1841
consecutively to and prior to any prison term imposed for the 1842
underlying violation of division (A)(1) or (2) of section 2903.06 1843
of the Revised Code pursuant to division (A) of this section. 1844

(6) When consecutive prison terms are imposed pursuant to 1845
division (E)(1), (2), (3), (4), or (5) of this section, the term 1846
to be served is the aggregate of all of the terms so imposed. 1847

(F) If a court imposes a prison term of a type described in 1848
division (B) of section 2967.28 of the Revised Code, it shall 1849
include in the sentence a requirement that the offender be subject 1850
to a period of post-release control after the offender's release 1851

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

(G) If a person is convicted of or pleads guilty to a violent
sex offense or a designated homicide, assault, or kidnapping
offense and, in relation to that offense, the offender is
adjudicated a sexually violent predator, if a person is convicted
of or pleads guilty to a violation of division (A)(1)(b) or (A)(2)
of section 2907.02 of the Revised Code committed on or after the
effective date of this amendment and 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, or if a
person is convicted of or pleads guilty to attempted rape
committed on or after the effective date of this amendment and a
specification of the type described in section 2941.1418 of the
Revised Code, the court shall impose sentence upon the offender in
accordance with section 2971.03 of the Revised Code, and Chapter
2971. of the Revised Code applies regarding the prison term or
term of life imprisonment without parole imposed upon the offender
and the service of that term of imprisonment.

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

(I) If an offender who is convicted of or pleads guilty to a

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

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

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

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

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

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

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

Sec. 2929.19. (A)(1) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded

guilty to a felony and whose case was remanded pursuant to section 1947
2953.07 or 2953.08 of the Revised Code. At the hearing, the 1948
offender, the prosecuting attorney, the victim or the victim's 1949
representative in accordance with section 2930.14 of the Revised 1950
Code, and, with the approval of the court, any other person may 1951
present information relevant to the imposition of sentence in the 1952
case. The court shall inform the offender of the verdict of the 1953
jury or finding of the court and ask the offender whether the 1954
offender has anything to say as to why sentence should not be 1955
imposed upon the offender. 1956

(2) Except as otherwise provided in this division, before 1957
imposing sentence on an offender who is being sentenced on or 1958
after January 1, 1997, for a sexually oriented offense that is not 1959
a registration-exempt sexually oriented offense and who is in any 1960
category of offender described in division (B)(1)(a)(i), (ii), or 1961
(iii) of section 2950.09 of the Revised Code, the court shall 1962
conduct a hearing in accordance with division (B) of section 1963
2950.09 of the Revised Code to determine whether the offender is a 1964
sexual predator. The court shall not conduct a hearing under that 1965
division if the offender is being sentenced for a violent sex 1966
offense or a designated homicide, assault, or kidnapping offense 1967
and, in relation to that offense, the offender was adjudicated a 1968
sexually violent predator, if the offender is being sentenced for 1969
a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 1970
the Revised Code committed on or after the effective date of this 1971
amendment, or if the offender is being sentenced for attempted 1972
rape committed on or after the effective date of this amendment 1973
and a specification of the type described in section 2941.1418 of 1974
the Revised Code. Before imposing sentence on an offender who is 1975
being sentenced for a sexually oriented offense that is not a 1976
registration-exempt sexually oriented offense, the court also 1977
shall comply with division (E) of section 2950.09 of the Revised 1978
Code. 1979

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

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

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

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

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

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

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

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

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

(a) Impose a stated prison term;

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

(c) Notify the offender that the offender will be supervised 2042
under section 2967.28 of the Revised Code after the offender 2043
leaves prison if the offender is being sentenced for a felony of 2044
the first degree or second degree, for a felony sex offense, or 2045
for a felony of the third degree in the commission of which the 2046
offender caused or threatened to cause physical harm to a person; 2047

(d) Notify the offender that the offender may be supervised 2048
under section 2967.28 of the Revised Code after the offender 2049
leaves prison if the offender is being sentenced for a felony of 2050
the third, fourth, or fifth degree that is not subject to division 2051
(B)(3)(c) of this section; 2052

(e) Notify the offender that, if a period of supervision is 2053
imposed following the offender's release from prison, as described 2054
in division (B)(3)(c) or (d) of this section, and if the offender 2055
violates that supervision or a condition of post-release control 2056
imposed under division (B) of section 2967.131 of the Revised 2057
Code, the parole board may impose a prison term, as part of the 2058
sentence, of up to one-half of the stated prison term originally 2059
imposed upon the offender; 2060

(f) Require that the offender not ingest or be injected with 2061
a drug of abuse and submit to random drug testing as provided in 2062
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 2063
is applicable to the offender who is serving a prison term, and 2064
require that the results of the drug test administered under any 2065
of those sections indicate that the offender did not ingest or was 2066
not injected with a drug of abuse. 2067

(4) If the offender is being sentenced for a violent sex 2068
offense or designated homicide, assault, or kidnapping offense 2069
that the offender committed on or after January 1, 1997, and the 2070
offender is adjudicated a sexually violent predator in relation to 2071
that offense, if the offender is being sentenced for a sexually 2072

oriented offense that is not a registration-exempt sexually 2073
oriented offense and that the offender committed on or after 2074
January 1, 1997, and the court imposing the sentence has 2075
determined pursuant to division (B) of section 2950.09 of the 2076
Revised Code that the offender is a sexual predator, if the 2077
offender is being sentenced on or after July 31, 2003, for a 2078
child-victim oriented offense and the court imposing the sentence 2079
has determined pursuant to division (B) of section 2950.091 of the 2080
Revised Code that the offender is a child-victim predator, ~~or~~ if 2081
the offender is being sentenced for an aggravated sexually 2082
oriented offense as defined in section 2950.01 of the Revised 2083
Code, if the offender is being sentenced for a violation of 2084
division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 2085
Code committed on or after the effective date of this amendment, 2086
or if the offender is being sentenced for attempted rape committed 2087
on or after the effective date of this amendment and a 2088
specification of the type described in section 2941.1418 of the 2089
Revised Code, the court shall include in the offender's sentence a 2090
statement that the offender has been adjudicated a sexual 2091
predator, has been adjudicated a child victim predator, or has 2092
been convicted of or pleaded guilty to an aggravated sexually 2093
oriented offense, whichever is applicable, and shall comply with 2094
the requirements of section 2950.03 of the Revised Code. 2095
Additionally, in the circumstances described in division (G) of 2096
section 2929.14 of the Revised Code, the court shall impose 2097
sentence on the offender as described in that division. 2098

(5) If the sentencing court determines at the sentencing 2099
hearing that a community control sanction should be imposed and 2100
the court is not prohibited from imposing a community control 2101
sanction, the court shall impose a community control sanction. The 2102
court shall notify the offender that, if the conditions of the 2103
sanction are violated, if the offender commits a violation of any 2104

law, or if the offender leaves this state without the permission
of the court or the offender's probation officer, the court may
impose a longer time under the same sanction, may impose a more
restrictive sanction, or may impose a prison term on the offender
and shall indicate the specific prison term that may be imposed as
a sanction for the violation, as selected by the court from the
range of prison terms for the offense pursuant to section 2929.14
of the Revised Code.

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

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

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

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

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

offender as described in that section. 2136

(b) The sentence automatically includes any certificate of 2137
judgment issued as described in division (B)(7)(a)(ii) of this 2138
section. 2139

(C)(1) If the offender is being sentenced for a fourth degree 2140
felony OVI offense under division (G)(1) of section 2929.13 of the 2141
Revised Code, the court shall impose the mandatory term of local 2142
incarceration in accordance with that division, shall impose a 2143
mandatory fine in accordance with division (B)(3) of section 2144
2929.18 of the Revised Code, and, in addition, may impose 2145
additional sanctions as specified in sections 2929.15, 2929.16, 2146
2929.17, and 2929.18 of the Revised Code. The court shall not 2147
impose a prison term on the offender except that the court may 2148
impose a prison term upon the offender as provided in division 2149
(A)(1) of section 2929.13 of the Revised Code. 2150

(2) If the offender is being sentenced for a third or fourth 2151
degree felony OVI offense under division (G)(2) of section 2929.13 2152
of the Revised Code, the court shall impose the mandatory prison 2153
term in accordance with that division, shall impose a mandatory 2154
fine in accordance with division (B)(3) of section 2929.18 of the 2155
Revised Code, and, in addition, may impose an additional prison 2156
term as specified in section 2929.14 of the Revised Code. In 2157
addition to the mandatory prison term or mandatory prison term and 2158
additional prison term the court imposes, the court also may 2159
impose a community control sanction on the offender, but the 2160
offender shall serve all of the prison terms so imposed prior to 2161
serving the community control sanction. 2162

(D) The sentencing court, pursuant to division (K) of section 2163
2929.14 of the Revised Code, may recommend placement of the 2164
offender in a program of shock incarceration under section 2165
5120.031 of the Revised Code or an intensive program prison under 2166

section 5120.032 of the Revised Code, disapprove placement of the
offender in a program or prison of that nature, or make no
recommendation. If the court recommends or disapproves placement,
it shall make a finding that gives its reasons for its
recommendation or disapproval.

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in
a case who has requested to receive notice under this section
shall be given notice of the incarceration of the defendant. If an
alleged juvenile offender is committed to the temporary custody of
a school, camp, institution, or other facility operated for the
care of delinquent children or to the legal custody of the
department of youth services, a victim in a case who has requested
to receive notice under this section shall be given notice of the
commitment. Promptly after sentence is imposed upon the defendant
or the commitment of the alleged juvenile offender is ordered, the
prosecutor in the case shall notify the victim of the date on
which the defendant will be released from confinement or the
prosecutor's reasonable estimate of that date or the date on which
the alleged juvenile offender will have served the minimum period
of commitment or the prosecutor's reasonable estimate of that
date. The prosecutor also shall notify the victim of the name of
the custodial agency of the defendant or alleged juvenile offender
and tell the victim how to contact that custodial agency. If the
custodial agency is the department of rehabilitation and
correction, the prosecutor shall notify the victim of the services
offered by the office of victims' services pursuant to section
5120.60 of the Revised Code. If the custodial agency is the
department of youth services, the prosecutor shall notify the
victim of the services provided by the office of victims' services
within the release authority of the department pursuant to section
5139.55 of the Revised Code and the victim's right pursuant to
section 5139.56 of the Revised Code to submit a written request to

the release authority to be notified of actions the release 2199
authority takes with respect to the alleged juvenile offender. The 2200
victim shall keep the custodial agency informed of the victim's 2201
current address and telephone number. 2202

(B)(1) Upon the victim's request, the prosecutor promptly 2203
shall notify the victim of any hearing for judicial release of the 2204
defendant pursuant to section 2929.20 of the Revised Code or of 2205
any hearing for judicial release or early release of the alleged 2206
juvenile offender pursuant to section 2151.38 of the Revised Code 2207
and of the victim's right to make a statement under those 2208
sections. The court shall notify the victim of its ruling in each 2209
of those hearings and on each of those applications. 2210

(2) If an offender is convicted of or pleads guilty to a 2211
violent sex offense or designated homicide, assault, or kidnapping 2212
offense, ~~if~~ the offender is adjudicated a sexually violent 2213
predator in relation to that crime, and ~~if~~ the offender is 2214
sentenced to a prison term for that crime pursuant to division 2215
(A)(3) of section 2971.03 of the Revised Code, if an offender is 2216
convicted of or pleads guilty to a violation of division (A)(1)(b) 2217
or (A)(2) of section 2907.02 of the Revised Code committed on or 2218
after the effective date of this amendment, and the offender is 2219
sentenced to a prison term for that offense pursuant to division 2220
(B)(1) of section 2971.03 of the Revised Code, or if an offender 2221
is convicted of or pleads guilty to attempted rape committed on or 2222
after the effective date of this amendment, the offender also is 2223
convicted of or pleads guilty to a specification of the type 2224
described in section 2941.1418 of the Revised Code, and the 2225
offender is sentenced to a prison term for that offense pursuant 2226
to division (B)(2) of section 2971.03 of the Revised Code, upon 2227
the request of the victim of the crime, the prosecutor promptly 2228
shall notify the victim of any hearing to be conducted pursuant to 2229
section 2971.05 of the Revised Code to determine whether to modify 2230

the requirement that the offender serve the entire prison term in 2231
a state correctional facility in accordance with division (C) of 2232
that section, whether to continue, revise, or revoke any existing 2233
modification of that requirement, or whether to terminate the 2234
prison term in accordance with division (D) of that section. The 2235
court shall notify the victim of any order issued at the 2236
conclusion of the hearing. As used in this division: 2237

(a) "Adjudicated a sexually violent predator" has the same 2238
meaning as in section 2929.01 of the Revised Code and a person is 2239
"adjudicated a sexually violent predator" in the same manner and 2240
the same circumstances as are described in that section. 2241

(b) "Designated homicide, assault, or kidnapping offense" and 2242
"violent sex offense" have the same meanings as in section 2971.01 2243
of the Revised Code. 2244

(C) Upon the victim's request made at any time before the 2245
particular notice would be due, the custodial agency of a 2246
defendant or alleged juvenile offender shall give the victim any 2247
of the following notices that is applicable: 2248

(1) At least three weeks before the adult parole authority 2249
recommends a pardon or commutation of sentence for the defendant 2250
or at least three weeks prior to a hearing before the adult parole 2251
authority regarding a grant of parole to the defendant, notice of 2252
the victim's right to submit a statement regarding the impact of 2253
the defendant's release in accordance with section 2967.12 of the 2254
Revised Code and, if applicable, of the victim's right to appear 2255
at a full board hearing of the parole board to give testimony as 2256
authorized by section 5149.101 of the Revised Code; 2257

(2) At least three weeks before the defendant is transferred 2258
to transitional control under section 2967.26 of the Revised Code, 2259
notice of the pendency of the transfer and of the victim's right 2260
under that section to submit a statement regarding the impact of 2261

the transfer; 2262

(3) At least thirty days before the release authority of the 2263
department of youth services holds a release review, release 2264
hearing, or discharge review for the alleged juvenile offender, 2265
notice of the pendency of the review or hearing, of the victim's 2266
right to make an oral or written statement regarding the impact of 2267
the crime upon the victim or regarding the possible release or 2268
discharge, and, if the notice pertains to a hearing, of the 2269
victim's right to attend and make statements or comments at the 2270
hearing as authorized by section 5139.56 of the Revised Code; 2271

(4) Prompt notice of the defendant's or alleged juvenile 2272
offender's escape from a facility of the custodial agency in which 2273
the defendant was incarcerated or in which the alleged juvenile 2274
offender was placed after commitment, of the defendant's or 2275
alleged juvenile offender's absence without leave from a mental 2276
health or mental retardation and developmental disabilities 2277
facility or from other custody, and of the capture of the 2278
defendant or alleged juvenile offender after an escape or absence; 2279

(5) Notice of the defendant's or alleged juvenile offender's 2280
death while in confinement or custody; 2281

(6) Notice of the defendant's or alleged juvenile offender's 2282
release from confinement or custody and the terms and conditions 2283
of the release. 2284

Sec. 2941.148. (A)(1) The application of Chapter 2971. of the 2285
Revised Code to an offender is precluded unless ~~the~~ one of the 2286
following applies: 2287

(a) The offender is charged with a violent sex offense, and 2288
the indictment, count in the indictment, or information charging 2289
the violent sex offense also includes a specification that the 2290
offender is a sexually violent predator, or the offender is 2291

charged with a designated homicide, assault, or kidnapping 2292
offense, and the indictment, count in the indictment, or 2293
information charging the designated homicide, assault, or 2294
kidnapping offense also includes both a specification of the type 2295
described in section 2941.147 of the Revised Code and a 2296
specification that the offender is a sexually violent predator. 2297
The 2298

(b) The offender is convicted of or pleads guilty to a 2299
violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 2300
the Revised Code committed on or after the effective date of this 2301
amendment. 2302

(c) The offender is convicted of or pleads guilty to 2303
attempted rape committed on or after the effective date of this 2304
amendment and to a specification of the type described in section 2305
2941.1418 of the Revised Code. 2306

(2) A specification required under division (A)(1)(a) of this 2307
section that ~~the~~ an offender is a sexually violent predator shall 2308
be stated at the end of the body of the indictment, count, or 2309
information and shall be stated in substantially the following 2310
form: 2311

"Specification (or, specification to the first count). The 2312
grand jury (or insert the person's or prosecuting attorney's name 2313
when appropriate) further find and specify that the offender is a 2314
sexually violent predator." 2315

(B) In determining for purposes of this section whether a 2316
person is a sexually violent predator, all of the factors set 2317
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 2318
Code that apply regarding the person may be considered as evidence 2319
tending to indicate that it is likely that the person will engage 2320
in the future in one or more sexually violent offenses. 2321

(C) As used in this section, "designated homicide, assault, 2322

or kidnapping offense," "violent sex offense," and "sexually
violent predator" have the same meanings as in section 2971.01 of
the Revised Code.

Sec. 2941.1418. Imposition of a mandatory indefinite prison
term consisting of a minimum term of fifteen years and a maximum
term of life imprisonment upon an offender pursuant to division
(A)(3)(e)(ii) or (B)(2) of section 2971.03 of the Revised Code, is
precluded unless the offender is convicted of or pleads guilty to
attempted rape and unless the indictment, count in the indictment,
or information charging the offense specifies that, had the
offender completed the rape that was attempted, the offender would
have been guilty of rape in violation of division (A)(1)(b) of
section 2907.02 of the Revised Code. 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:

"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)."

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

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

(B) "Habitual sex offender" means, except when a juvenile
judge removes this classification pursuant to division (A)(2) of
section 2152.84 or division (C)(2) of section 2152.85 of the

Revised Code, a person to whom both of the following apply: 2353

(1) The person is convicted of or pleads guilty to a sexually 2354
oriented offense that is not a registration-exempt sexually 2355
oriented offense, or the person is adjudicated a delinquent child 2356
for committing on or after January 1, 2002, a sexually oriented 2357
offense that is not a registration-exempt sexually oriented 2358
offense, was fourteen years of age or older at the time of 2359
committing the offense, and is classified a juvenile sex offender 2360
registrant based on that adjudication. 2361

(2) One of the following applies to the person: 2362

(a) Regarding a person who is an offender, the person 2363
previously was convicted of or pleaded guilty to one or more 2364
sexually oriented offenses or child-victim oriented offenses or 2365
previously was adjudicated a delinquent child for committing one 2366
or more sexually oriented offenses or child-victim oriented 2367
offenses and was classified a juvenile offender registrant or 2368
out-of-state juvenile offender registrant based on one or more of 2369
those adjudications, regardless of when the offense was committed 2370
and regardless of the person's age at the time of committing the 2371
offense. 2372

(b) Regarding a delinquent child, the person previously was 2373
convicted of, pleaded guilty to, or was adjudicated a delinquent 2374
child for committing one or more sexually oriented offenses or 2375
child-victim oriented offenses, regardless of when the offense was 2376
committed and regardless of the person's age at the time of 2377
committing the offense. 2378

(C) "Prosecutor" has the same meaning as in section 2935.01 2379
of the Revised Code. 2380

(D) "Sexually oriented offense" means any of the following: 2381

(1) Any of the following violations or offenses committed by 2382

a person eighteen years of age or older:	2383
(a) Regardless of the age of the victim of the offense, a violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code;	2384 2385 2386
(b) Any of the following offenses involving a minor, in the circumstances specified:	2387 2388
(i) A violation of division (A)(4) of section 2905.01 or section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the victim of the offense is under eighteen years of age;	2389 2390 2391
(ii) A violation of section 2907.21 of the Revised Code when the person who is compelled, induced, procured, encouraged, solicited, requested, or facilitated to engage in, paid or agreed to be paid for, or allowed to engage in the sexual activity in question is under eighteen years of age;	2392 2393 2394 2395 2396
(iii) A violation of division (A)(1) or (3) of section 2907.321 or 2907.322 of the Revised Code;	2397 2398
(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	2399 2400
(v) A violation of division (B)(5) of section 2919.22 of the Revised Code when the child who is involved in the offense is under eighteen years of age;	2401 2402 2403
(vi) A violation of division (A)(1), (2), (3), or (5) of section 2905.01, of section 2903.211, 2905.02, 2905.03, or 2905.05, or of former section 2905.04 of the Revised Code, when the victim of the offense is under eighteen years of age and the offense is committed with a sexual motivation.	2404 2405 2406 2407 2408
(c) Regardless of the age of the victim of the offense, a violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the Revised Code, or of division (A) of section 2903.04 of the Revised Code, that is committed with a sexual motivation;	2409 2410 2411 2412

(d) A violent sex offense, or a designated homicide, assault, 2413
or kidnapping offense if the offender also was convicted of or 2414
pleaded guilty to a sexual motivation specification that was 2415
included in the indictment, count in the indictment, or 2416
information charging the designated homicide, assault, or 2417
kidnapping offense; 2418

(e) A violation of section 2907.06 or 2907.08 of the Revised 2419
Code when the victim of the offense is eighteen years of age or 2420
older, or a violation of section 2903.211 of the Revised Code when 2421
the victim of the offense is eighteen years of age or older and 2422
the offense is committed with a sexual motivation; 2423

(f) A violation of any former law of this state, any existing 2424
or former municipal ordinance or law of another state or the 2425
United States, any existing or former law applicable in a military 2426
court or in an Indian tribal court, or any existing or former law 2427
of any nation other than the United States, that is or was 2428
substantially equivalent to any offense listed in division 2429
(D)(1)(a), (b), (c), (d), or (e) of this section; 2430

(g) An attempt to commit, conspiracy to commit, or complicity 2431
in committing any offense listed in division (D)(1)(a), (b), (c), 2432
(d), (e), or (f) of this section. 2433

(2) An act committed by a person under eighteen years of age 2434
that is any of the following: 2435

(a) Subject to division (D)(2)(i) of this section, regardless 2436
of the age of the victim of the violation, a violation of section 2437
2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code; 2438

(b) Subject to division (D)(2)(i) of this section, any of the 2439
following acts involving a minor in the circumstances specified: 2440

(i) A violation of division (A)(4) of section 2905.01 or 2441
section 2907.06 or 2907.08 of the Revised Code, when the victim of 2442

the violation is under eighteen years of age; 2443

(ii) A violation of section 2907.21 of the Revised Code when 2444
the person who is compelled, induced, procured, encouraged, 2445
solicited, requested, or facilitated to engage in, paid or agreed 2446
to be paid for, or allowed to engage in the sexual activity in 2447
question is under eighteen years of age; 2448

(iii) A violation of division (B)(5) of section 2919.22 of 2449
the Revised Code when the child who is involved in the violation 2450
is under eighteen years of age; 2451

(iv) A violation of division (A)(1), (2), (3), or (5) of 2452
section 2905.01, section 2903.211, or former section 2905.04 of 2453
the Revised Code, when the victim of the violation is under 2454
eighteen years of age and the offense is committed with a sexual 2455
motivation. 2456

(c) Subject to division (D)(2)(i) of this section, any of the 2457
following: 2458

(i) Any violent sex offense that, if committed by an adult, 2459
would be a felony of the first, second, third, or fourth degree; 2460

(ii) Any designated homicide, assault, or kidnapping offense 2461
if that offense, if committed by an adult, would be a felony of 2462
the first, second, third, or fourth degree and if the court 2463
determined that, if the child was an adult, the child would be 2464
guilty of a sexual motivation specification regarding that 2465
offense. 2466

(d) Subject to division (D)(2)(i) of this section, a 2467
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 2468
2905.02 of the Revised Code, a violation of division (A) of 2469
section 2903.04 of the Revised Code, or an attempt to violate any 2470
of those sections or that division that is committed with a sexual 2471
motivation; 2472

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

(g) Subject to division (D)(2)(i) 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 (D)(2)(a), (b), (c), (d), (e), or (f) of this section and that, if committed by an adult, would be a felony of the first, second, third, or fourth degree;

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

(i) If the child's case has been transferred for criminal prosecution under section 2152.12 of the Revised Code, the act is any violation listed in division (D)(1)(a), (b), (c), (d), (e), (f), or (g) of this section or would be any offense listed in any

of those divisions if committed by an adult. 2504

(E) "Sexual predator" means a person to whom either of the 2505
following applies: 2506

(1) The person has been convicted of or pleaded guilty to 2507
committing a sexually oriented offense that is not a 2508
registration-exempt sexually oriented offense and is likely to 2509
engage in the future in one or more sexually oriented offenses. 2510

(2) The person has been adjudicated a delinquent child for 2511
committing a sexually oriented offense that is not a 2512
registration-exempt sexually oriented offense, was fourteen years 2513
of age or older at the time of committing the offense, was 2514
classified a juvenile offender registrant based on that 2515
adjudication, and is likely to engage in the future in one or more 2516
sexually oriented offenses. 2517

(F) "Supervised release" means a release of an offender from 2518
a prison term, a term of imprisonment, or another type of 2519
confinement that satisfies either of the following conditions: 2520

(1) The release is on parole, a conditional pardon, under a 2521
community control sanction, under transitional control, or under a 2522
post-release control sanction, and it requires the person to 2523
report to or be supervised by a parole officer, probation officer, 2524
field officer, or another type of supervising officer. 2525

(2) The release is any type of release that is not described 2526
in division (F)(1) of this section and that requires the person to 2527
report to or be supervised by a probation officer, a parole 2528
officer, a field officer, or another type of supervising officer. 2529

(G) An offender or delinquent child is "adjudicated as being 2530
a sexual predator" or "adjudicated a sexual predator" if any of 2531
the following applies and if, regarding a delinquent child, that 2532
status has not been removed pursuant to section 2152.84, 2152.85, 2533

or 2950.09 of the Revised Code: 2534

(1) The offender is convicted of or pleads guilty to 2535
committing, on or after January 1, 1997, a sexually oriented 2536
offense that is not a registration-exempt sexually oriented 2537
offense, ~~the~~ and either of the following applies: 2538

(a) The sexually oriented offense is a violent sex offense or 2539
a designated homicide, assault, or kidnapping offense, and the 2540
offender is adjudicated a sexually violent predator in relation to 2541
that offense. 2542

(b) The sexually oriented offense is a violation of division 2543
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code 2544
committed on or after the effective date of this amendment. 2545

(c) The sexually oriented offense is attempted rape committed 2546
on or after the effective date of this amendment, and the offender 2547
also was convicted of or pleaded guilty to a specification of the 2548
type described in section 2941.1418 of the Revised Code. 2549

(2) Regardless of when the sexually oriented offense was 2550
committed, on or after January 1, 1997, the offender is sentenced 2551
for a sexually oriented offense that is not a registration-exempt 2552
sexually oriented offense, and the sentencing judge determines 2553
pursuant to division (B) of section 2950.09 of the Revised Code 2554
that the offender is a sexual predator. 2555

(3) The delinquent child is adjudicated a delinquent child 2556
for committing a sexually oriented offense that is not a 2557
registration-exempt sexually oriented offense, was fourteen years 2558
of age or older at the time of committing the offense, and has 2559
been classified a juvenile offender registrant based on that 2560
adjudication, and the adjudicating judge or that judge's successor 2561
in office determines pursuant to division (B) of section 2950.09 2562
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 2563
the Revised Code that the delinquent child is a sexual predator. 2564

(4) Prior to January 1, 1997, the offender was convicted of 2565
or pleaded guilty to, and was sentenced for, a sexually oriented 2566
offense that is not a registration-exempt sexually oriented 2567
offense, the offender is imprisoned in a state correctional 2568
institution on or after January 1, 1997, and the court determines 2569
pursuant to division (C) of section 2950.09 of the Revised Code 2570
that the offender is a sexual predator. 2571

(5) Regardless of when the sexually oriented offense was 2572
committed, the offender or delinquent child is convicted of or 2573
pleads guilty to, has been convicted of or pleaded guilty to, or 2574
is adjudicated a delinquent child for committing a sexually 2575
oriented offense that is not a registration-exempt sexually 2576
oriented offense in another state, in a federal court, military 2577
court, or Indian tribal court, or in a court in any nation other 2578
than the United States, as a result of that conviction, plea of 2579
guilty, or adjudication, the offender or delinquent child is 2580
required, under the law of the jurisdiction in which the offender 2581
was convicted or pleaded guilty or the delinquent child was 2582
adjudicated, to register as a sex offender until the offender's or 2583
delinquent child's death, and, on or after July 1, 1997, for 2584
offenders or January 1, 2002, for delinquent children, the 2585
offender or delinquent child moves to and resides in this state or 2586
temporarily is domiciled in this state for more than five days or 2587
the offender is required under section 2950.04 of the Revised Code 2588
to register a school, institution of higher education, or place of 2589
employment address in this state, unless a court of common pleas 2590
or juvenile court determines that the offender or delinquent child 2591
is not a sexual predator pursuant to division (F) of section 2592
2950.09 of the Revised Code. 2593

(H) "Sexually violent predator specification," "sexually 2594
violent offense," "sexual motivation specification," "designated 2595
homicide, assault, or kidnapping offense," and "violent sex 2596

offense" have the same meanings as in section 2971.01 of the Revised Code.

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

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

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

(L) "Out-of-state juvenile offender registrant" means a person who is 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 sexually oriented offense that is not a

registration-exempt sexually oriented offense or a child-victim 2629
oriented offense, who on or after January 1, 2002, moves to and 2630
resides in this state or temporarily is domiciled in this state 2631
for more than five days, and who has a duty under section 2950.04 2632
of the Revised Code to register in this state and the duty to 2633
otherwise comply with that section and sections 2950.05 and 2634
2950.06 of the Revised Code if the child committed a sexually 2635
oriented offense or has a duty under section 2950.041 of the 2636
Revised Code to register in this state and the duty to otherwise 2637
comply with that section and sections 2950.05 and 2950.06 of the 2638
Revised Code if the child committed a child-victim oriented 2639
offense. "Out-of-state juvenile offender registrant" includes a 2640
person who, prior to July 31, 2003, was an "out-of-state juvenile 2641
sex offender registrant" under the former definition of that 2642
former term. 2643

(M) "Juvenile court judge" includes a magistrate to whom the 2644
juvenile court judge confers duties pursuant to division (A)(15) 2645
of section 2151.23 of the Revised Code. 2646

(N) "Adjudicated a delinquent child for committing a sexually 2647
oriented offense" includes a child who receives a serious youthful 2648
offender dispositional sentence under section 2152.13 of the 2649
Revised Code for committing a sexually oriented offense. 2650

(O) "Aggravated sexually oriented offense" means a violation 2651
of division (A)(1)(b) of section 2907.02 of the Revised Code 2652
committed on or after June 13, 2002, or a violation of division 2653
(A)(2) of that section committed on or after July 31, 2003. 2654

(P)(1) "Presumptive registration-exempt sexually oriented 2655
offense" means any of the following sexually oriented offenses 2656
described in division (P)(1)(a), (b), (c), (d), or (e) of this 2657
section, when the offense is committed by a person who previously 2658
has not been convicted of, pleaded guilty to, or adjudicated a 2659

delinquent child for committing any sexually oriented offense 2660
described in division (P)(1)(a), (b), (c), (d), or (e) of this 2661
section, any other sexually oriented offense, or any child-victim 2662
oriented offense and when the victim or intended victim of the 2663
offense is eighteen years of age or older: 2664

(a) Any sexually oriented offense listed in division 2665
(D)(1)(e) or (D)(2)(f) of this section committed by a person who 2666
is eighteen years of age or older or, subject to division 2667
(P)(1)(e) of this section, committed by a person who is under 2668
eighteen years of age; 2669

(b) Any violation of any former law of this state, any 2670
existing or former municipal ordinance or law of another state or 2671
the United States, any existing or former law applicable in a 2672
military court or in an Indian tribal court, or any existing or 2673
former law of any nation other than the United States that is 2674
committed by a person who is eighteen years of age or older and 2675
that is or was substantially equivalent to any sexually oriented 2676
offense listed in division (P)(1)(a) of this section; 2677

(c) Subject to division (P)(1)(e) of this section, any 2678
violation of any former law of this state, any existing or former 2679
municipal ordinance or law of another state or the United States, 2680
any existing or former law applicable in a military court or in an 2681
Indian tribal court, or any existing or former law of any nation 2682
other than the United States that is committed by a person who is 2683
under eighteen years of age, that is or was substantially 2684
equivalent to any sexually oriented offense listed in division 2685
(P)(1)(a) of this section, and that would be a felony of the 2686
fourth degree if committed by an adult; 2687

(d) Any attempt to commit, conspiracy to commit, or 2688
complicity in committing any offense listed in division (P)(1)(a) 2689
or (b) of this section if the person is eighteen years of age or 2690

older or, subject to division (P)(1)(e) of this section, listed in 2691
division (P)(1)(a) or (c) of this section if the person is under 2692
eighteen years of age. 2693

(e) Regarding an act committed by a person under eighteen 2694
years of age, if the child's case has been transferred for 2695
criminal prosecution under section 2152.12 of the Revised Code, 2696
the act is any sexually oriented offense listed in division 2697
(P)(1)(a), (b), or (d) of this section. 2698

(2) "Presumptive registration-exempt sexually oriented 2699
offense" does not include any sexually oriented offense described 2700
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 2701
is committed by a person who previously has been convicted of, 2702
pleaded guilty to, or adjudicated a delinquent child for 2703
committing any sexually oriented offense described in division 2704
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 2705
sexually oriented offense. 2706

(Q)(1) "Registration-exempt sexually oriented offense" means 2707
any presumptive registration-exempt sexually oriented offense, if 2708
a court does not issue an order under section 2950.021 of the 2709
Revised Code that removes the presumptive exemption and subjects 2710
the offender who was convicted of or pleaded guilty to the offense 2711
to registration under section 2950.04 of the Revised Code and all 2712
other duties and responsibilities generally imposed under this 2713
chapter upon persons who are convicted of or plead guilty to any 2714
sexually oriented offense other than a presumptive 2715
registration-exempt sexually oriented offense or that removes the 2716
presumptive exemption and potentially subjects the child who was 2717
adjudicated a delinquent child for committing the offense to 2718
classification as a juvenile offender registrant under section 2719
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code and to 2720
registration under section 2950.04 of the Revised Code and all 2721
other duties and responsibilities generally imposed under this 2722

chapter upon persons who are adjudicated delinquent children for 2723
committing a sexually oriented offense other than a presumptive 2724
registration-exempt sexually oriented offense. 2725

(2) "Registration-exempt sexually oriented offense" does not 2726
include a presumptive registration-exempt sexually oriented 2727
offense if a court issues an order under section 2950.021 of the 2728
Revised Code that removes the presumptive exemption and subjects 2729
the offender or potentially subjects the delinquent child to the 2730
duties and responsibilities described in division (Q)(1) of this 2731
section. 2732

(R) "School" and "school premises" have the same meanings as 2733
in section 2925.01 of the Revised Code. 2734

(S)(1) "Child-victim oriented offense" means any of the 2735
following: 2736

(a) Subject to division (S)(2) of this section, any of the 2737
following violations or offenses committed by a person eighteen 2738
years of age or older, when the victim of the violation is under 2739
eighteen years of age and is not a child of the person who commits 2740
the violation: 2741

(i) A violation of division (A)(1), (2), (3), or (5) of 2742
section 2905.01, of section 2905.02, 2905.03, or 2905.05, or of 2743
former section 2905.04 of the Revised Code; 2744

(ii) A violation of any former law of this state, any 2745
existing or former municipal ordinance or law of another state or 2746
the United States, any existing or former law applicable in a 2747
military court or in an Indian tribal court, or any existing or 2748
former law of any nation other than the United States, that is or 2749
was substantially equivalent to any offense listed in division 2750
(S)(1)(a)(i) of this section; 2751

(iii) An attempt to commit, conspiracy to commit, or 2752

complicity in committing any offense listed in division 2753
(S)(1)(a)(i) or (ii) of this section. 2754

(b) Subject to division (S)(2) of this section, an act 2755
committed by a person under eighteen years of age that is any of 2756
the following, when the victim of the violation is under eighteen 2757
years of age and is not a child of the person who commits the 2758
violation: 2759

(i) Subject to division (S)(1)(b)(iv) of this section, a 2760
violation of division (A)(1), (2), (3), or (5) of section 2905.01 2761
or of former section 2905.04 of the Revised Code; 2762

(ii) Subject to division (S)(1)(b)(iv) of this section, any 2763
violation of any former law of this state, any existing or former 2764
municipal ordinance or law of another state or the United States, 2765
any existing or former law applicable in a military court or in an 2766
Indian tribal court, or any existing or former law of any nation 2767
other than the United States, that is or was substantially 2768
equivalent to any offense listed in division (S)(1)(b)(i) of this 2769
section and that, if committed by an adult, would be a felony of 2770
the first, second, third, or fourth degree; 2771

(iii) Subject to division (S)(1)(b)(iv) of this section, any 2772
attempt to commit, conspiracy to commit, or complicity in 2773
committing any offense listed in division (S)(1)(b)(i) or (ii) of 2774
this section; 2775

(iv) If the child's case has been transferred for criminal 2776
prosecution under section 2152.12 of the Revised Code, the act is 2777
any violation listed in division (S)(1)(a)(i), (ii), or (iii) of 2778
this section or would be any offense listed in any of those 2779
divisions if committed by an adult. 2780

(2) "Child-victim oriented offense" does not include any 2781
offense identified in division (S)(1)(a) or (b) of this section 2782
that is a sexually violent offense. An offense identified in 2783

division (S)(1)(a) or (b) of this section that is a sexually
violent offense is within the definition of a sexually oriented
offense.

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

(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 2845
of age or older at the time of committing the offense, and has 2846
been classified a juvenile offender registrant based on that 2847
adjudication, and the adjudicating judge or that judge's successor 2848
in office determines pursuant to division (B) of section 2950.09 2849
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 2850
the Revised Code that the delinquent child is a child-victim 2851
predator. 2852

(4) Prior to July 31, 2003, the offender was convicted of or 2853
pleaded guilty to a child-victim oriented offense, at the time of 2854
the conviction or guilty plea, the offense was considered a 2855
sexually oriented offense, on or after July 31, 2003, the offender 2856
is serving a term of imprisonment in a state correctional 2857
institution, and the court determines pursuant to division (C) of 2858
section 2950.091 of the Revised Code that the offender is a 2859
child-victim predator. 2860

(5) Regardless of when the child-victim oriented offense was 2861
committed, the offender or delinquent child is convicted, pleads 2862
guilty, has been convicted, pleaded guilty, or adjudicated a 2863
delinquent child in a court in another state, in a federal court, 2864
military court, or Indian tribal court, or in a court in any 2865
nation other than the United States for committing a child-victim 2866
oriented offense, as a result of that conviction, plea of guilty, 2867
or adjudication, the offender or delinquent child is required 2868
under the law of the jurisdiction in which the offender was 2869
convicted or pleaded guilty or the delinquent child was 2870
adjudicated, to register as a child-victim offender or sex 2871
offender until the offender's or delinquent child's death, and, on 2872
or after July 1, 1997, for offenders or January 1, 2002, for 2873
delinquent children the offender or delinquent child moves to and 2874
resides in this state or temporarily is domiciled in this state 2875
for more than five days or the offender is required under section 2876

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.

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

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

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

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

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

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

Sec. 2950.09. (A) If a person is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is not a registration-exempt sexually oriented offense, and if the sexually oriented offense is a violent sex offense or a designated homicide, assault, or kidnapping offense and the offender is adjudicated a sexually violent predator in relation to that offense, the conviction of or plea of guilty to the offense and the adjudication as a sexually violent predator automatically classifies the offender as a sexual predator for purposes of this chapter. If a person is convicted of or pleads guilty to committing on or after the effective date of this amendment a sexually oriented offense that is a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, the conviction of or plea of guilty to the offense automatically classifies the offender as a sexual predator for purposes of this chapter. If a person is convicted of or pleads guilty to committing on or after the effective date of this amendment attempted rape and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, the conviction of or plea of guilty to the offense and the specification automatically classify the offender as a sexual predator for purposes of this chapter. If a person is convicted, pleads guilty, or is adjudicated a delinquent child, in a court in another state, in a federal court, military court, or Indian tribal court, or in a court of any nation other than the United States for committing a sexually oriented offense that is not a registration-exempt sexually oriented offense, and if, as a result of that conviction, plea of guilty, or adjudication, the

person is required, under the law of the jurisdiction in which the 2940
person was convicted, pleaded guilty, or was adjudicated, to 2941
register as a sex offender until the person's death, that 2942
conviction, plea of guilty, or adjudication automatically 2943
classifies the person as a sexual predator for the purposes of 2944
this chapter, but the person may challenge that classification 2945
pursuant to division (F) of this section. In all other cases, a 2946
person who is convicted of or pleads guilty to, has been convicted 2947
of or pleaded guilty to, or is adjudicated a delinquent child for 2948
committing, a sexually oriented offense may be classified as a 2949
sexual predator for purposes of this chapter only in accordance 2950
with division (B) or (C) of this section or, regarding delinquent 2951
children, divisions (B) and (C) of section 2152.83 of the Revised 2952
Code. 2953

(B)(1)(a) The judge who is to impose sentence on a person who 2954
is convicted of or pleads guilty to a sexually oriented offense 2955
that is not a registration-exempt sexually oriented offense shall 2956
conduct a hearing to determine whether the offender is a sexual 2957
predator if any of the following circumstances apply: 2958

(i) Regardless of when the sexually oriented offense was 2959
committed, the offender is to be sentenced on or after January 1, 2960
1997, for a sexually oriented offense that is not a 2961
registration-exempt sexually oriented offense and that is not a 2962
sexually violent offense. 2963

(ii) Regardless of when the sexually oriented offense was 2964
committed, the offender is to be sentenced on or after January 1, 2965
1997, for a sexually oriented offense that is not a 2966
registration-exempt sexually oriented offense, and that is not a 2967
violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 2968
the Revised Code committed on or after the effective date of this 2969
amendment, and that is not attempted rape committed on or after 2970
the effective date of this amendment when the offender also is 2971

convicted of or pleads guilty to a specification of the type 2972
described in section 2941.1418 of the Revised Code, and either of 2973
the following applies: the sexually oriented offense is a violent 2974
sex offense other than a violation of division (A)(1)(b) or (A)(2) 2975
of section 2907.02 of the Revised Code committed on or after the 2976
effective date of this amendment and other than attempted rape 2977
committed on or after that date when the offender also is 2978
convicted of or pleads guilty to a specification of the type 2979
described in section 2941.1418 of the Revised Code, and a sexually 2980
violent predator specification was not included in the indictment, 2981
count in the indictment, or information charging the violent sex 2982
offense; or the sexually oriented offense is a designated 2983
homicide, assault, or kidnapping offense and either a sexual 2984
motivation specification or a sexually violent predator 2985
specification, or both such specifications, were not included in 2986
the indictment, count in the indictment, or information charging 2987
the designated homicide, assault, or kidnapping offense. 2988

(iii) Regardless of when the sexually oriented offense was 2989
committed, the offender is to be sentenced on or after May 7, 2990
2002, for a sexually oriented offense that is not a 2991
registration-exempt sexually oriented offense, and that offender 2992
was acquitted of a sexually violent predator specification that 2993
was included in the indictment, count in the indictment, or 2994
information charging the sexually oriented offense. 2995

(b) The judge who is to impose or has imposed an order of 2996
disposition upon a child who is adjudicated a delinquent child for 2997
committing on or after January 1, 2002, a sexually oriented 2998
offense that is not a registration-exempt sexually oriented 2999
offense shall conduct a hearing as provided in this division to 3000
determine whether the child is to be classified as a sexual 3001
predator if either of the following applies: 3002

(i) The judge is required by section 2152.82 or division (A) 3003

of section 2152.83 of the Revised Code to classify the child a 3004
juvenile offender registrant. 3005

(ii) Division (B) of section 2152.83 of the Revised Code 3006
applies regarding the child, the judge conducts a hearing under 3007
that division for the purposes described in that division, and the 3008
judge determines at that hearing that the child will be classified 3009
a juvenile offender registrant. 3010

(2) Regarding an offender, the judge shall conduct the 3011
hearing required by division (B)(1)(a) of this section prior to 3012
sentencing and, if the sexually oriented offense for which 3013
sentence is to be imposed is a felony and if the hearing is being 3014
conducted under division (B)(1)(a) of this section, the judge may 3015
conduct it as part of the sentencing hearing required by section 3016
2929.19 of the Revised Code. Regarding a delinquent child, the 3017
judge may conduct the hearing required by division (B)(1)(b) of 3018
this section at the same time as, or separate from, the 3019
dispositional hearing, as specified in the applicable provision of 3020
section 2152.82 or 2152.83 of the Revised Code. The court shall 3021
give the offender or delinquent child and the prosecutor who 3022
prosecuted the offender or handled the case against the delinquent 3023
child for the sexually oriented offense notice of the date, time, 3024
and location of the hearing. At the hearing, the offender or 3025
delinquent child and the prosecutor shall have an opportunity to 3026
testify, present evidence, call and examine witnesses and expert 3027
witnesses, and cross-examine witnesses and expert witnesses 3028
regarding the determination as to whether the offender or 3029
delinquent child is a sexual predator. The offender or delinquent 3030
child shall have the right to be represented by counsel and, if 3031
indigent, the right to have counsel appointed to represent the 3032
offender or delinquent child. 3033

(3) In making a determination under divisions (B)(1) and (4) 3034
of this section as to whether an offender or delinquent child is a 3035

sexual predator, the judge shall consider all relevant factors, 3036
including, but not limited to, all of the following: 3037

(a) The offender's or delinquent child's age; 3038

(b) The offender's or delinquent child's prior criminal or 3039
delinquency record regarding all offenses, including, but not 3040
limited to, all sexual offenses; 3041

(c) The age of the victim of the sexually oriented offense 3042
for which sentence is to be imposed or the order of disposition is 3043
to be made; 3044

(d) Whether the sexually oriented offense for which sentence 3045
is to be imposed or the order of disposition is to be made 3046
involved multiple victims; 3047

(e) Whether the offender or delinquent child used drugs or 3048
alcohol to impair the victim of the sexually oriented offense or 3049
to prevent the victim from resisting; 3050

(f) If the offender or delinquent child previously has been 3051
convicted of or pleaded guilty to, or been adjudicated a 3052
delinquent child for committing an act that if committed by an 3053
adult would be, a criminal offense, whether the offender or 3054
delinquent child completed any sentence or dispositional order 3055
imposed for the prior offense or act and, if the prior offense or 3056
act was a sex offense or a sexually oriented offense, whether the 3057
offender or delinquent child participated in available programs 3058
for sexual offenders; 3059

(g) Any mental illness or mental disability of the offender 3060
or delinquent child; 3061

(h) The nature of the offender's or delinquent child's sexual 3062
conduct, sexual contact, or interaction in a sexual context with 3063
the victim of the sexually oriented offense and whether the sexual 3064
conduct, sexual contact, or interaction in a sexual context was 3065

part of a demonstrated pattern of abuse; 3066

(i) Whether the offender or delinquent child, during the 3067
commission of the sexually oriented offense for which sentence is 3068
to be imposed or the order of disposition is to be made, displayed 3069
cruelty or made one or more threats of cruelty; 3070

(j) Any additional behavioral characteristics that contribute 3071
to the offender's or delinquent child's conduct. 3072

(4) After reviewing all testimony and evidence presented at 3073
the hearing conducted under division (B)(1) of this section and 3074
the factors specified in division (B)(3) of this section, the 3075
court shall determine by clear and convincing evidence whether the 3076
subject offender or delinquent child is a sexual predator. If the 3077
court determines that the subject offender or delinquent child is 3078
not a sexual predator, the court shall specify in the offender's 3079
sentence and the judgment of conviction that contains the sentence 3080
or in the delinquent child's dispositional order, as appropriate, 3081
that the court has determined that the offender or delinquent 3082
child is not a sexual predator and the reason or reasons why the 3083
court determined that the subject offender or delinquent child is 3084
not a sexual predator. If the court determines by clear and 3085
convincing evidence that the subject offender or delinquent child 3086
is a sexual predator, the court shall specify in the offender's 3087
sentence and the judgment of conviction that contains the sentence 3088
or in the delinquent child's dispositional order, as appropriate, 3089
that the court has determined that the offender or delinquent 3090
child is a sexual predator and shall specify that the 3091
determination was pursuant to division (B) of this section. In any 3092
case in which the sexually oriented offense in question is an 3093
aggravated sexually oriented offense, the court shall specify in 3094
the offender's sentence and the judgment of conviction that 3095
contains the sentence that the offender's offense is an aggravated 3096
sexually oriented offense. The offender or delinquent child and 3097

the prosecutor who prosecuted the offender or handled the case 3098
against the delinquent child for the sexually oriented offense in 3099
question may appeal as a matter of right the court's determination 3100
under this division as to whether the offender or delinquent child 3101
is, or is not, a sexual predator. 3102

(5) A hearing shall not be conducted under division (B) of 3103
this section regarding an offender if ~~the~~ any of the following 3104
applies: 3105

(a) The sexually oriented offense in question is a sexually 3106
violent offense, if the indictment, count in the indictment, or 3107
information charging the offense also included a sexually violent 3108
predator specification, and if the offender is convicted of or 3109
pleads guilty to that sexually violent predator specification. 3110

(b) The sexually oriented offense in question is a violation 3111
of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 3112
Code committed on or after the effective date of this amendment. 3113

(c) The sexually oriented offense in question is attempted 3114
rape committed on or after the effective date of this amendment, 3115
and the offender also was convicted of or pleaded guilty to a 3116
specification of the type described in section 2941.1418 of the 3117
Revised Code. 3118

(C)(1) If a person was convicted of or pleaded guilty to a 3119
sexually oriented offense that is not a registration-exempt 3120
sexually oriented offense prior to January 1, 1997, if the person 3121
was not sentenced for the offense on or after January 1, 1997, and 3122
if, on or after January 1, 1997, the offender is serving a term of 3123
imprisonment in a state correctional institution, the department 3124
of rehabilitation and correction shall do whichever of the 3125
following is applicable: 3126

(a) If the sexually oriented offense was an offense described 3127
in division (D)(1)(c) of section 2950.01 of the Revised Code or 3128

was a violent sex offense, the department shall notify the court 3129
that sentenced the offender of this fact, and the court shall 3130
conduct a hearing to determine whether the offender is a sexual 3131
predator. 3132

(b) If division (C)(1)(a) of this section does not apply, the 3133
department shall determine whether to recommend that the offender 3134
be adjudicated a sexual predator. In making a determination under 3135
this division as to whether to recommend that the offender be 3136
adjudicated a sexual predator, the department shall consider all 3137
relevant factors, including, but not limited to, all of the 3138
factors specified in divisions (B)(2) and (3) of this section. If 3139
the department determines that it will recommend that the offender 3140
be adjudicated a sexual predator, it immediately shall send the 3141
recommendation to the court that sentenced the offender. If the 3142
department determines that it will not recommend that the offender 3143
be adjudicated a sexual predator, it immediately shall send its 3144
determination to the court that sentenced the offender. In all 3145
cases, the department shall enter its determination and 3146
recommendation in the offender's institutional record, and the 3147
court shall proceed in accordance with division (C)(2) of this 3148
section. 3149

(2)(a) If the department of rehabilitation and correction 3150
sends to a court a notice under division (C)(1)(a) of this 3151
section, the court shall conduct a hearing to determine whether 3152
the subject offender is a sexual predator. If, pursuant to 3153
division (C)(1)(b) of this section, the department sends to a 3154
court a recommendation that an offender be adjudicated a sexual 3155
predator, the court is not bound by the department's 3156
recommendation, and the court shall conduct a hearing to determine 3157
whether the offender is a sexual predator. In any case, the court 3158
shall not make a determination as to whether the offender is, or 3159
is not, a sexual predator without a hearing. The court may hold 3160

the hearing and make the determination prior to the offender's 3161
release from imprisonment or at any time within one year following 3162
the offender's release from that imprisonment. 3163

(b) If, pursuant to division (C)(1)(b) of this section, the 3164
department sends to the court a determination that it is not 3165
recommending that an offender be adjudicated a sexual predator, 3166
the court shall not make any determination as to whether the 3167
offender is, or is not, a sexual predator but shall determine 3168
whether the offender previously has been convicted of or pleaded 3169
guilty to a sexually oriented offense other than the offense in 3170
relation to which the department made its determination or 3171
previously has been convicted of or pleaded guilty to a 3172
child-victim oriented offense. 3173

The court may conduct a hearing to determine whether the 3174
offender previously has been convicted of or pleaded guilty to a 3175
sexually oriented offense or a child-victim oriented offense but 3176
may make the determination without a hearing. However, if the 3177
court determines that the offender previously has been convicted 3178
of or pleaded guilty to such an offense, it shall not impose a 3179
requirement that the offender be subject to the community 3180
notification provisions contained in sections 2950.10 and 2950.11 3181
of the Revised Code without a hearing. In determining whether to 3182
impose the community notification requirement, the court, in the 3183
circumstances described in division (E)(2) of this section, shall 3184
apply the presumption specified in that division. The court shall 3185
include in the offender's institutional record any determination 3186
made under this division as to whether the offender previously has 3187
been convicted of or pleaded guilty to a sexually oriented offense 3188
or child-victim oriented offense, and, as such, whether the 3189
offender is a habitual sex offender. 3190

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) 3191
of this section, the court shall give the offender and the 3192

prosecutor who prosecuted the offender for the sexually oriented 3193
offense, or that prosecutor's successor in office, notice of the 3194
date, time, and place of the hearing. If the hearing is scheduled 3195
under division (C)(2)(a) of this section to determine whether the 3196
offender is a sexual predator, the prosecutor who is given the 3197
notice may contact the department of rehabilitation and correction 3198
and request that the department provide to the prosecutor all 3199
information the department possesses regarding the offender that 3200
is relevant and necessary for use in making the determination as 3201
to whether the offender is a sexual predator and that is not 3202
privileged or confidential under law. If the prosecutor makes a 3203
request for that information, the department promptly shall 3204
provide to the prosecutor all information the department possesses 3205
regarding the offender that is not privileged or confidential 3206
under law and that is relevant and necessary for making that 3207
determination. A hearing scheduled under division (C)(2)(a) of 3208
this section to determine whether the offender is a sexual 3209
predator shall be conducted in the manner described in division 3210
(B)(1) of this section regarding hearings conducted under that 3211
division and, in making a determination under this division as to 3212
whether the offender is a sexual predator, the court shall 3213
consider all relevant factors, including, but not limited to, all 3214
of the factors specified in divisions (B)(2) and (3) of this 3215
section. After reviewing all testimony and evidence presented at 3216
the sexual predator hearing and the factors specified in divisions 3217
(B)(2) and (3) of this section, the court shall determine by clear 3218
and convincing evidence whether the offender is a sexual predator. 3219
If the court determines at the sexual predator hearing that the 3220
offender is not a sexual predator, it also shall determine whether 3221
the offender previously has been convicted of or pleaded guilty to 3222
a sexually oriented offense other than the offense in relation to 3223
which the hearing is being conducted. 3224

Upon making its determinations at the sexual predator 3225
hearing, the court shall proceed as follows: 3226

(i) If the court determines that the offender is not a sexual 3227
predator and that the offender previously has not been convicted 3228
of or pleaded guilty to a sexually oriented offense other than the 3229
offense in relation to which the hearing is being conducted and 3230
previously has not been convicted of or pleaded guilty to a 3231
child-victim oriented offense, it shall include in the offender's 3232
institutional record its determinations and the reason or reasons 3233
why it determined that the offender is not a sexual predator. 3234

(ii) If the court determines that the offender is not a 3235
sexual predator but that the offender previously has been 3236
convicted of or pleaded guilty to a sexually oriented offense 3237
other than the offense in relation to which the hearing is being 3238
conducted or previously has been convicted of or pleaded guilty to 3239
a child-victim oriented offense, it shall include in the 3240
offender's institutional record its determination that the 3241
offender is not a sexual predator but is a habitual sex offender 3242
and the reason or reasons why it determined that the offender is 3243
not a sexual predator, shall attach the determinations and the 3244
reason or reasons to the offender's sentence, shall specify that 3245
the determinations were pursuant to division (C) of this section, 3246
shall provide a copy of the determinations and the reason or 3247
reasons to the offender, to the prosecuting attorney, and to the 3248
department of rehabilitation and correction, and may impose a 3249
requirement that the offender be subject to the community 3250
notification provisions contained in sections 2950.10 and 2950.11 3251
of the Revised Code. In determining whether to impose the 3252
community notification requirements, the court, in the 3253
circumstances described in division (E)(2) of this section, shall 3254
apply the presumption specified in that division. The offender 3255
shall not be subject to those community notification provisions 3256

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.

(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.

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
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
the 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.

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

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

offender, may petition the adjudicating court for a 3321
reclassification or declassification pursuant to section 2152.85 3322
of the Revised Code. 3323

A judge who is reviewing a sexual predator determination for 3324
a delinquent child under section 2152.84 or 2152.85 of the Revised 3325
Code shall comply with this section. At the hearing, the judge 3326
shall consider all relevant evidence and information, including, 3327
but not limited to, the factors set forth in division (B)(3) of 3328
this section. The judge shall not enter a determination that the 3329
delinquent child no longer is a sexual predator unless the judge 3330
determines by clear and convincing evidence that the delinquent 3331
child is unlikely to commit a sexually oriented offense in the 3332
future. If the judge enters a determination under this division 3333
that the delinquent child no longer is a sexual predator, the 3334
judge shall notify the bureau of criminal identification and 3335
investigation of the determination and shall include in the notice 3336
a statement of the reason or reasons why it determined that the 3337
delinquent child no longer is a sexual predator. Upon receipt of 3338
the notification, the bureau promptly shall notify the sheriff 3339
with whom the delinquent child most recently registered under 3340
section 2950.04 or 2950.05 of the Revised Code of the 3341
determination that the delinquent child no longer is a sexual 3342
predator. 3343

(2) If an offender who has been convicted of or pleaded 3344
guilty to a sexually oriented offense is classified a sexual 3345
predator pursuant to division (A) of this section or has been 3346
adjudicated a sexual predator relative to the offense as described 3347
in division (B) or (C) of this section, subject to division (F) of 3348
this section, the classification or adjudication of the offender 3349
as a sexual predator is permanent and continues in effect until 3350
the offender's death and in no case shall the classification or 3351
adjudication be removed or terminated. 3352

(E)(1) If a person is convicted of or pleads guilty to committing, on or after January 1, 1997, a sexually oriented offense that is not a registration-exempt sexually oriented offense, the judge who is to impose sentence on the offender shall determine, prior to sentencing, whether the offender previously has been convicted of or pleaded guilty to, or adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense and is a habitual sex offender. The judge who is to impose or has imposed an order of disposition upon a child who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense that is not a registration-exempt sexually oriented offense shall determine, prior to entering the order classifying the delinquent child a juvenile offender registrant, whether the delinquent child previously has been convicted of or pleaded guilty to, or adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense and is a habitual sex offender, if either of the following applies:

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

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

(2) If, under division (E)(1) of this section, the judge determines that the offender or delinquent child previously has not been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing, a sexually oriented offense or a child-victim oriented offense or that the offender otherwise does not satisfy the criteria for being a habitual sex offender, the

judge shall specify in the offender's sentence or in the order
classifying the delinquent child a juvenile offender registrant
that the judge has determined that the offender or delinquent
child is not a habitual sex offender.

If, under division (E)(1) of this section, the judge
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
specify in the offender's sentence and the judgment of conviction
that contains the 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 a habitual sex

offender and may impose a requirement in that sentence and 3417
judgment of conviction or in that order that the offender or 3418
delinquent child be subject to the community notification 3419
provisions contained in sections 2950.10 and 2950.11 of the 3420
Revised Code. Unless the habitual sex offender also has been 3421
adjudicated a sexual predator relative to the sexually oriented 3422
offense in question or the habitual sex offender was convicted of 3423
or pleaded guilty to an aggravated sexually oriented offense, the 3424
offender or delinquent child shall be subject to those community 3425
notification provisions only if the court imposes the requirement 3426
described in this division in the offender's sentence and the 3427
judgment of conviction or in the order classifying the delinquent 3428
child a juvenile offender registrant. If the court determines 3429
pursuant to this division or division (C)(2) of this section that 3430
an offender is a habitual sex offender, the determination is 3431
permanent and continues in effect until the offender's death, and 3432
in no case shall the determination be removed or terminated. 3433

If a court in another state, a federal court, military court, 3434
or Indian tribal court, or a court in any nation other than the 3435
United States determines a person to be a habitual sex offender in 3436
that jurisdiction, the person is considered to be determined to be 3437
a habitual sex offender in this state. If the court in the other 3438
state, the federal court, military court, or Indian tribal court, 3439
or the court in the nation other than the United States subjects 3440
the habitual sex offender to community notification regarding the 3441
person's place of residence, the person, as much as is 3442
practicable, is subject to the community notification provisions 3443
regarding the person's place of residence that are contained in 3444
sections 2950.10 and 2950.11 of the Revised Code, unless the court 3445
that so subjected the person to community notification determines 3446
that the person no longer is subject to community notification. 3447

(F)(1) An offender or delinquent child classified as a sexual 3448

predator may petition the court of common pleas or, for a
delinquent child, the juvenile court of the county in which the
offender or delinquent child resides or temporarily is domiciled
to enter a determination that the offender or delinquent child is
not an adjudicated sexual predator in this state for purposes of
the registration and other requirements of this chapter or the
community notification provisions contained in sections 2950.10
and 2950.11 of the Revised Code if all of the following apply:

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

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

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

(2) The court may enter a determination that the offender or
delinquent child filing the petition described in division (F)(1)
of this section is not an adjudicated sexual predator in this
state for purposes of the registration and other requirements of
this chapter or the community notification provisions contained in
sections 2950.10 and 2950.11 of the Revised Code only if the
offender or delinquent child proves by clear and convincing

evidence that the requirement of the other jurisdiction that the offender or delinquent child register as a sex offender until the offender's or delinquent child's death is not substantially similar to a classification as a sexual predator for purposes of this chapter. If the court enters a determination that the offender or delinquent child is not an adjudicated sexual predator in this state for those purposes, the court shall include in the determination a statement of the reason or reasons why it so determined.

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

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

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

(3) The offender's or child's duties under this chapter 3511
relative to that classification or determination shall be 3512
considered for all purposes to be a continuation of the duties 3513
related to that classification or determination as they existed 3514
prior to July 31, 2003. 3515

Sec. 2950.11. (A) As used in this section, "specified 3516
geographical notification area" means the geographic area or areas 3517
within which the attorney general, by rule adopted under section 3518
2950.13 of the Revised Code, requires the notice described in 3519
division (B) of this section to be given to the persons identified 3520
in divisions (A)(2) to (8) of this section. If a person is 3521
convicted of or pleads guilty to, or has been convicted of or 3522
pleaded guilty to, either a sexually oriented offense that is not 3523
a registration-exempt sexually oriented offense or a child-victim 3524
oriented offense, or a person is adjudicated a delinquent child 3525
for committing either a sexually oriented offense that is not a 3526
registration-exempt sexually oriented offense or a child-victim 3527
oriented offense and is classified a juvenile offender registrant 3528
or is an out-of-state juvenile offender registrant based on that 3529
adjudication, and if the offender or delinquent child is in any 3530
category specified in division (F)(1)(a), (b), or (c) of this 3531
section, the sheriff with whom the offender or delinquent child 3532
has most recently registered under section 2950.04, 2950.041, or 3533
2950.05 of the Revised Code and the sheriff to whom the offender 3534
or delinquent child most recently sent a notice of intent to 3535
reside under section 2950.04 or 2950.041 of the Revised Code, 3536
within the period of time specified in division (C) of this 3537
section, shall provide a written notice containing the information 3538
set forth in division (B) of this section to all of the persons 3539
described in divisions (A)(1) to (9) of this section. If the 3540
sheriff has sent a notice to the persons described in those 3541
divisions as a result of receiving a notice of intent to reside 3542

and if the offender or delinquent child registers a residence 3543
address that is the same residence address described in the notice 3544
of intent to reside, the sheriff is not required to send an 3545
additional notice when the offender or delinquent child registers. 3546
The sheriff shall provide the notice to all of the following 3547
persons: 3548

(1)(a) Any occupant of each residential unit that is located 3549
within one thousand feet of the offender's or delinquent child's 3550
residential premises, that is located within the county served by 3551
the sheriff, and that is not located in a multi-unit building. 3552
Division (D)(3) of this section applies regarding notices required 3553
under this division. 3554

(b) If the offender or delinquent child resides in a 3555
multi-unit building, any occupant of each residential unit that is 3556
located in that multi-unit building and that shares a common 3557
hallway with the offender or delinquent child. For purposes of 3558
this division, an occupant's unit shares a common hallway with the 3559
offender or delinquent child if the entrance door into the 3560
occupant's unit is located on the same floor and opens into the 3561
same hallway as the entrance door to the unit the offender or 3562
delinquent child occupies. Division (D)(3) of this section applies 3563
regarding notices required under this division. 3564

(c) The building manager, or the person the building owner or 3565
condominium unit owners association authorizes to exercise 3566
management and control, of each multi-unit building that is 3567
located within one thousand feet of the offender's or delinquent 3568
child's residential premises, including a multi-unit building in 3569
which the offender or delinquent child resides, and that is 3570
located within the county served by the sheriff. In addition to 3571
notifying the building manager or the person authorized to 3572
exercise management and control in the multi-unit building under 3573

this division, the sheriff shall post a copy of the notice 3574
prominently in each common entryway in the building and any other 3575
location in the building the sheriff determines appropriate. The 3576
manager or person exercising management and control of the 3577
building shall permit the sheriff to post copies of the notice 3578
under this division as the sheriff determines appropriate. In lieu 3579
of posting copies of the notice as described in this division, a 3580
sheriff may provide notice to all occupants of the multi-unit 3581
building by mail or personal contact; if the sheriff so notifies 3582
all the occupants, the sheriff is not required to post copies of 3583
the notice in the common entryways to the building. Division 3584
(D)(3) of this section applies regarding notices required under 3585
this division. 3586

(d) All additional persons who are within any category of 3587
neighbors of the offender or delinquent child that the attorney 3588
general by rule adopted under section 2950.13 of the Revised Code 3589
requires to be provided the notice and who reside within the 3590
county served by the sheriff; 3591

(2) The executive director of the public children services 3592
agency that has jurisdiction within the specified geographical 3593
notification area and that is located within the county served by 3594
the sheriff; 3595

(3)(a) The superintendent of each board of education of a 3596
school district that has schools within the specified geographical 3597
notification area and that is located within the county served by 3598
the sheriff; 3599

(b) The principal of the school within the specified 3600
geographical notification area and within the county served by the 3601
sheriff that the delinquent child attends; 3602

(c) If the delinquent child attends a school outside of the 3603
specified geographical notification area or outside of the school 3604

district where the delinquent child resides, the superintendent of 3605
the board of education of a school district that governs the 3606
school that the delinquent child attends and the principal of the 3607
school that the delinquent child attends. 3608

(4)(a) The appointing or hiring officer of each chartered 3609
nonpublic school located within the specified geographical 3610
notification area and within the county served by the sheriff or 3611
of each other school located within the specified geographical 3612
notification area and within the county served by the sheriff and 3613
that is not operated by a board of education described in division 3614
(A)(3) of this section; 3615

(b) Regardless of the location of the school, the appointing 3616
or hiring officer of a chartered nonpublic school that the 3617
delinquent child attends. 3618

(5) The director, head teacher, elementary principal, or site 3619
administrator of each preschool program governed by Chapter 3301. 3620
of the Revised Code that is located within the specified 3621
geographical notification area and within the county served by the 3622
sheriff; 3623

(6) The administrator of each child day-care center or type A 3624
family day-care home that is located within the specified 3625
geographical notification area and within the county served by the 3626
sheriff, and the provider of each certified type B family day-care 3627
home that is located within the specified geographical 3628
notification area and within the county served by the sheriff. As 3629
used in this division, "child day-care center," "type A family 3630
day-care home," and "certified type B family day-care home" have 3631
the same meanings as in section 5104.01 of the Revised Code. 3632

(7) The president or other chief administrative officer of 3633
each institution of higher education, as defined in section 3634
2907.03 of the Revised Code, that is located within the specified 3635

geographical notification area and within the county served by the 3636
sheriff, and the chief law enforcement officer of the state 3637
university law enforcement agency or campus police department 3638
established under section 3345.04 or 1713.50 of the Revised Code, 3639
if any, that serves that institution; 3640

(8) The sheriff of each county that includes any portion of 3641
the specified geographical notification area; 3642

(9) If the offender or delinquent child resides within the 3643
county served by the sheriff, the chief of police, marshal, or 3644
other chief law enforcement officer of the municipal corporation 3645
in which the offender or delinquent child resides or, if the 3646
offender or delinquent child resides in an unincorporated area, 3647
the constable or chief of the police department or police district 3648
police force of the township in which the offender or delinquent 3649
child resides. 3650

(B) The notice required under division (A) of this section 3651
shall include all of the following information regarding the 3652
subject offender or delinquent child: 3653

(1) The offender's or delinquent child's name; 3654

(2) The address or addresses of the offender's residence, 3655
school, institution of higher education, or place of employment, 3656
as applicable, or the delinquent child's residence address or 3657
addresses; 3658

(3) The sexually oriented offense or child-victim oriented 3659
offense of which the offender was convicted, to which the offender 3660
pleaded guilty, or for which the child was adjudicated a 3661
delinquent child; 3662

(4) All of the following statements that are applicable: 3663

(a) A statement that the offender has been adjudicated a 3664
sexual predator, a statement that the offender has been convicted 3665

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 3698
the specified geographical notification area and within the county 3699
served by the sheriff in question. 3700

(D)(1) A sheriff required by division (A) or (C) of this 3701
section to provide notices regarding an offender or delinquent 3702
child shall provide the notice to the neighbors that are described 3703
in division (A)(1) of this section and the notices to law 3704
enforcement personnel that are described in divisions (A)(8) and 3705
(9) of this section as soon as practicable, but no later than five 3706
days after the offender sends the notice of intent to reside to 3707
the sheriff and again no later than five days after the offender 3708
or delinquent child registers with the sheriff or, if the sheriff 3709
is required by division (C) of this section to provide the 3710
notices, no later than five days after the sheriff is provided the 3711
notice described in division (A)(8) of this section. 3712

A sheriff required by division (A) or (C) of this section to 3713
provide notices regarding an offender or delinquent child shall 3714
provide the notices to all other specified persons that are 3715
described in divisions (A)(2) to (7) of this section as soon as 3716
practicable, but not later than seven days after the offender or 3717
delinquent child registers with the sheriff or, if the sheriff is 3718
required by division (C) of this section to provide the notices, 3719
no later than five days after the sheriff is provided the notice 3720
described in division (A)(8) of this section. 3721

(2) If an offender or delinquent child in relation to whom 3722
division (A) of this section applies verifies the offender's or 3723
delinquent child's current residence, school, institution of 3724
higher education, or place of employment address, as applicable, 3725
with a sheriff pursuant to section 2950.06 of the Revised Code, 3726
the sheriff may provide a written notice containing the 3727
information set forth in division (B) of this section to the 3728
persons identified in divisions (A)(1) to (9) of this section. If 3729

a sheriff provides a notice pursuant to this division to the 3730
sheriff of one or more other counties in accordance with division 3731
(A)(8) of this section, the sheriff of each of the other counties 3732
who is provided the notice under division (A)(8) of this section 3733
may provide, but is not required to provide, a written notice 3734
containing the information set forth in division (B) of this 3735
section to the persons identified in divisions (A)(1) to (7) and 3736
(A)(9) of this section. 3737

(3) A sheriff may provide notice under division (A)(1)(a) or 3738
(b) of this section, and may provide notice under division 3739
(A)(1)(c) of this section to a building manager or person 3740
authorized to exercise management and control of a building, by 3741
mail, by personal contact, or by leaving the notice at or under 3742
the entry door to a residential unit. For purposes of divisions 3743
(A)(1)(a) and (b) of this section, and the portion of division 3744
(A)(1)(c) of this section relating to the provision of notice to 3745
occupants of a multi-unit building by mail or personal contact, 3746
the provision of one written notice per unit is deemed as 3747
providing notice to all occupants of that unit. 3748

(E) All information that a sheriff possesses regarding a 3749
sexual predator, a habitual sex offender, a child-victim predator, 3750
or a habitual child-victim offender that is described in division 3751
(B) of this section and that must be provided in a notice required 3752
under division (A) or (C) of this section or that may be provided 3753
in a notice authorized under division (D)(2) of this section is a 3754
public record that is open to inspection under section 149.43 of 3755
the Revised Code. 3756

The sheriff shall not cause to be publicly disseminated by 3757
means of the internet any of the information described in this 3758
division that is provided by a sexual predator, habitual sex 3759
offender, child-victim predator, or habitual child-victim offender 3760
who is a juvenile offender registrant, except when the act that is 3761

the basis of the child's classification as a juvenile offender 3762
registrant is a violation of, or an attempt to commit a violation 3763
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 3764
was committed with a purpose to gratify the sexual needs or 3765
desires of the child, a violation of section 2907.02 of the 3766
Revised Code, or an attempt to commit a violation of that section. 3767

(F)(1) The duties to provide the notices described in 3768
divisions (A) and (C) of this section apply regarding any offender 3769
or delinquent child who is in any of the following categories, if 3770
the other criteria set forth in division (A) or (C) of this 3771
section, whichever is applicable, are satisfied: 3772

(a) The offender or delinquent child has been adjudicated a 3773
sexual predator relative to the sexually oriented offense for 3774
which the offender or delinquent child has the duty to register 3775
under section 2950.04 of the Revised Code or has been adjudicated 3776
a child-victim predator relative to the child-victim oriented 3777
offense for which the offender or child has the duty to register 3778
under section 2950.041 of the Revised Code, and the court has not 3779
subsequently determined pursuant to section 2152.84 or 2152.85 of 3780
the Revised Code regarding a delinquent child that the delinquent 3781
child no longer is a sexual predator or no longer is a 3782
child-victim predator, whichever is applicable. 3783

(b) The offender or delinquent child has been determined 3784
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 3785
division (B) of section 2152.83, section 2152.84, or section 3786
2152.85 of the Revised Code to be a habitual sex offender or a 3787
habitual child-victim offender, the court has imposed a 3788
requirement under that division or section subjecting the habitual 3789
sex offender or habitual child-victim offender to this section, 3790
and the determination has not been removed pursuant to section 3791
2152.84 or 2152.85 of the Revised Code regarding a delinquent 3792
child. 3793

(c) The sexually oriented offense for which the offender has 3794
the duty to register under section 2950.04 of the Revised Code is 3795
an aggravated sexually oriented offense, regardless of whether the 3796
offender has been adjudicated a sexual predator relative to the 3797
offense or has been determined to be a habitual sex offender. 3798

(2) The notification provisions of this section do not apply 3799
regarding a person who is convicted of or pleads guilty to, has 3800
been convicted of or pleaded guilty to, or is adjudicated a 3801
delinquent child for committing, a sexually oriented offense or a 3802
child-victim oriented offense, who is not in the category 3803
specified in either division (F)(1)(a) or (c) of this section, and 3804
who is determined pursuant to division (C)(2) or (E) of section 3805
2950.09 or 2950.091, division (B) of section 2152.83, section 3806
2152.84, or section 2152.85 of the Revised Code to be a habitual 3807
sex offender or habitual child-victim offender unless the 3808
sentencing or reviewing court imposes a requirement in the 3809
offender's sentence and in the judgment of conviction that 3810
contains the sentence or in the delinquent child's adjudication, 3811
or imposes a requirement as described in division (C)(2) of 3812
section 2950.09 or 2950.091 of the Revised Code, that subjects the 3813
offender or the delinquent child to the provisions of this 3814
section. 3815

(G) The department of job and family services shall compile, 3816
maintain, and update in January and July of each year, a list of 3817
all agencies, centers, or homes of a type described in division 3818
(A)(2) or (6) of this section that contains the name of each 3819
agency, center, or home of that type, the county in which it is 3820
located, its address and telephone number, and the name of an 3821
administrative officer or employee of the agency, center, or home. 3822
The department of education shall compile, maintain, and update in 3823
January and July of each year, a list of all boards of education, 3824
schools, or programs of a type described in division (A)(3), (4), 3825

or (5) of this section that contains the name of each board of
education, school, or program of that type, the county in which it
is located, its address and telephone number, the name of the
superintendent of the board or of an administrative officer or
employee of the school or program, and, in relation to a board of
education, the county or counties in which each of its schools is
located and the address of each such school. The Ohio board of
regents shall compile, maintain, and update in January and July of
each year, a list of all institutions of a type described in
division (A)(7) of this section that contains the name of each
such institution, the county in which it is located, its address
and telephone number, and the name of its president or other chief
administrative officer. A sheriff required by division (A) or (C)
of this section, or authorized by division (D)(2) of this section,
to provide notices regarding an offender or delinquent child, or a
designee of a sheriff of that type, may request the department of
job and family services, department of education, or Ohio board of
regents, by telephone, in person, or by mail, to provide the
sheriff or designee with the names, addresses, and telephone
numbers of the appropriate persons and entities to whom the
notices described in divisions (A)(2) to (7) of this section are
to be provided. Upon receipt of a request, the department or board
shall provide the requesting sheriff or designee with the names,
addresses, and telephone numbers of the appropriate persons and
entities to whom those notices are to be provided.

(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 3858
requirement under this section in relation to the offender. The 3859
judge may dismiss the motion without a hearing but may not issue 3860
an order suspending the community notification requirement without 3861
a hearing. At the hearing, all parties are entitled to be heard, 3862
and the judge shall consider all of the factors set forth in 3863
division (B)(3) of section 2950.09 of the Revised Code. If, at the 3864
conclusion of the hearing, the judge finds that the offender has 3865
proven by clear and convincing evidence that the offender is 3866
unlikely to commit in the future a sexually oriented offense or a 3867
child-victim oriented offense and if the judge finds that 3868
suspending the community notification requirement is in the 3869
interests of justice, the judge may suspend the application of 3870
this section in relation to the offender. The order shall contain 3871
both of these findings. 3872

The judge promptly shall serve a copy of the order upon the 3873
sheriff with whom the offender most recently registered under 3874
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 3875
the bureau of criminal identification and investigation. 3876

An order suspending the community notification requirement 3877
does not suspend or otherwise alter an offender's duties to comply 3878
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3879
Revised Code and does not suspend the victim notification 3880
requirement under section 2950.10 of the Revised Code. 3881

(2) A prosecuting attorney, a sentencing judge or that 3882
judge's successor in office, and an offender who is subject to the 3883
community notification requirement under this section may 3884
initially make a motion under division (H)(1) of this section upon 3885
the expiration of twenty years after the offender's duty to comply 3886
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3887
Revised Code begins in relation to the offense for which the 3888
offender is subject to community notification. After the initial 3889

making of a motion under division (H)(1) of this section, 3890
thereafter, the prosecutor, judge, and offender may make a 3891
subsequent motion under that division upon the expiration of five 3892
years after the judge has entered an order denying the initial 3893
motion or the most recent motion made under that division. 3894

(3) The offender and the prosecuting attorney have the right 3895
to appeal an order approving or denying a motion made under 3896
division (H)(1) of this section. 3897

(4) ~~Division~~ Divisions (H)(1) to (3) of this section ~~does~~ do 3898
not apply to any of the following types of offender: 3899

(a) A person who is convicted of or pleads guilty to a 3900
violent sex offense or designated homicide, assault, or kidnapping 3901
offense and who, in relation to that offense, is adjudicated a 3902
sexually violent predator; 3903

(b) A person who is convicted of or pleads guilty to a 3904
sexually oriented offense that is a violation of division 3905
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code 3906
committed on or after the effective date of this amendment. 3907

(c) A person who is convicted of or pleads guilty to a 3908
sexually oriented offense that is attempted rape committed on or 3909
after the effective date of this amendment and who also is 3910
convicted of or pleads guilty to a specification of the type 3911
described in section 2941.1418 of the Revised Code. 3912

(d) A habitual sex offender or habitual child-victim oriented 3913
offender who is subject to community notification who, subsequent 3914
to being subjected to community notification, has pleaded guilty 3915
to or been convicted of a sexually oriented offense or a 3916
child-victim oriented offense; 3917

~~(e)~~(e) A sexual predator or child-victim predator who is not 3918
adjudicated a sexually violent predator who, subsequent to being 3919

subjected to community notification, has pleaded guilty to or been 3920
convicted of a sexually oriented offense or child-victim oriented 3921
offense. 3922

(I) If a person is convicted of or pleads guilty to, or has 3923
been convicted of or pleaded guilty to, either a sexually oriented 3924
offense that is not a registration-exempt sexually oriented 3925
offense or a child-victim oriented offense, or a person is 3926
adjudicated a delinquent child for committing either a sexually 3927
oriented offense that is not a registration-exempt sexually 3928
oriented offense or a child-victim oriented offense and is 3929
classified a juvenile offender registrant or is an out-of-state 3930
juvenile offender registrant based on that adjudication, and if 3931
the offender or delinquent child is not in any category specified 3932
in division (F)(1)(a), (b), or (c) of this section, the sheriff 3933
with whom the offender or delinquent child has most recently 3934
registered under section 2950.04, 2950.041, or 2950.05 of the 3935
Revised Code and the sheriff to whom the offender or delinquent 3936
child most recently sent a notice of intent to reside under 3937
section 2950.04 or 2950.041 of the Revised Code, within the period 3938
of time specified in division (D) of this section, shall provide a 3939
written notice containing the information set forth in division 3940
(B) of this section to the executive director of the public 3941
children services agency that has jurisdiction within the 3942
specified geographical notification area and that is located 3943
within the county served by the sheriff. 3944

Sec. 2950.13. (A) The attorney general shall do all of the 3945
following: 3946

(1) No later than July 1, 1997, establish and maintain a 3947
state registry of sex offenders and child-victim offenders that is 3948
housed at the bureau of criminal identification and investigation 3949
and that contains all of the registration, change of residence, 3950

school, institution of higher education, or place of employment 3951
address, and verification information the bureau receives pursuant 3952
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3953
Code regarding a person who is convicted of or pleads guilty to, 3954
or has been convicted of or pleaded guilty to, either a sexually 3955
oriented offense that is not a registration-exempt sexually 3956
oriented offense or a child-victim oriented offense or a person 3957
who is adjudicated a delinquent child for committing either a 3958
sexually oriented offense that is not a registration-exempt 3959
sexually oriented offense or a child-victim oriented offense and 3960
is classified a juvenile offender registrant or is an out-of-state 3961
juvenile offender registrant based on that adjudication, and all 3962
of the information the bureau receives pursuant to section 2950.14 3963
of the Revised Code. For a person who was convicted of or pleaded 3964
guilty to the sexually oriented offense or child-victim related 3965
offense, the registry also shall indicate whether the person was 3966
convicted of or pleaded guilty to the offense in a criminal 3967
prosecution or in a serious youthful offender case. 3968

(2) In consultation with local law enforcement 3969
representatives and no later than July 1, 1997, adopt rules that 3970
contain guidelines necessary for the implementation of this 3971
chapter; 3972
3973

(3) In consultation with local law enforcement 3974
representatives, adopt rules for the implementation and 3975
administration of the provisions contained in section 2950.11 of 3976
the Revised Code that pertain to the notification of neighbors of 3977
an offender or a delinquent child who has committed a sexually 3978
oriented offense that is not a registration-exempt sexually 3979
oriented offense and has been adjudicated a sexual predator or 3980
determined to be a habitual sex offender, an offender who has 3981
committed an aggravated sexually oriented offense, or an offender 3982

or delinquent child who has committed a child-victim oriented 3983
offense and has been adjudicated a child-victim predator or 3984
determined to be a habitual child-victim offender, and rules that 3985
prescribe a manner in which victims of either a sexually oriented 3986
offense that is not a registration-exempt sexually oriented 3987
offense or a child-victim oriented offense committed by an 3988
offender or a delinquent child who has been adjudicated a sexual 3989
predator or determined to be a habitual sex offender, an offender 3990
who has committed an aggravated sexually oriented offense, or an 3991
offender or delinquent child who has committed a child-victim 3992
oriented offense and has been adjudicated a child-victim predator 3993
or determined to be a habitual child-victim offender may make a 3994
request that specifies that the victim would like to be provided 3995
the notices described in divisions (A)(1) and (2) of section 3996
2950.10 of the Revised Code; 3997

(4) In consultation with local law enforcement 3998
representatives and through the bureau of criminal identification 3999
and investigation, prescribe the forms to be used by judges and 4000
officials pursuant to section 2950.03 of the Revised Code to 4001
advise offenders and delinquent children of their duties of filing 4002
a notice of intent to reside, registration, notification of a 4003
change of residence, school, institution of higher education, or 4004
place of employment address and registration of the new, school, 4005
institution of higher education, or place of employment address, 4006
as applicable, and address verification under sections 2950.04, 4007
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 4008
the forms to be used by sheriffs relative to those duties of 4009
filing a notice of intent to reside, registration, change of 4010
residence, school, institution of higher education, or place of 4011
employment address notification, and address verification; 4012

(5) Make copies of the forms prescribed under division (A)(4) 4013
of this section available to judges, officials, and sheriffs; 4014

(6) Through the bureau of criminal identification and 4015
investigation, provide the notifications, the information, and the 4016
documents that the bureau is required to provide to appropriate 4017
law enforcement officials and to the federal bureau of 4018
investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 4019
2950.06 of the Revised Code; 4020

(7) Through the bureau of criminal identification and 4021
investigation, maintain the verification forms returned under the 4022
address verification mechanism set forth in section 2950.06 of the 4023
Revised Code; 4024

(8) In consultation with representatives of the officials, 4025
judges, and sheriffs, adopt procedures for officials, judges, and 4026
sheriffs to use to forward information, photographs, and 4027
fingerprints to the bureau of criminal identification and 4028
investigation pursuant to the requirements of sections 2950.03, 4029
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code; 4030

(9) In consultation with the director of education, the 4031
director of job and family services, and the director of 4032
rehabilitation and correction, adopt rules that contain guidelines 4033
to be followed by boards of education of a school district, 4034
chartered nonpublic schools or other schools not operated by a 4035
board of education, preschool programs, child day-care centers, 4036
type A family day-care homes, certified type B family day-care 4037
homes, and institutions of higher education regarding the proper 4038
use and administration of information received pursuant to section 4039
2950.11 of the Revised Code relative to an offender or delinquent 4040
child who has been adjudicated a sexual predator or child-victim 4041
predator or determined to be a habitual sex offender or habitual 4042
child-victim offender, or an offender who has committed an 4043
aggravated sexually oriented offense; 4044

(10) In consultation with local law enforcement 4045

representatives and no later than July 1, 1997, adopt rules that
designate a geographic area or areas within which the notice
described in division (B) of section 2950.11 of the Revised Code
must be given to the persons identified in divisions (A)(2) to (8)
of that section;

(11) Through the bureau of criminal identification and
investigation, not later than January 1, 2004, establish and
operate on the internet a sex offender and child-victim offender
database that contains information for every offender who has
committed either a sexually oriented offense that is not a
registration-exempt sexually oriented offense or a child-victim
oriented offense and who registers in any county in this state
pursuant to section 2950.04 or 2950.041 of the Revised Code. The
bureau shall determine the information to be provided on the
database for each offender and shall obtain that information from
the information contained in the state registry of sex offenders
and child-victim offenders described in division (A)(1) of this
section, which information, while in the possession of the sheriff
who provided it, is a public record open for inspection as
described in section 2950.081 of the Revised Code. The information
provided for each offender shall include at least the information
set forth in division (B) of section 2950.11 of the Revised Code.
The database is a public record open for inspection under section
149.43 of the Revised Code, and it shall be searchable by offender
name, by county, by zip code, and by school district. The database
shall provide a link to the web site of each sheriff who has
established and operates on the internet a sex offender and
child-victim offender database that contains information for
offenders who register in that county pursuant to section 2950.04
or 2950.041 of the Revised Code, with the link being a direct link
to the sex offender and child-victim offender database for the
sheriff.

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(12) Upon the request of any sheriff, provide technical 4078
guidance to the requesting sheriff in establishing on the internet 4079
a sex offender and child-victim offender database for the public 4080
dissemination of some or all of the materials described in 4081
division (A) of section 2950.081 of the Revised Code that are 4082
public records under that division and that pertain to offenders 4083
who register in that county pursuant to section 2950.04 or 4084
2950.041 of the Revised Code and for the public dissemination of 4085
information the sheriff receives pursuant to section 2950.14 of 4086
the Revised Code; 4087

(13) Through the bureau of criminal identification and 4088
investigation, not later than January 1, 2004, establish and 4089
operate on the internet a database that enables local law 4090
enforcement representatives to remotely search by electronic means 4091
the state registry of sex offenders and child-victim offenders 4092
described in division (A)(1) of this section and any information 4093
the bureau receives pursuant to sections 2950.04, 2950.041, 4094
2950.05, 2950.06, and 2950.14 of the Revised Code. The database 4095
shall enable local law enforcement representatives to obtain 4096
detailed information regarding each offender and delinquent child 4097
who is included in the registry, including, but not limited to the 4098
offender's or delinquent child's name, residence address, place of 4099
employment if applicable, motor vehicle license plate number if 4100
applicable, victim preference if available, date of most recent 4101
release from confinement if applicable, fingerprints, and other 4102
identification parameters the bureau considers appropriate. The 4103
database is not a public record open for inspection under section 4104
149.43 of the Revised Code and shall be available only to law 4105
enforcement representatives as described in this division. 4106
Information obtained by local law enforcement representatives 4107
through use of this database is not open to inspection by the 4108
public or by any person other than a person identified in division 4109

(A) of section 2950.08 of the Revised Code. 4110

(B) The attorney general in consultation with local law 4111
enforcement representatives, may adopt rules that establish one or 4112
more categories of neighbors of an offender or delinquent child 4113
who, in addition to the occupants of residential premises and 4114
other persons specified in division (A)(1) of section 2950.11 of 4115
the Revised Code, must be given the notice described in division 4116
(B) of that section. 4117

(C) No person, other than a local law enforcement 4118
representative, shall knowingly do any of the following: 4119

(1) Gain or attempt to gain access to the database 4120
established and operated by the attorney general, through the 4121
bureau of criminal identification and investigation, pursuant to 4122
division (A)(13) of this section. 4123

(2) Permit any person to inspect any information obtained 4124
through use of the database described in division (C)(1) of this 4125
section, other than as permitted under that division. 4126

(D) As used in this section, "local law enforcement 4127
representatives" means representatives of the sheriffs of this 4128
state, representatives of the municipal chiefs of police and 4129
marshals of this state, and representatives of the township 4130
constables and chiefs of police of the township police departments 4131
or police district police forces of this state. 4132

Sec. 2950.14. (A) Prior to releasing an offender who is under 4133
the custody and control of the department of rehabilitation and 4134
correction and who has been convicted of or pleaded guilty to 4135
committing, either prior to, on, or after January 1, 1997, any 4136
sexually oriented offense that is not a registration-exempt 4137
sexually oriented offense or any child-victim oriented offense, 4138
the department of rehabilitation and correction shall provide all 4139

of the information described in division (B) of this section to 4140
the bureau of criminal identification and investigation regarding 4141
the offender and to the sheriff of the county in which the 4142
offender's anticipated future residence is located. Prior to 4143
releasing a delinquent child who is in the custody of the 4144
department of youth services who has been adjudicated a delinquent 4145
child for committing on or after January 1, 2002, any sexually 4146
oriented offense that is not a registration-exempt sexually 4147
oriented offense or any child-victim oriented offense, and who has 4148
been classified a juvenile offender registrant based on that 4149
adjudication, the department of youth services shall provide all 4150
of the information described in division (B) of this section to 4151
the bureau of criminal identification and investigation regarding 4152
the delinquent child. 4153

(B) The department of rehabilitation and correction and the 4154
department of youth services shall provide all of the following 4155
information to the bureau of criminal identification and 4156
investigation regarding an offender or delinquent child described 4157
in division (A) of this section: 4158

(1) The offender's or delinquent child's name and any aliases 4159
used by the offender or delinquent child; 4160

(2) All identifying factors concerning the offender or 4161
delinquent child; 4162

(3) The offender's or delinquent child's anticipated future 4163
residence; 4164

(4) The offense and delinquency history of the offender or 4165
delinquent child; 4166

(5) Whether the offender or delinquent child was treated for 4167
a mental abnormality or personality disorder while under the 4168
custody and control of the department; 4169

(6) Any other information that the bureau indicates is 4170
relevant and that the department possesses. 4171

(C) Upon receipt of the information described in division (B) 4172
of this section regarding an offender or delinquent child, the 4173
bureau immediately shall enter the information into the state 4174
registry of sex offenders and child-victim offenders that the 4175
bureau maintains pursuant to section 2950.13 of the Revised Code 4176
and into the records that the bureau maintains pursuant to 4177
division (A) of section 109.57 of the Revised Code. Upon receipt 4178
of that information regarding an offender, the bureau immediately 4179
shall enter the information on the sex offender and child-victim 4180
offender database it establishes and operates on the internet 4181
pursuant to division (A)(11) of section 2950.13 of the Revised 4182
Code. 4183

(D) Upon receipt of the information described in division (B) 4184
of this section regarding an offender, a sheriff who has 4185
established on the internet a sex offender and child-victim 4186
offender database for the public dissemination of information 4187
regarding such offenders shall enter that information on the 4188
database. 4189

Sec. 2967.12. (A) Except as provided in division (G) of this 4190
section, at least three weeks before the adult parole authority 4191
recommends any pardon or commutation of sentence, or grants any 4192
parole, the authority shall send a notice of the pendency of the 4193
pardon, commutation, or parole, setting forth the name of the 4194
person on whose behalf it is made, the offense of which the person 4195
was convicted or to which the person pleaded guilty, the time of 4196
conviction or the guilty plea, and the term of the person's 4197
sentence, to the prosecuting attorney and the judge of the court 4198
of common pleas of the county in which the indictment against the 4199
person was found. If there is more than one judge of that court of 4200

common pleas, the authority shall send the notice to the presiding 4201
judge. The department of rehabilitation and correction, at the 4202
same time that it provides the notice to the prosecuting attorney 4203
and judge under this division, also shall post on the database it 4204
maintains pursuant to section 5120.66 of the Revised Code the 4205
offender's name and all of the information specified in division 4206
(A)(1)(c)(iii) of that section. 4207

(B) If a request for notification has been made pursuant to 4208
section 2930.16 of the Revised Code, the adult parole authority 4209
also shall give notice to the victim or the victim's 4210
representative prior to recommending any pardon or commutation of 4211
sentence for, or granting any parole to, the person. The authority 4212
shall provide the notice at the same time as the notice required 4213
by division (A) of this section and shall include in the notice 4214
the information required to be set forth in that notice. The 4215
notice also shall inform the victim or the victim's representative 4216
that the victim or representative may send a written statement 4217
relative to the victimization and the pending action to the adult 4218
parole authority and that, if the authority receives any written 4219
statement prior to recommending a pardon or commutation or 4220
granting a parole for a person, the authority will consider the 4221
statement before it recommends a pardon or commutation or grants a 4222
parole. If the person is being considered for parole, the notice 4223
shall inform the victim or the victim's representative that a full 4224
board hearing of the parole board may be held and that the victim 4225
or victim's representative may contact the office of victims' 4226
services for further information. If the person being considered 4227
for parole was convicted of or pleaded guilty to violating section 4228
2903.01 or 2903.02 of the Revised Code, the notice shall inform 4229
the victim of that offense, the victim's representative, or a 4230
member of the victim's immediate family that the victim, the 4231
victim's representative, and the victim's immediate family have 4232
the right to give testimony at a full board hearing of the parole 4233

board and that the victim or victim's representative may contact 4234
the office of victims' services for further information. As used 4235
in this division, "the victim's immediate family" means the 4236
mother, father, spouse, sibling, or child of the victim. 4237

(C) When notice of the pendency of any pardon, commutation of 4238
sentence, or parole has been given to a judge or prosecutor or 4239
posted on the database as provided in division (A) of this section 4240
and a hearing on the pardon, commutation, or parole is continued 4241
to a date certain, the authority shall provide notice of the 4242
further consideration of the pardon, commutation, or parole at 4243
least ten days before the further consideration. The notice of the 4244
further consideration shall be provided to the proper judge and 4245
prosecuting attorney by mail at least ten days before the further 4246
consideration, and, if the initial notice was posted on the 4247
database as provided in division (A) of this section, the notice 4248
of the further consideration shall be posted on the database at 4249
least ten days before the further consideration. When notice of 4250
the pendency of any pardon, commutation, or parole has been given 4251
as provided in division (B) of this section and the hearing on it 4252
is continued to a date certain, the authority shall give notice of 4253
the further consideration to the victim or the victim's 4254
representative in accordance with section 2930.03 of the Revised 4255
Code. 4256

(D) In case of an application for the pardon or commutation 4257
of sentence of a person sentenced to capital punishment, the 4258
governor may modify the requirements of notification and 4259
publication if there is not sufficient time for compliance with 4260
the requirements before the date fixed for the execution of 4261
sentence. 4262

(E) If an offender is serving a prison term imposed under 4263
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 4264
Revised Code and if the parole board terminates its control over 4265

the offender's service of that term pursuant to section 2971.04 of 4266
the Revised Code, the parole board immediately shall provide 4267
written notice of its termination of control or the transfer of 4268
control to the entities and persons specified in section 2971.04 4269
of the Revised Code. 4270

(F) The failure of the adult parole authority to comply with 4271
the notice or posting provisions of division (A), (B), or (C) of 4272
this section or the failure of the parole board to comply with the 4273
notice provisions of division (E) of this section do not give any 4274
rights or any grounds for appeal or post-conviction relief to the 4275
person serving the sentence. 4276

(G) Divisions (A), (B), and (C) of this section do not apply 4277
to any release of a person that is of the type described in 4278
division (B)(2)(b) of section 5120.031 of the Revised Code. 4279

(H) In addition to and independent of the right of a victim 4280
to make a statement as described in division (A) of this section 4281
or pursuant to section 2930.17 of the Revised Code or to otherwise 4282
make a statement, the authority for a judge or prosecuting 4283
attorney to furnish statements and information, make 4284
recommendations, and give testimony as described in division (A) 4285
of this section, the right of a prosecuting attorney, judge, or 4286
victim to give testimony or submit a statement at a full parole 4287
board hearing pursuant to section 5149.101 of the Revised Code, 4288
and any other right or duty of a person to present information or 4289
make a statement, any person may send to the adult parole 4290
authority at any time prior to the authority's recommending a 4291
pardon or commutation or granting a parole for the offender a 4292
written statement relative to the offense and the pending action. 4293

Sec. 2967.121. (A) Subject to division (C) of this section, 4294
at least two weeks before any convict who is serving a sentence 4295
for committing a felony of the first, second, or third degree is 4296

released from confinement in any state correctional institution 4297
pursuant to a pardon, commutation of sentence, parole, or 4298
completed prison term, the adult parole authority shall send 4299
notice of the release to the prosecuting attorney of the county in 4300
which the indictment of the convict was found. 4301

(B) The notice required by division (A) of this section may 4302
be contained in a weekly list of all felons of the first, second, 4303
or third degree who are scheduled for release. The notice shall 4304
contain all of the following: 4305

(1) The name of the convict being released; 4306

(2) The date of the convict's release; 4307

(3) The offense for the violation of which the convict was 4308
convicted and incarcerated; 4309

(4) The date of the convict's conviction pursuant to which 4310
the convict was incarcerated; 4311

(5) The sentence imposed for that conviction; 4312

(6) The length of any supervision that the convict will be 4313
under; 4314

(7) The name, business address, and business phone number of 4315
the convict's supervising officer; 4316

(8) The address at which the convict will reside. 4317

(C) Divisions (A) and (B) of this section do not apply to the 4318
release from confinement of an offender if the offender is serving 4319
a prison term imposed under division (A)(3), (B)(1), or (B)(2) of 4320
section 2971.03 of the Revised Code, if the court pursuant to 4321
section 2971.05 of the Revised Code modifies the requirement that 4322
the offender serve that entire term in a state correctional 4323
institution, and if the release from confinement is pursuant to 4324
that modification. In a case of that type, the court that modifies 4325
the requirement promptly shall provide written notice of the 4326

modification and the order that modifies the requirement or 4327
revises the modification to the offender, the department of 4328
rehabilitation and correction, the prosecuting attorney, and any 4329
state agency or political subdivision that is affected by the 4330
order. 4331

Sec. 2971.03. (A) Notwithstanding divisions (A), (B), (C), 4332
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 4333
2929.13, or another section of the Revised Code, other than 4334
divisions (D) and (E) of section 2929.14 of the Revised Code, that 4335
authorizes or requires a specified prison term or a mandatory 4336
prison term for a person who is convicted of or pleads guilty to a 4337
felony or that specifies the manner and place of service of a 4338
prison term or term of imprisonment, the court shall impose a 4339
sentence upon a person who is convicted of or pleads guilty to a 4340
violent sex offense and who also is convicted of or pleads guilty 4341
to a sexually violent predator specification that was included in 4342
the indictment, count in the indictment, or information charging 4343
that offense, and upon a person who is convicted of or pleads 4344
guilty to a designated homicide, assault, or kidnapping offense 4345
and also is convicted of or pleads guilty to both a sexual 4346
motivation specification and a sexually violent predator 4347
specification that were included in the indictment, count in the 4348
indictment, or information charging that offense, as follows: 4349

(1) If the offense for which the sentence is being imposed is 4350
aggravated murder and if the court does not impose upon the 4351
offender a sentence of death, it shall impose upon the offender a 4352
term of life imprisonment without parole. If the court sentences 4353
the offender to death and the sentence of death is vacated, 4354
overturned, or otherwise set aside, the court shall impose upon 4355
the offender a term of life imprisonment without parole. 4356

(2) If the offense for which the sentence is being imposed is 4357

murder, if the offense is rape committed in violation of division 4358
(A)(1)(b) of section 2907.02 of the Revised Code when the offender 4359
purposely compelled the victim to submit by force or threat of 4360
force or when the victim was less than ten years of age, if the 4361
offense is rape committed in violation of division (A)(1)(b) of 4362
section 2907.02 of the Revised Code and the offender previously 4363
has been convicted of or pleaded guilty to either rape committed 4364
in violation of that division or a violation of a law of another 4365
state or the United States that is substantially similar to 4366
division (A)(1)(b) of section 2907.02 of the Revised Code or the 4367
offender during or immediately after the commission of the rape 4368
caused serious physical harm to the victim, or if the offense is 4369
an offense other than aggravated murder or murder for which a term 4370
of life imprisonment may be imposed, it shall impose upon the 4371
offender a term of life imprisonment without parole. 4372

(3)(a) Except as otherwise provided in division (A)(3)(b), 4373
(c), ~~or~~ (d), or (e) or (A)(4) of this section, if the offense for 4374
which the sentence is being imposed is an offense other than 4375
aggravated murder, other than murder, ~~or~~, other than rape 4376
committed in violation of division (A)(1)(b) of section 2907.02 of 4377
the Revised Code when the offender purposely compelled the victim 4378
to submit by force or threat of force or when the victim was less 4379
than ten years of age, other than rape committed in violation of 4380
division (A)(1)(b) of section 2907.02 of the Revised Code when the 4381
offender previously has been convicted of or has pleaded guilty to 4382
either rape committed in violation of that division or a violation 4383
of a law of another state or the United States that is 4384
substantially similar to division (A)(1)(b) of section 2907.02 of 4385
the Revised Code or when the offender during or immediately after 4386
the commission of the rape caused serious physical harm to the 4387
victim, and other than an offense for which a term of life 4388
imprisonment may be imposed, it shall impose an indefinite prison 4389

term consisting of a minimum term fixed by the court from among 4390
the range of terms available as a definite term for the offense, 4391
but not less than two years, and a maximum term of life 4392
imprisonment. 4393

(b) Except as otherwise provided in division (A)(4) of this 4394
section, if the offense for which the sentence is being imposed is 4395
kidnapping that is a felony of the first degree, it shall impose 4396
an indefinite prison term consisting of a minimum term fixed by 4397
the court that is not less than ten years, and a maximum term of 4398
life imprisonment. 4399

(c) Except as otherwise provided in division (A)(4) of this 4400
section, if the offense for which the sentence is being imposed is 4401
kidnapping that is a felony of the second degree, it shall impose 4402
an indefinite prison term consisting of a minimum term fixed by 4403
the court that is not less than eight years, and a maximum term of 4404
life imprisonment. 4405

(d) Except as otherwise provided in division (A)(4) of this 4406
section, if the offense for which the sentence is being imposed is 4407
rape for which a term of life imprisonment is not imposed under 4408
~~section 2907.02 of the Revised Code or~~ division (A)(2) of this 4409
section or division (B) of section 2907.02 of the Revised Code, it 4410
shall impose an indefinite prison term as follows: 4411

(i) If the rape is committed on or after the effective date 4412
of this amendment in violation of division (A)(1)(b) or (A)(2) of 4413
section 2907.02 of the Revised Code, it shall impose an indefinite 4414
prison term consisting of a minimum term of twenty-five years and 4415
a maximum term of life imprisonment. 4416

(ii) If the rape is committed prior to the effective date of 4417
this amendment or the rape is committed on or after the effective 4418
date of this amendment other than in violation of division 4419
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, it 4420

shall impose an indefinite prison term consisting of a minimum
term fixed by the court that is not less than ten years, and a
maximum term of life imprisonment.

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(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:

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(i) Except as otherwise provided in division (A)(3)(e)(ii) of
this section, it shall impose an indefinite prison term pursuant
to division (A)(3)(a) of this section.

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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 fifteen years and a
maximum term of life imprisonment.

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(4) For any offense for which the sentence is being imposed,
if the offender previously has been convicted of or pleaded guilty
to a violent sex offense and also to a sexually violent predator
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.

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(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)

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and (E) of section 2929.14 of the Revised Code that authorizes or 4452
requires a specified prison term or a mandatory prison term for a 4453
person who is convicted of or pleads guilty to a felony or that 4454
specifies the manner and place of service of a prison term or term 4455
of imprisonment, if a person is convicted of or pleads guilty to a 4456
violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 4457
the Revised Code committed on or after the effective date of this 4458
amendment, if division (A) of this section does not apply 4459
regarding the person, and if the court does not impose a sentence 4460
of life without parole when authorized pursuant to division (B) of 4461
section 2907.02 of the Revised Code, the court shall impose upon 4462
the person an indefinite prison term consisting of a minimum term 4463
of twenty-five years and a maximum term of life imprisonment. 4464

(2) Notwithstanding section 2929.13, division (A), (B), (C), 4465
or (F) of section 2929.14, or another section of the Revised Code 4466
other than divisions (D) and (E) of section 2929.14 of the Revised 4467
Code that authorizes or requires a specified prison term or a 4468
mandatory prison term for a person who is convicted of or pleads 4469
guilty to a felony or that specifies the manner and place of 4470
service of a prison term or term of imprisonment, if a person is 4471
convicted of or pleads guilty to attempted rape committed on or 4472
after the effective date of this amendment, if division (A) of 4473
this section does not apply regarding the person, and if the 4474
person also is convicted of or pleads guilty to a specification of 4475
the type described in section 2941.1418 of the Revised Code, the 4476
court shall impose upon the person an indefinite prison term 4477
consisting of a minimum term of fifteen years and a maximum term 4478
of life imprisonment. 4479

(C)(1) If the offender is sentenced to a prison term pursuant 4480
to division (A)(3), (B)(1), or (B)(2) of this section, the parole 4481
board shall have control over the offender's service of the term 4482
during the entire term unless the parole board terminates its 4483

control in accordance with section 2971.04 of the Revised Code. 4484

~~(C)(1)(2)~~ Except as provided in division (C)~~(2)(3)~~ of this 4485
section, an offender sentenced to a prison term or term of life 4486
imprisonment without parole pursuant to division (A) of this 4487
section shall serve the entire prison term or term of life 4488
imprisonment in a state correctional institution. The offender is 4489
not eligible for judicial release under section 2929.20 of the 4490
Revised Code. 4491

~~(2)(3)~~ For a prison term imposed pursuant to division (A)(3)~~(B)(1), or (B)(2)~~ 4492
of this section, the court, in accordance with 4493
section 2971.05 of the Revised Code, may terminate the prison term 4494
or modify the requirement that the offender serve the entire term 4495
in a state correctional institution if all of the following apply: 4496

(a) The offender has served at least the minimum term imposed 4497
as part of that prison term. 4498

(b) The parole board, pursuant to section 2971.04 of the 4499
Revised Code, has terminated its control over the offender's 4500
service of that prison term. 4501

(c) The court has held a hearing and found, by clear and 4502
convincing evidence, one of the following: 4503

(i) In the case of termination of the prison term, that the 4504
offender is unlikely to commit a sexually violent offense in the 4505
future; 4506

(ii) In the case of modification of the requirement, that the 4507
offender does not represent a substantial risk of physical harm to 4508
others. 4509

~~(3)(4)~~ An offender who has been sentenced to a term of life 4510
imprisonment without parole pursuant to division (A)(1), (2), or 4511
(4) of this section shall not be released from the term of life 4512
imprisonment or be permitted to serve a portion of it in a place 4513

other than a state correctional institution. 4514

(D) If a court sentences an offender to a prison term or term 4515
of life imprisonment without parole pursuant to division (A) of 4516
this section and the court also imposes on the offender one or 4517
more additional prison terms pursuant to division (D) of section 4518
2929.14 of the Revised Code, all of the additional prison terms 4519
shall be served consecutively with, and prior to, the prison term 4520
or term of life imprisonment without parole imposed upon the 4521
offender pursuant to division (A) of this section. 4522

(E) If the offender is convicted of or pleads guilty to two 4523
or more offenses for which a prison term or term of life 4524
imprisonment without parole is required to be imposed pursuant to 4525
division (A) of this section, divisions (A) to (D) of this section 4526
shall be applied for each offense. All minimum terms imposed upon 4527
the offender pursuant to division (A)(3) or (B) of this section 4528
for those offenses shall be aggregated and served consecutively, 4529
as if they were a single minimum term imposed under that division. 4530

(F) If an offender is convicted of or pleads guilty to a 4531
violent sex offense and also is convicted of or pleads guilty to a 4532
sexually violent predator specification that was included in the 4533
indictment, count in the indictment, or information charging that 4534
offense, or is convicted of or pleads guilty to a designated 4535
homicide, assault, or kidnapping offense and also is convicted of 4536
or pleads guilty to both a sexual motivation specification and a 4537
sexually violent predator specification that were included in the 4538
indictment, count in the indictment, or information charging that 4539
offense, the conviction of or plea of guilty to the offense and 4540
the sexually violent predator specification automatically 4541
classifies the offender as a sexual predator for purposes of 4542
Chapter 2950. of the Revised Code. If an offender is convicted of 4543
or pleads guilty to committing on or after the effective date of 4544
this amendment a violation of division (A)(1)(b) or (A)(2) of 4545

section 2907.02 of the Revised Code, the conviction of or plea of 4546
guilty to the offense automatically classifies the offender as a 4547
sexual predator for purposes of Chapter 2950. of the Revised Code. 4548
If a person is convicted of or pleads guilty to committing on or 4549
after the effective date of this amendment attempted rape and also 4550
is convicted of or pleads guilty to a specification of the type 4551
described in section 2941.1418 of the Revised Code, the conviction 4552
of or plea of guilty to the offense and the specification 4553
automatically classify the offender as a sexual predator for 4554
purposes of this chapter. The classification pursuant to this 4555
division of ~~the~~ an offender as a sexual predator for purposes of 4556
~~that chapter~~ Chapter 2950. of the Revised Code is permanent and 4557
continues until the offender's death as described in division 4558
(D)(2) of section 2950.09 of the Revised Code. 4559

Sec. 2971.04. (A) If an offender is serving a prison term 4560
imposed under division (A)(3), (B)(1), or (B)(2) of section 4561
2971.03 of the Revised Code, at any time after the offender has 4562
served the minimum term imposed under that sentence, the parole 4563
board may terminate its control over the offender's service of the 4564
prison term. The parole board initially shall determine whether to 4565
terminate its control over the offender's service of the prison 4566
term upon the completion of the offender's service of the minimum 4567
term under the sentence and shall make subsequent determinations 4568
at least once every two years after that first determination. The 4569
parole board shall not terminate its control over the offender's 4570
service of the prison term unless it finds at a hearing that the 4571
offender does not represent a substantial risk of physical harm to 4572
others. Prior to determining whether to terminate its control over 4573
the offender's service of the prison term, the parole board shall 4574
request the department of rehabilitation and correction to prepare 4575
pursuant to section 5120.61 of the Revised Code an update of the 4576
most recent risk assessment and report relative to the offender. 4577

The offender has the right to be present at any hearing held under 4578
this section. At the hearing, the offender and the prosecuting 4579
attorney may make a statement and present evidence as to whether 4580
the parole board should terminate its control over the offender's 4581
service of the prison term. In making its determination as to 4582
whether to terminate its control over the offender's service of 4583
the prison term, the parole board may follow the standards and 4584
guidelines adopted by the department of rehabilitation and 4585
correction under section 5120.49 of the Revised Code and shall 4586
consider the updated risk assessment and report relating to the 4587
offender prepared by the department pursuant to section 5120.61 of 4588
the Revised Code in response to the request made under this 4589
division and any statements or evidence submitted by the offender 4590
or the prosecuting attorney. If the parole board terminates its 4591
control over an offender's service of a prison term imposed under 4592
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 4593
Revised Code, it shall recommend to the court modifications to the 4594
requirement that the offender serve the entire term in a state 4595
correctional institution. The court is not bound by the 4596
recommendations submitted by the parole board. 4597

(B) If the parole board terminates its control over an 4598
offender's service of a prison term imposed pursuant to division 4599
(A)(3), (B)(1), or (B)(2) of section 2971.03 of the Revised Code, 4600
the parole board immediately shall provide written notice of its 4601
termination of control to the department of rehabilitation and 4602
correction, the court, and the prosecuting attorney, and, after 4603
the board's termination of its control, the court shall have 4604
control over the offender's service of that prison term. 4605

After the transfer, the court shall have control over the 4606
offender's service of that prison term for the offender's entire 4607
life, subject to the court's termination of the term pursuant to 4608
section 2971.05 of the Revised Code. 4609

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

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

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

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

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

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

Sec. 2971.05. (A)(1) After control over an offender's service of a prison term imposed pursuant to division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the Revised Code has been transferred pursuant to section 2971.04 of the Revised Code to the court, the court shall schedule, within thirty days of any of the following, a hearing on whether to modify in accordance with division (C) of this section the requirement that the offender serve the entire prison term in a state correctional institution or to terminate the prison term in accordance with division (D) of this section:

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

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

(c) The prosecuting attorney, the department of rehabilitation and correction, or the adult parole authority

requests the hearing, and recommends that the requirement be 4639
modified or that the offender's prison term be terminated. 4640

(2) After control over the offender's service of a prison 4641
term has been transferred pursuant to section 2971.04 of the 4642
Revised Code to the court, the court, within thirty days of either 4643
of the following, shall conduct a hearing on whether to modify in 4644
accordance with division (C) of this section the requirement that 4645
the offender serve the entire prison term in a state correctional 4646
institution, whether to continue, revise, or revoke an existing 4647
modification of that requirement, or whether to terminate the term 4648
in accordance with division (D) of this section: 4649

(a) The requirement that the offender serve the entire prison 4650
term in a state correctional institution has been modified, and 4651
the offender is taken into custody for any reason. 4652

(b) The department of rehabilitation and correction or the 4653
prosecuting attorney notifies the court pursuant to section 4654
2971.06 of the Revised Code regarding a known or suspected 4655
violation of a term or condition of the modification or a belief 4656
that there is a substantial likelihood that the offender has 4657
committed or is about to commit a sexually violent offense. 4658

(3) After control over the offender's service of a prison 4659
term has been transferred pursuant to section 2971.04 of the 4660
Revised Code to the court, the court, in any of the following 4661
circumstances, may conduct a hearing within thirty days to 4662
determine whether to modify in accordance with division (C) of 4663
this section the requirement that the offender serve the entire 4664
prison term in a state correctional institution, whether to 4665
continue, revise, or revoke an existing modification of that 4666
requirement, or whether to terminate the sentence in accordance 4667
with division (D) of this section: 4668

(a) The offender requests the hearing; 4669

(b) Upon the court's own motion; 4670

(c) One or more examiners who have conducted a psychological 4671
examination and assessment of the offender file a statement that 4672
states that there no longer is a likelihood that the offender will 4673
engage in the future in a sexually violent offense. 4674

(B)(1) Before a court holds a hearing pursuant to division 4675
(A) of this section, the court shall provide notice of the date, 4676
time, place, and purpose of the hearing to the offender, the 4677
prosecuting attorney, the department of rehabilitation and 4678
correction, and the adult parole authority and shall request the 4679
department to prepare pursuant to section 5120.61 of the Revised 4680
Code an update of the most recent risk assessment and report 4681
relative to the offender. The offender has the right to be present 4682
at any hearing held under this section. At the hearing, the 4683
offender and the prosecuting attorney may make a statement and 4684
present evidence as to whether the requirement that the offender 4685
serve the entire prison term in a state correctional institution 4686
should or should not be modified, whether the existing 4687
modification of the requirement should be continued, revised, or 4688
revoked, and whether the prison term should or should not be 4689
terminated. 4690

(2) At a hearing held pursuant to division (A) of this 4691
section, the court may and, if the hearing is held pursuant to 4692
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 4693
determine by clear and convincing evidence whether the offender is 4694
unlikely to commit a sexually violent offense in the future. 4695

(3) At the conclusion of the hearing held pursuant to 4696
division (A) of this section, the court may order that the 4697
requirement that the offender serve the entire prison term in a 4698
state correctional institution be continued, that the requirement 4699
be modified pursuant to division (C) of this section, that an 4700

existing modification be continued, revised, or revoked pursuant 4701
to division (C) of this section, or that the prison term be 4702
terminated pursuant to division (D) of this section. 4703

(C)(1) If, at the conclusion of a hearing held pursuant to 4704
division (A) of this section, the court determines by clear and 4705
convincing evidence that the offender will not represent a 4706
substantial risk of physical harm to others, the court may modify 4707
the requirement that the offender serve the entire prison term 4708
imposed under division (A)(3), (B)(1), or (B)(2) of section 4709
2971.03 of the Revised Code in a state correctional institution in 4710
a manner that the court considers appropriate. If the court 4711
modifies the requirement, ~~the offender is subject to~~ for an 4712
offender whose prison term was imposed pursuant to division (A)(3) 4713
of section 2971.03 of the Revised Code, the court shall order the 4714
adult parole authority to supervise the offender and shall require 4715
that the authority's supervision under of the offender be pursuant 4716
to division (E) of this section. If the court modifies the 4717
requirement for an offender whose prison term was imposed pursuant 4718
to division (B)(1) or (2) of section 2971.03 of the Revised Code, 4719
the court shall order the adult parole authority to supervise the 4720
offender and may require that the authority's supervision of the 4721
offender be pursuant to division (E) of this section. 4722

(2) The modification of the requirement does not terminate 4724
the prison term but serves only to suspend the requirement that 4725
the offender serve the entire term in a state correctional 4726
institution. The prison term shall remain in effect for the 4727
offender's entire life unless the court terminates the prison term 4728
pursuant to division (D) of this section. The offender shall 4729
remain under the jurisdiction of the court for the offender's 4730
entire life unless the court so terminates the prison term. The 4731
modification of the requirement does not terminate the 4732

classification of the offender, as described in division (F) of
section 2971.03 of the Revised Code, as a sexual predator for
purposes of Chapter 2950. of the Revised Code, and the offender is
subject to supervision, including supervision under division (E)
of this section if the court required the supervision of the
offender to be pursuant to that division.

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

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(D)(1) If, at the conclusion of a hearing held pursuant to
division (A) of this section, the court determines by clear and
convincing evidence that the offender is unlikely to commit a
sexually violent offense in the future, the court may terminate
the offender's prison term imposed under division (A)(3), (B)(1),
or (B)(2) of section 2971.03 of the Revised Code, subject to the
offender satisfactorily completing the period of conditional
release required by this division and, if applicable, compliance
with division (E) of this section. If the court terminates the
prison term, the court shall place the offender on conditional
release for five years, ~~require the offender to comply with~~
~~division (E) of this section,~~ notify the adult parole authority of
its determination and of the termination of the prison term, and
order the adult parole authority to supervise the offender during
the five-year period of conditional release and or, if division
(E) applies to the offender, to supervise the offender pursuant to
and for the period of time specified in that division. If the
court terminates the prison term for an offender whose prison term
was imposed pursuant to division (A)(3) of section 2971.03 of the
Revised Code, the court shall require that the authority's

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supervision of the offender be pursuant to division (E) of this 4765
section. If the court terminates the prison term for an offender 4766
whose prison term was imposed pursuant to division (B)(1) or (2) 4767
of section 2971.03 of the Revised Code, the court may require that 4768
the authority's supervision of the offender be pursuant to 4769
division (E) of this section. Upon receipt of a notice from a 4770
court pursuant to this division, the adult parole authority shall 4771
supervise the offender who is the subject of the notice during the 4772
five-year period of conditional release, periodically notify the 4773
court of the offender's activities during that five-year period of 4774
conditional release, and file with the court no later than thirty 4775
days prior to the expiration of the five-year period of 4776
conditional release a written recommendation as to whether the 4777
termination of the offender's prison term should be finalized, 4778
whether the period of conditional release should be extended, or 4779
whether another type of action authorized pursuant to this chapter 4780
should be taken. 4781

(2) Upon receipt of a recommendation of the adult parole 4782
authority filed pursuant to ~~this~~ division (D)(1) of this section, 4783
the court shall hold a hearing to determine whether to finalize 4784
the termination of the offender's prison term, to extend the 4785
period of conditional release, or to take another type of action 4786
authorized pursuant to this chapter. The court shall hold the 4787
hearing no later than the date on which the five-year period of 4788
conditional release terminates and shall provide notice of the 4789
date, time, place, and purpose of the hearing to the offender and 4790
to the prosecuting attorney. At the hearing, the offender, the 4791
prosecuting attorney, and the adult parole authority employee who 4792
supervised the offender during the period of conditional release 4793
may make a statement and present evidence. 4794

~~(2)~~ If the court determines at the hearing to extend an 4795
offender's period of conditional release, it may do so for 4796

additional periods of one year in the same manner as the original 4797
period of conditional release, and, except as otherwise described 4798
in this division, all procedures and requirements that applied to 4799
the original period of conditional release apply to the additional 4800
period of extended conditional release unless the court modifies a 4801
procedure or requirement. If an offender's period of conditional 4802
release is extended as described in this division, all references 4803
to a five-year period of conditional release that are contained in 4804
division (D)(1) of this section shall be construed, in applying 4805
the provisions of that division to the extension, as being 4806
references to the one-year period of the extension of the 4807
conditional release. 4808

If the court determines at the hearing to take another type 4809
of action authorized pursuant to this chapter, it may do so in the 4810
same manner as if the action had been taken at any other stage of 4811
the proceedings under this chapter. As used in this division, 4812
"another type of action" includes the revocation of the 4813
conditional release and the return of the offender to a state 4814
correctional institution to continue to serve the prison term. 4815

If the court determines at the hearing to finalize the 4816
termination of the offender's prison term, it shall notify the 4817
department of rehabilitation and correction, the department shall 4818
enter into its records a final release and issue to the offender a 4819
certificate of final release, and the prison term thereafter shall 4820
be considered completed and terminated in every way. 4821

(3) The termination of ~~the~~ an offender's prison term pursuant 4822
to division (D)(1) or (2) of this section does not affect the 4823
classification of the offender, as described in division (F) of 4824
section 2971.03 of the Revised Code, as a sexual predator for 4825
purposes of Chapter 2950. of the Revised Code, ~~and~~ does not 4826
terminate the adult parole authority's supervision of ~~a sexually~~ 4827
~~violent predator~~ the offender, and, if the court had required the 4828

supervision of the offender to be pursuant to division (E) of this 4829
section, does not terminate the supervision of the offender with 4830
an active global positioning system device, pursuant to that 4831
division (E) of this section. The classification of the offender 4832
as a sexual predator is permanent and continues until the 4833
offender's death as described in division (D)(2) of section 4834
2950.09 of the Revised Code. 4835

(E) ~~The adult parole authority shall supervise~~ If a prison 4836
term imposed upon an offender whose prison term pursuant to 4837
division (A)(3) of section 2971.03 of the Revised Code is modified 4838
as provided in division (C) of this section or ~~whose prison term~~ 4839
~~is~~ terminated as provided in division (D) of this section, the 4840
adult parole authority shall supervise the offender with an active 4841
global positioning system device during any time period in which 4842
the offender is not incarcerated in a state correctional 4843
institution. ~~Unless~~ If a prison term imposed upon an offender 4844
pursuant to division (B)(1) or (2) of section 2971.03 of the 4845
Revised Code is modified as provided in division (C) of this 4846
section or terminated as provided in division (D) of this section, 4847
and if the court requires that the adult parole authority's 4848
supervision of the offender be pursuant to this division, the 4849
authority shall supervise the offender with an active global 4850
positioning system device during any time period in which the 4851
offender is not incarcerated in a state correctional institution. 4852
If the adult parole authority is required to supervise the 4853
offender with an active global positioning system device as 4854
described in this division, unless the court removes the 4855
offender's classification as a sexually violent predator, ~~an~~ 4856
regarding an offender whose prison term was imposed under division 4857
(A)(3) of section 2971.03 of the Revised Code or terminates the 4858
requirement that supervision of the offender be pursuant to this 4859
division regarding an offender whose prison term was imposed under 4860
division (B)(1) or (2) of section 2971.03 of the Revised Code, the 4861

offender is subject to supervision with an active global 4862
positioning system pursuant to this division for the offender's 4863
entire life. The costs of administering the supervision of 4864
~~sexually violent~~ offenders with an active global positioning 4865
system device pursuant to this division shall be paid out of funds 4866
from the reparations fund, created pursuant to section 2743.191 of 4867
the Revised Code. This division shall only apply to a sexually 4868
violent predator sentenced pursuant to division (A)(3) of section 4869
2971.03 of the Revised Code who is released from the custody of 4870
the department of rehabilitation and correction on or after ~~the~~ 4871
~~effective date of this amendment~~ September 29, 2005 or an offender 4872
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 4873
the Revised Code on or after the effective date of this amendment. 4874

Sec. 2971.06. If an offender is serving a prison term imposed 4875
under division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 4876
Revised Code, if, pursuant to section 2971.05 of the Revised Code, 4877
the court modifies the requirement that the offender serve the 4878
entire prison term in a state correctional institution or places 4879
the offender on conditional release, and if, at any time after the 4880
offender has been released from serving the term in an 4881
institution, the department of rehabilitation and correction or 4882
the prosecuting attorney learns or obtains information indicating 4883
that the offender has violated a term or condition of the 4884
modification or conditional release or believes there is a 4885
substantial likelihood that the offender has committed or is about 4886
to commit a sexually violent offense, all of the following apply: 4887

(A) The department or the prosecuting attorney may contact a 4888
peace officer, parole officer, or probation officer and request 4889
the officer to take the offender into custody. If the department 4890
contacts a peace officer, parole officer, or probation officer and 4891
requests that the offender be taken into custody, the department 4892
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shall notify the prosecuting attorney that it made the request and
shall provide the reasons for which it made the request. Upon
receipt of a request that an offender be taken into custody, a
peace officer, parole officer, or probation officer shall take the
offender in question into custody and promptly shall notify the
department and the prosecuting attorney, in writing, that the
offender was taken into custody. After the offender has been taken
into custody, the department or the prosecuting attorney shall
notify the court of the violation or the belief that there is a
substantial likelihood that the offender has committed or is about
to commit a sexually violent offense, and the prosecuting attorney
may request that the court, pursuant to section 2971.05 of the
Revised Code, revise the modification. An offender may be held in
custody under this provision for no longer than thirty days,
pending a determination pursuant to section 2971.05 of the Revised
Code of whether the modification of the requirement that the
offender serve the entire prison term in a state correctional
institution should be revised. If the court fails to make a
determination under that section regarding the prosecuting
attorney's request within thirty days after the offender was taken
into custody, the offender shall be released from custody and
shall be subject to the same terms and conditions as existed under
the then-existing modification of the requirement that the
offender serve the entire prison term in a state correctional
institution, provided that if the act that resulted in the
offender being taken into custody under this division is a
criminal offense and if the offender is arrested for that act, the
offender may be retained in custody in accordance with the
applicable law.

(B) If the offender is not taken into custody pursuant to
division (A) of this section, the department or the prosecuting
attorney shall notify the court of the known or suspected

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

Sec. 2971.07. (A) This chapter does not apply to any offender
unless the 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~~, unless the offender is convicted of or pleads guilty
to a designated homicide, assault, or kidnapping offense and also
is convicted of or pleads guilty 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, unless the offender is
convicted of or pleads guilty to a violation of division (A)(1)(b)
or (A)(2) of section 2907.02 of the Revised Code committed on or
after the effective date of this amendment, and the court does not
sentence the offender to a term of life without parole pursuant to
division (B) of section 2907.02 of the Revised Code, or unless the
offender is convicted of or pleads guilty to attempted rape
committed on or after the effective date of this amendment and
also is convicted of or pleads guilty to a specification of the
type described in section 2941.1418 of the Revised Code.

(B) This chapter does not limit or affect a court that
sentences an offender who 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 ~~or~~, a court that sentences 4957
an offender who is convicted of or pleads guilty to a designated 4958
homicide, assault, or kidnapping offense and also is convicted of 4959
or pleads guilty to both a sexual motivation specification and a 4960
sexually violent predator specification, a court that sentences an 4961
offender who is convicted of or pleads guilty to a violation of 4962
division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 4963
Code committed on or after the effective date of this amendment, 4964
or a court that sentences an offender who is convicted of or 4965
pleads guilty to attempted rape committed on or after the 4966
effective date of this amendment and also is convicted of or 4967
pleads guilty to a specification of the type described in section 4968
2941.1418 of the Revised Code in imposing upon the offender any 4969
financial sanction under section 2929.18 or any other section of 4970
the Revised Code, or, except as specifically provided in this 4971
chapter, any other sanction that is authorized or required for the 4972
offense or violation by any other provision of law. 4973

(C) If an offender is sentenced to a prison term under 4974
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 4975
Revised Code and if, pursuant to section 2971.05 of the Revised 4976
Code, the court modifies the requirement that the offender serve 4977
the entire prison term in a state correctional institution or 4978
places the offender on conditional release that involves the 4979
placement of the offender under the supervision of the adult 4980
parole authority, authorized field officers of the authority who 4981
are engaged within the scope of their supervisory duties or 4982
responsibilities may search, with or without a warrant, the person 4983
of the offender, the place of residence of the offender, and a 4984
motor vehicle, another item of tangible or intangible personal 4985
property, or any other real property in which the offender has the 4986
express or implied permission of a person with a right, title, or 4987
interest to use, occupy, or possess if the field officer has 4988

reasonable grounds to believe that the offender is not abiding by 4989
the law or otherwise is not complying with the terms and 4990
conditions of the offender's modification or release. The 4991
authority shall provide each offender with a written notice that 4992
informs the offender that authorized field officers of the 4993
authority who are engaged within the scope of their supervisory 4994
duties or responsibilities may conduct those types of searches 4995
during the period of the modification or release if they have 4996
reasonable grounds to believe that the offender is not abiding by 4997
the law or otherwise is not complying with the terms and 4998
conditions of the offender's modification or release. 4999

Sec. 3109.04. (A) In any divorce, legal separation, or 5000
annulment proceeding and in any proceeding pertaining to the 5001
allocation of parental rights and responsibilities for the care of 5002
a child, upon hearing the testimony of either or both parents and 5003
considering any mediation report filed pursuant to section 5004
3109.052 of the Revised Code and in accordance with sections 5005
3127.01 to 3127.53 of the Revised Code, the court shall allocate 5006
the parental rights and responsibilities for the care of the minor 5007
children of the marriage. Subject to division (D)(2) of this 5008
section, the court may allocate the parental rights and 5009
responsibilities for the care of the children in either of the 5010
following ways: 5011

(1) If neither parent files a pleading or motion in 5012
accordance with division (G) of this section, if at least one 5013
parent files a pleading or motion under that division but no 5014
parent who filed a pleading or motion under that division also 5015
files a plan for shared parenting, or if at least one parent files 5016
both a pleading or motion and a shared parenting plan under that 5017
division but no plan for shared parenting is in the best interest 5018
of the children, the court, in a manner consistent with the best 5019
interest of the children, shall allocate the parental rights and 5020

responsibilities for the care of the children primarily to one of 5021
the parents, designate that parent as the residential parent and 5022
the legal custodian of the child, and divide between the parents 5023
the other rights and responsibilities for the care of the 5024
children, including, but not limited to, the responsibility to 5025
provide support for the children and the right of the parent who 5026
is not the residential parent to have continuing contact with the 5027
children. 5028

(2) If at least one parent files a pleading or motion in 5029
accordance with division (G) of this section and a plan for shared 5030
parenting pursuant to that division and if a plan for shared 5031
parenting is in the best interest of the children and is approved 5032
by the court in accordance with division (D)(1) of this section, 5033
the court may allocate the parental rights and responsibilities 5034
for the care of the children to both parents and issue a shared 5035
parenting order requiring the parents to share all or some of the 5036
aspects of the physical and legal care of the children in 5037
accordance with the approved plan for shared parenting. If the 5038
court issues a shared parenting order under this division and it 5039
is necessary for the purpose of receiving public assistance, the 5040
court shall designate which one of the parents' residences is to 5041
serve as the child's home. The child support obligations of the 5042
parents under a shared parenting order issued under this division 5043
shall be determined in accordance with Chapters 3119., 3121., 5044
3123., and 3125. of the Revised Code. 5045

(B)(1) When making the allocation of the parental rights and 5046
responsibilities for the care of the children under this section 5047
in an original proceeding or in any proceeding for modification of 5048
a prior order of the court making the allocation, the court shall 5049
take into account that which would be in the best interest of the 5050
children. In determining the child's best interest for purposes of 5051
making its allocation of the parental rights and responsibilities 5052

for the care of the child and for purposes of resolving any issues 5053
related to the making of that allocation, the court, in its 5054
discretion, may and, upon the request of either party, shall 5055
interview in chambers any or all of the involved children 5056
regarding their wishes and concerns with respect to the 5057
allocation. 5058

(2) If the court interviews any child pursuant to division 5059
(B)(1) of this section, all of the following apply: 5060

(a) The court, in its discretion, may and, upon the motion of 5061
either parent, shall appoint a guardian ad litem for the child. 5062

(b) The court first shall determine the reasoning ability of 5063
the child. If the court determines that the child does not have 5064
sufficient reasoning ability to express the child's wishes and 5065
concern with respect to the allocation of parental rights and 5066
responsibilities for the care of the child, it shall not determine 5067
the child's wishes and concerns with respect to the allocation. If 5068
the court determines that the child has sufficient reasoning 5069
ability to express the child's wishes or concerns with respect to 5070
the allocation, it then shall determine whether, because of 5071
special circumstances, it would not be in the best interest of the 5072
child to determine the child's wishes and concerns with respect to 5073
the allocation. If the court determines that, because of special 5074
circumstances, it would not be in the best interest of the child 5075
to determine the child's wishes and concerns with respect to the 5076
allocation, it shall not determine the child's wishes and concerns 5077
with respect to the allocation and shall enter its written 5078
findings of fact and opinion in the journal. If the court 5079
determines that it would be in the best interests of the child to 5080
determine the child's wishes and concerns with respect to the 5081
allocation, it shall proceed to make that determination. 5082

(c) The interview shall be conducted in chambers, and no 5083

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
be made as to the character, family relations, past conduct,
earning ability, and financial worth of each parent and may order
the parents and their minor children to submit to medical,
psychological, and psychiatric examinations. The report of the
investigation and examinations shall be made available to either
parent or the parent's counsel of record not less than five days
before trial, upon written request. The report shall be signed by
the investigator, and the investigator shall be subject to
cross-examination by either parent concerning the contents of the
report. The court may tax as costs all or any part of the expenses
for each investigation.

If the court determines that either parent previously has
been convicted of or pleaded guilty to any criminal offense
involving any act that resulted in a child being a neglected
child, that either parent previously has been determined to be the
perpetrator of the neglectful act that is the basis of an
adjudication that a child is a neglected child, or that there is

reason to believe that either parent has acted in a manner 5116
resulting in a child being a neglected child, the court shall 5117
consider that fact against naming that parent the residential 5118
parent and against granting a shared parenting decree. When the 5119
court allocates parental rights and responsibilities for the care 5120
of children or determines whether to grant shared parenting in any 5121
proceeding, it shall consider whether either parent or any member 5122
of the household of either parent has been convicted of or pleaded 5123
guilty to a violation of section 2919.25 of the Revised Code or a 5124
sexually oriented offense involving a victim who at the time of 5125
the commission of the offense was a member of the family or 5126
household that is the subject of the proceeding, has been 5127
convicted of or pleaded guilty to any sexually oriented offense or 5128
other offense involving a victim who at the time of the commission 5129
of the offense was a member of the family or household that is the 5130
subject of the proceeding and caused physical harm to the victim 5131
in the commission of the offense, or has been determined to be the 5132
perpetrator of the abusive act that is the basis of an 5133
adjudication that a child is an abused child. If the court 5134
determines that either parent has been convicted of or pleaded 5135
guilty to a violation of section 2919.25 of the Revised Code or a 5136
sexually oriented offense involving a victim who at the time of 5137
the commission of the offense was a member of the family or 5138
household that is the subject of the proceeding, has been 5139
convicted of or pleaded guilty to any sexually oriented offense or 5140
other offense involving a victim who at the time of the commission 5141
of the offense was a member of the family or household that is the 5142
subject of the proceeding and caused physical harm to the victim 5143
in the commission of the offense, or has been determined to be the 5144
perpetrator of the abusive act that is the basis of an 5145
adjudication that a child is an abused child, it may designate 5146
that parent as the residential parent and may issue a shared 5147
parenting decree or order only if it determines that it is in the 5148

best interest of the child to name that parent the residential 5149
parent or to issue a shared parenting decree or order and it makes 5150
specific written findings of fact to support its determination. 5151

(D)(1)(a) Upon the filing of a pleading or motion by either 5152
parent or both parents, in accordance with division (G) of this 5153
section, requesting shared parenting and the filing of a shared 5154
parenting plan in accordance with that division, the court shall 5155
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 5156
whichever is applicable: 5157

(i) If both parents jointly make the request in their 5158
pleadings or jointly file the motion and also jointly file the 5159
plan, the court shall review the parents' plan to determine if it 5160
is in the best interest of the children. If the court determines 5161
that the plan is in the best interest of the children, the court 5162
shall approve it. If the court determines that the plan or any 5163
part of the plan is not in the best interest of the children, the 5164
court shall require the parents to make appropriate changes to the 5165
plan to meet the court's objections to it. If changes to the plan 5166
are made to meet the court's objections, and if the new plan is in 5167
the best interest of the children, the court shall approve the 5168
plan. If changes to the plan are not made to meet the court's 5169
objections, or if the parents attempt to make changes to the plan 5170
to meet the court's objections, but the court determines that the 5171
new plan or any part of the new plan still is not in the best 5172
interest of the children, the court may reject the portion of the 5173
parents' pleadings or deny their motion requesting shared 5174
parenting of the children and proceed as if the request in the 5175
pleadings or the motion had not been made. The court shall not 5176
approve a plan under this division unless it determines that the 5177
plan is in the best interest of the children. 5178

(ii) If each parent makes a request in the parent's pleadings 5179
or files a motion and each also files a separate plan, the court 5180

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
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
their motions requesting shared parenting of the children and
proceed as if the requests in the pleadings or the 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 parents' pleadings or denies
their motions requesting shared parenting under this division and
proceeds as if the requests in the pleadings or the 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.

(iii) If each parent makes a request in the parent's
pleadings or files a motion but only one parent files a plan, or

if only one parent makes a request in the parent's pleadings or 5213
files a motion and also files a plan, the court in the best 5214
interest of the children may order the other parent to file a plan 5215
for shared parenting in accordance with division (G) of this 5216
section. The court shall review each plan filed to determine if 5217
any plan is in the best interest of the children. If the court 5218
determines that one of the filed plans is in the best interest of 5219
the children, the court may approve the plan. If the court 5220
determines that no filed plan is in the best interest of the 5221
children, the court may order each parent to submit appropriate 5222
changes to the parent's plan or both of the filed plans to meet 5223
the court's objections or may select one filed plan and order each 5224
parent to submit appropriate changes to the selected plan to meet 5225
the court's objections. If changes to the plan or plans are 5226
submitted to meet the court's objections, and if any of the filed 5227
plans with the changes is in the best interest of the children, 5228
the court may approve the plan with the changes. If changes to the 5229
plan or plans are not submitted to meet the court's objections, or 5230
if the parents submit changes to the plan or plans to meet the 5231
court's objections but the court determines that none of the filed 5232
plans with the submitted changes is in the best interest of the 5233
children, the court may reject the portion of the parents' 5234
pleadings or deny the parents' motion or reject the portion of the 5235
parents' pleadings or deny their motions requesting shared 5236
parenting of the children and proceed as if the request or 5237
requests or the motion or motions had not been made. If the court 5238
approves a plan under this division, either as originally filed or 5239
with submitted changes, or if the court rejects the portion of the 5240
pleadings or denies the motion or motions requesting shared 5241
parenting under this division and proceeds as if the request or 5242
requests or the motion or motions had not been made, the court 5243
shall enter in the record of the case findings of fact and 5244
conclusions of law as to the reasons for the approval or the 5245

rejection or denial. Division (D)(1)(b) of this section applies in 5246
relation to the approval or disapproval of a plan under this 5247
division. 5248

(b) The approval of a plan under division (D)(1)(a)(ii) or 5249
(iii) of this section is discretionary with the court. The court 5250
shall not approve more than one plan under either division and 5251
shall not approve a plan under either division unless it 5252
determines that the plan is in the best interest of the children. 5253
If the court, under either division, does not determine that any 5254
filed plan or any filed plan with submitted changes is in the best 5255
interest of the children, the court shall not approve any plan. 5256

(c) Whenever possible, the court shall require that a shared 5257
parenting plan approved under division (D)(1)(a)(i), (ii), or 5258
(iii) of this section ensure the opportunity for both parents to 5259
have frequent and continuing contact with the child, unless 5260
frequent and continuing contact with any parent would not be in 5261
the best interest of the child. 5262

(d) If a court approves a shared parenting plan under 5263
division (D)(1)(a)(i), (ii), or (iii) of this section, the 5264
approved plan shall be incorporated into a final shared parenting 5265
decree granting the parents the shared parenting of the children. 5266
Any final shared parenting decree shall be issued at the same time 5267
as and shall be appended to the final decree of dissolution, 5268
divorce, annulment, or legal separation arising out of the action 5269
out of which the question of the allocation of parental rights and 5270
responsibilities for the care of the children arose. 5271

No provisional shared parenting decree shall be issued in 5272
relation to any shared parenting plan approved under division 5273
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 5274
parenting decree issued under this division has immediate effect 5275
as a final decree on the date of its issuance, subject to 5276

modification or termination as authorized by this section. 5277

(2) If the court finds, with respect to any child under 5278
eighteen years of age, that it is in the best interest of the 5279
child for neither parent to be designated the residential parent 5280
and legal custodian of the child, it may commit the child to a 5281
relative of the child or certify a copy of its findings, together 5282
with as much of the record and the further information, in 5283
narrative form or otherwise, that it considers necessary or as the 5284
juvenile court requests, to the juvenile court for further 5285
proceedings, and, upon the certification, the juvenile court has 5286
exclusive jurisdiction. 5287

(E)(1)(a) The court shall not modify a prior decree 5288
allocating parental rights and responsibilities for the care of 5289
children unless it finds, based on facts that have arisen since 5290
the prior decree or that were unknown to the court at the time of 5291
the prior decree, that a change has occurred in the circumstances 5292
of the child, the child's residential parent, or either of the 5293
parents subject to a shared parenting decree, and that the 5294
modification is necessary to serve the best interest of the child. 5295
In applying these standards, the court shall retain the 5296
residential parent designated by the prior decree or the prior 5297
shared parenting decree, unless a modification is in the best 5298
interest of the child and one of the following applies: 5299

(i) The residential parent agrees to a change in the 5300
residential parent or both parents under a shared parenting decree 5301
agree to a change in the designation of residential parent. 5302

(ii) The child, with the consent of the residential parent or 5303
of both parents under a shared parenting decree, has been 5304
integrated into the family of the person seeking to become the 5305
residential parent. 5306

(iii) The harm likely to be caused by a change of environment 5307

is outweighed by the advantages of the change of environment to 5308
the child. 5309

(b) One or both of the parents under a prior decree 5310
allocating parental rights and responsibilities for the care of 5311
children that is not a shared parenting decree may file a motion 5312
requesting that the prior decree be modified to give both parents 5313
shared rights and responsibilities for the care of the children. 5314
The motion shall include both a request for modification of the 5315
prior decree and a request for a shared parenting order that 5316
complies with division (G) of this section. Upon the filing of the 5317
motion, if the court determines that a modification of the prior 5318
decree is authorized under division (E)(1)(a) of this section, the 5319
court may modify the prior decree to grant a shared parenting 5320
order, provided that the court shall not modify the prior decree 5321
to grant a shared parenting order unless the court complies with 5322
divisions (A) and (D)(1) of this section and, in accordance with 5323
those divisions, approves the submitted shared parenting plan and 5324
determines that shared parenting would be in the best interest of 5325
the children. 5326

(2) In addition to a modification authorized under division 5327
(E)(1) of this section: 5328

(a) Both parents under a shared parenting decree jointly may 5329
modify the terms of the plan for shared parenting approved by the 5330
court and incorporated by it into the shared parenting decree. 5331
Modifications under this division may be made at any time. The 5332
modifications to the plan shall be filed jointly by both parents 5333
with the court, and the court shall include them in the plan, 5334
unless they are not in the best interest of the children. If the 5335
modifications are not in the best interests of the children, the 5336
court, in its discretion, may reject the modifications or make 5337
modifications to the proposed modifications or the plan that are 5338
in the best interest of the children. Modifications jointly 5339

submitted by both parents under a shared parenting decree shall be 5340
effective, either as originally filed or as modified by the court, 5341
upon their inclusion by the court in the plan. Modifications to 5342
the plan made by the court shall be effective upon their inclusion 5343
by the court in the plan. 5344

(b) The court may modify the terms of the plan for shared 5345
parenting approved by the court and incorporated by it into the 5346
shared parenting decree upon its own motion at any time if the 5347
court determines that the modifications are in the best interest 5348
of the children or upon the request of one or both of the parents 5349
under the decree. Modifications under this division may be made at 5350
any time. The court shall not make any modification to the plan 5351
under this division, unless the modification is in the best 5352
interest of the children. 5353

(c) The court may terminate a prior final shared parenting 5354
decree that includes a shared parenting plan approved under 5355
division (D)(1)(a)(i) of this section upon the request of one or 5356
both of the parents or whenever it determines that shared 5357
parenting is not in the best interest of the children. The court 5358
may terminate a prior final shared parenting decree that includes 5359
a shared parenting plan approved under division (D)(1)(a)(ii) or 5360
(iii) of this section if it determines, upon its own motion or 5361
upon the request of one or both parents, that shared parenting is 5362
not in the best interest of the children. If modification of the 5363
terms of the plan for shared parenting approved by the court and 5364
incorporated by it into the final shared parenting decree is 5365
attempted under division (E)(2)(a) of this section and the court 5366
rejects the modifications, it may terminate the final shared 5367
parenting decree if it determines that shared parenting is not in 5368
the best interest of the children. 5369

(d) Upon the termination of a prior final shared parenting 5370
decree under division (E)(2)(c) of this section, the court shall 5371

proceed and issue a modified decree for the allocation of parental 5372
rights and responsibilities for the care of the children under the 5373
standards applicable under divisions (A), (B), and (C) of this 5374
section as if no decree for shared parenting had been granted and 5375
as if no request for shared parenting ever had been made. 5376

(F)(1) In determining the best interest of a child pursuant 5377
to this section, whether on an original decree allocating parental 5378
rights and responsibilities for the care of children or a 5379
modification of a decree allocating those rights and 5380
responsibilities, the court shall consider all relevant factors, 5381
including, but not limited to: 5382

(a) The wishes of the child's parents regarding the child's 5383
care; 5384

(b) If the court has interviewed the child in chambers 5385
pursuant to division (B) of this section regarding the child's 5386
wishes and concerns as to the allocation of parental rights and 5387
responsibilities concerning the child, the wishes and concerns of 5388
the child, as expressed to the court; 5389

(c) The child's interaction and interrelationship with the 5390
child's parents, siblings, and any other person who may 5391
significantly affect the child's best interest; 5392

(d) The child's adjustment to the child's home, school, and 5393
community; 5394

(e) The mental and physical health of all persons involved in 5395
the situation; 5396

(f) The parent more likely to honor and facilitate 5397
court-approved parenting time rights or visitation and 5398
companionship rights; 5399

(g) Whether either parent has failed to make all child 5400
support payments, including all arrearages, that are required of 5401

that parent pursuant to a child support order under which that parent is an obligor; 5402
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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 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; 5404
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(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; 5425
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(j) Whether either parent has established a residence, or is planning to establish a residence, outside this state. 5429
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(2) In determining whether shared parenting is in the best interest of the children, the court shall consider all relevant 5431
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factors, including, but not limited to, the factors enumerated in 5433
division (F)(1) of this section, the factors enumerated in section 5434
3119.23 of the Revised Code, and all of the following factors: 5435

(a) The ability of the parents to cooperate and make 5436
decisions jointly, with respect to the children; 5437

(b) The ability of each parent to encourage the sharing of 5438
love, affection, and contact between the child and the other 5439
parent; 5440

(c) Any history of, or potential for, child abuse, spouse 5441
abuse, other domestic violence, or parental kidnapping by either 5442
parent; 5443

(d) The geographic proximity of the parents to each other, as 5444
the proximity relates to the practical considerations of shared 5445
parenting; 5446

(e) The recommendation of the guardian ad litem of the child, 5447
if the child has a guardian ad litem. 5448

(3) When allocating parental rights and responsibilities for 5449
the care of children, the court shall not give preference to a 5450
parent because of that parent's financial status or condition. 5451

(G) Either parent or both parents of any children may file a 5452
pleading or motion with the court requesting the court to grant 5453
both parents shared parental rights and responsibilities for the 5454
care of the children in a proceeding held pursuant to division (A) 5455
of this section. If a pleading or motion requesting shared 5456
parenting is filed, the parent or parents filing the pleading or 5457
motion also shall file with the court a plan for the exercise of 5458
shared parenting by both parents. If each parent files a pleading 5459
or motion requesting shared parenting but only one parent files a 5460
plan or if only one parent files a pleading or motion requesting 5461
shared parenting and also files a plan, the other parent as 5462

ordered by the court shall file with the court a plan for the
exercise of shared parenting by both parents. The plan for shared
parenting shall be filed with the petition for dissolution of
marriage, if the question of parental rights and responsibilities
for the care of the children arises out of an action for
dissolution of marriage, or, in other cases, at a time at least
thirty days prior to the hearing on the issue of the parental
rights and responsibilities for the care of the children. A plan
for shared parenting shall include provisions covering all factors
that are relevant to the care of the children, including, but not
limited to, provisions covering factors such as physical living
arrangements, child support obligations, provision for the
children's medical and dental care, school placement, and the
parent with which the children will be physically located during
legal holidays, school holidays, and other days of special
importance.

(H) If an appeal is taken from a decision of a court that
grants or modifies a decree allocating parental rights and
responsibilities for the care of children, the court of appeals
shall give the case calendar priority and handle it expeditiously.

(I) As used in this section, ~~"abused":~~

(1) "Abused child" has the same meaning as in section
2151.031 of the Revised Code, and "neglected child" has the same
meaning as in section 2151.03 of the Revised Code.

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

(J) As used in the Revised Code, "shared parenting" means
that the parents share, in the manner set forth in the plan for
shared parenting that is approved by the court under division
(D)(1) and described in division (K)(6) of this section, all or
some of the aspects of physical and legal care of their children.

(K) For purposes of the Revised Code: 5494

(1) A parent who is granted the care, custody, and control of 5495
a child under an order that was issued pursuant to this section 5496
prior to April 11, 1991, and that does not provide for shared 5497
parenting has "custody of the child" and "care, custody, and 5498
control of the child" under the order, and is the "residential 5499
parent," the "residential parent and legal custodian," or the 5500
"custodial parent" of the child under the order. 5501

(2) A parent who primarily is allocated the parental rights 5502
and responsibilities for the care of a child and who is designated 5503
as the residential parent and legal custodian of the child under 5504
an order that is issued pursuant to this section on or after April 5505
11, 1991, and that does not provide for shared parenting has 5506
"custody of the child" and "care, custody, and control of the 5507
child" under the order, and is the "residential parent," the 5508
"residential parent and legal custodian," or the "custodial 5509
parent" of the child under the order. 5510

(3) A parent who is not granted custody of a child under an 5511
order that was issued pursuant to this section prior to April 11, 5512
1991, and that does not provide for shared parenting is the 5513
"parent who is not the residential parent," the "parent who is not 5514
the residential parent and legal custodian," or the "noncustodial 5515
parent" of the child under the order. 5516

(4) A parent who is not primarily allocated the parental 5517
rights and responsibilities for the care of a child and who is not 5518
designated as the residential parent and legal custodian of the 5519
child under an order that is issued pursuant to this section on or 5520
after April 11, 1991, and that does not provide for shared 5521
parenting is the "parent who is not the residential parent," the 5522
"parent who is not the residential parent and legal custodian," or 5523
the "noncustodial parent" of the child under the order. 5524

(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified in the order.

(6) Unless the context clearly requires otherwise and except as otherwise provided in the order, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, each parent, regardless of where the child is physically located or with whom the child is residing at a particular point in time, as specified in the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.

(7) Unless the context clearly requires otherwise and except as otherwise provided in the order, a designation in the order of a parent as the residential parent for the purpose of determining the school the child attends, as the custodial parent for purposes of claiming the child as a dependent pursuant to section 152(e) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the residential parent for purposes of receiving public assistance pursuant to division (A)(2) of this section, does not affect the designation pursuant to division (K)(6) of this section of each parent as the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.

(L) The court shall require each parent of a child to file an affidavit attesting as to whether the parent, and the members of the parent's household, have been convicted of or pleaded guilty to any of the offenses identified in divisions (C) and (F)(1)(h) of this section.

Sec. 5120.49. The department of rehabilitation and 5556
correction, by rule adopted under Chapter 119. of the Revised 5557
Code, shall prescribe standards and guidelines to be used by the 5558
parole board in determining, pursuant to section 2971.04 of the 5559
Revised Code, whether it should terminate its control over an 5560
offender's service of a prison term imposed upon the offender 5561
under division (A)(3) of section 2971.03 of the Revised Code for 5562
conviction of or a plea of guilty to a violent sex offense and a 5563
sexually violent predator specification or for conviction of or a 5564
plea of guilty to a designated homicide, assault, or kidnapping 5565
offense and both a sexual motivation specification and a sexually 5566
violent predator specification, imposed upon the offender under 5567
division (B)(1) of section 2971.03 of the Revised Code for 5568
conviction of or a plea of guilty to a violation of division 5569
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code 5570
committed on or after the effective date of this amendment, or 5571
imposed upon the offender under division (B)(2) of section 2971.03 5572
of the Revised Code for conviction of or a plea of guilty to 5573
attempted rape committed on or after the effective date of this 5574
amendment and a conviction of or plea of guilty to a specification 5575
of the type described in section 2941.1418 of the Revised Code. 5576
The rules shall include provisions that specify that the parole 5577
board may not terminate its control over an offender's service of 5578
a prison term imposed upon the offender under ~~that division~~ either 5579
of the specified divisions until after the offender has served the 5580
minimum term imposed as part of that prison term and until the 5581
parole board has determined that the offender does not represent a 5582
substantial risk of physical harm to others. 5583

Sec. 5120.61. (A)(1) Not later than ninety days after ~~the~~ 5584
~~effective date of this section~~ January 1, 1997, the department of 5585
rehabilitation and correction shall adopt standards that it will 5586

use under this section to assess a criminal offender who is 5587
convicted of or pleads guilty to a violent sex offense or 5588
designated homicide, assault, or kidnapping offense and is 5589
adjudicated a sexually violent predator in relation to that 5590
offense, who is convicted of or pleads guilty to a violation of 5591
division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 5592
Code committed on or after the effective date of this amendment, 5593
or who is convicted of or pleads guilty to attempted rape 5594
committed on or after the effective date of this amendment and a 5595
specification of the type described in section 2941.1418 of the 5596
Revised Code. The department may periodically revise the 5597
standards. 5598

(2) When the department is requested by the parole board or 5599
the court to provide a risk assessment report of the offender 5600
under section 2971.04 or 2971.05 of the Revised Code, it shall 5601
assess the offender and complete the assessment as soon as 5602
possible after the offender has commenced serving the prison term 5603
or term of life imprisonment without parole imposed under division 5604
(A), (B)(1), or (B)(2) of section 2971.03 of the Revised Code. 5605
Thereafter, the department shall update a risk assessment report 5606
pertaining to an offender as follows: 5607

(a) Periodically, in the discretion of the department, 5608
provided that each report shall be updated no later than two years 5609
after its initial preparation or most recent update; 5610

(b) Upon the request of the parole board for use in 5611
determining pursuant to section 2971.04 of the Revised Code 5612
whether it should terminate its control over an offender's service 5613
of a prison term imposed upon the offender under division (A)(3), 5614
(B)(1), or (B)(2) of section 2971.03 of the Revised Code; 5615

(c) Upon the request of the court. 5616

(3) After the department of rehabilitation and correction 5617

assesses an offender pursuant to division (A)(2) of this section, 5618
it shall prepare a report that contains its risk assessment for 5619
the offender or, if a risk assessment report previously has been 5620
prepared, it shall update the risk assessment report. 5621

(4) The department of rehabilitation and correction shall 5622
provide each risk assessment report that it prepares or updates 5623
pursuant to this section regarding an offender to all of the 5624
following: 5625

(a) The parole board for its use in determining pursuant to 5626
section 2971.04 of the Revised Code whether it should terminate 5627
its control over an offender's service of a prison term imposed 5628
upon the offender under division (A)(3), (B)(1), or (B)(2) of 5629
section 2971.03 of the Revised Code, if the parole board has not 5630
terminated its control over the offender; 5631

(b) The court for use in determining, pursuant to section 5632
2971.05 of the Revised Code, whether to modify the requirement 5633
that the offender serve the entire prison term imposed upon the 5634
offender under division (A)(3), (B)(1), or (B)(2) of section 5635
2971.03 of the Revised Code in a state correctional institution, 5636
whether to revise any modification previously made, or whether to 5637
terminate the prison term; 5638

(c) The prosecuting attorney who prosecuted the case, or the 5639
successor in office to that prosecuting attorney; 5640

(d) The offender. 5641

(B) When the department of rehabilitation and correction 5642
provides a risk assessment report regarding an offender to the 5643
parole board or court pursuant to division (A)(4)(a) or (b) of 5644
this section, the department, prior to the parole board's or 5645
court's hearing, also shall provide to the offender or to the 5646
offender's attorney of record a copy of the report and a copy of 5647
any other relevant documents the department possesses regarding 5648

the offender that the department does not consider to be 5649
confidential. 5650

(C) As used in this section: 5651

(1) "Adjudicated a sexually violent predator" has the same 5652
meaning as in section 2929.01 of the Revised Code, and a person is 5653
"adjudicated a sexually violent predator" in the same manner and 5654
the same circumstances as are described in that section. 5655

(2) "Designated homicide, assault, or kidnapping offense" and 5656
"violent sex offense" have the same meanings as in section 2971.01 5657
of the Revised Code. 5658

Sec. 5120.66. (A) Within ninety days after ~~the effective date~~ 5659
~~of this section~~ November 23, 2005, but not before January 1, 2006, 5660
the department of rehabilitation and correction shall establish 5661
and operate on the internet a database that contains all of the 5662
following: 5663

(1) For each inmate in the custody of the department under a 5664
sentence imposed for a conviction of or plea of guilty to any 5665
offense, all of the following information: 5666

(a) The inmate's name; 5667

(b) For each offense for which the inmate was sentenced to a 5668
prison term or term of imprisonment and is in the department's 5669
custody, the name of the offense, the Revised Code section of 5670
which the offense is a violation, the gender of each victim of the 5671
offense if those facts are known, whether each victim of the 5672
offense was an adult or child if those facts are known, the range 5673
of the possible prison terms or term of imprisonment that could 5674
have been imposed for the offense, the actual prison term or term 5675
of imprisonment imposed for the offense, the county in which the 5676
offense was committed, the date on which the inmate began serving 5677
the prison term or term of imprisonment imposed for the offense, 5678

and either the date on which the inmate will be eligible for
parole relative to the offense if the prison term or term of
imprisonment is an indefinite term or life term or the date on
which the term ends if the prison term is a definite term;

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

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

(ii) If the inmate is serving a prison term pursuant to
division (A)(3) of section 2971.03 of the Revised Code as a
sexually violent predator who committed a sexually violent
offense, a prison term pursuant to division (B)(1) of section
2971.03 of the Revised Code imposed for a violation of division
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code
committed on or after the effective date of this amendment, or a
prison term pursuant to division (B)(2) of section 2971.03 of the
Revised Code imposed for attempted rape committed on or after the
effective date of this amendment and a specification of the type
described in section 2941.1418 of the Revised Code, prior to the
conduct of any hearing pursuant to section 2971.05 of the Revised
Code to determine whether to modify the requirement that the
inmate serve the entire prison term in a state correctional
facility in accordance with division (C) of that section, whether
to continue, revise, or revoke any existing modification of that
requirement, or whether to terminate the prison term in accordance

with division (D) of that section, notice of the fact that the 5711
inmate will be having a hearing regarding those determinations and 5712
of the date of the hearing; 5713

(iii) At least three weeks before the adult parole authority 5714
recommends a pardon or commutation of sentence for the inmate or 5715
at least three weeks prior to a hearing before the adult parole 5716
authority regarding a grant of parole to the inmate in relation to 5717
any prison term or term of imprisonment the inmate is serving for 5718
any offense, notice of the fact that the inmate might be under 5719
consideration for a pardon or commutation of sentence or will be 5720
having a hearing regarding a possible grant of parole, of the date 5721
of any hearing regarding a possible grant of parole, and of the 5722
right of any person to submit a written statement regarding the 5723
pending action; 5724

(iv) At least three weeks before the inmate has a hearing 5725
regarding a transfer to transitional control under section 2967.26 5726
of the Revised Code in relation to any prison term or term of 5727
imprisonment the inmate is serving for any offense, notice of the 5728
pendency of the transfer, of the date of the possible transfer, 5729
and of the right of any person to submit a statement regarding the 5730
possible transfer; 5731

(v) Prompt notice of the inmate's escape from any facility in 5732
which the inmate was incarcerated and of the capture of the inmate 5733
after an escape; 5734

(vi) Notice of the inmate's death while in confinement; 5735

(vii) Prior to the release of the inmate from confinement, 5736
notice of the fact that the inmate will be released, of the date 5737
of the release, and, if applicable, of the standard terms and 5738
conditions of the release; 5739

(viii) Notice of the inmate's judicial release. 5740

(2) Information as to where a person can send written 5741

statements of the types referred to in divisions (A)(1)(c)(i), 5742
(iii), and (iv) of this section. 5743

(B)(1) The department shall update the database required 5744
under division (A) of this section every twenty-four hours to 5745
ensure that the information it contains is accurate and current. 5746

(2) The database required under division (A) of this section 5747
is a public record open for inspection under section 149.43 of the 5748
Revised Code. The department shall make the database searchable by 5749
inmate name and by the county and zip code where the offender 5750
intends to reside after release from a state correctional 5751
institution if this information is known to the department. 5752

(3) The database required under division (A) of this section 5753
may contain information regarding inmates who are listed in the 5754
database in addition to the information described in that 5755
division. 5756

(4) No information included on the database required under 5757
division (A) of this section shall identify or enable the 5758
identification of any victim of any offense committed by an 5759
inmate. 5760

(C) The failure of the department to comply with the 5761
requirements of division (A) or (B) of this section does not give 5762
any rights or any grounds for appeal or post-conviction relief to 5763
any inmate. 5764

(D) This section, and the related provisions of sections 5765
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 5766
in the act in which this section was enacted, shall be known as 5767
"Laura's Law." 5768

Sec. 5149.10. (A) The parole board shall consist of up to 5769
twelve members, one of whom shall be designated as chairperson by 5770
the director of the department of rehabilitation and correction 5771

and who shall continue as chairperson until a successor is 5772
designated, and any other personnel that are necessary for the 5773
orderly performance of the duties of the board. In addition to the 5774
rules authorized by section 5149.02 of the Revised Code, the chief 5775
of the adult parole authority, subject to the approval of the 5776
chief of the division of parole and community services and subject 5777
to this section, shall adopt rules governing the proceedings of 5778
the parole board. The rules shall provide for the convening of 5779
full board hearings, the procedures to be followed in full board 5780
hearings, and general procedures to be followed in other hearings 5781
of the board and by the board's hearing officers. The rules also 5782
shall require agreement by a majority of all the board members to 5783
any recommendation of clemency transmitted to the governor. 5784

When the board members sit as a full board, the chairperson 5785
shall preside. The chairperson shall also allocate the work of the 5786
parole board among the board members. The full board shall meet at 5787
least once each month. In the case of a tie vote on the full 5788
board, the chief of the adult parole authority shall cast the 5789
deciding vote. The chairperson may designate a person to serve in 5790
the chairperson's place. 5791

Except as otherwise provided in division (B) of this section, 5792
no person shall be appointed a member of the board who is not 5793
qualified by education or experience in correctional work, 5794
including law enforcement, prosecution of offenses, advocating for 5795
the rights of victims of crime, probation, or parole, in law, in 5796
social work, or in a combination of the three categories. 5797

(B) The director of rehabilitation and correction, in 5798
consultation with the governor, shall appoint one member of the 5799
board, who shall be a person who has been a victim of crime or who 5800
is a member of a victim's family or who represents an organization 5801
that advocates for the rights of victims of crime. After 5802
appointment, this member shall be an unclassified employee of the 5803

department of rehabilitation and correction. 5804

The initial appointment shall be for a term ending four years 5805
after the effective date of this amendment. Thereafter, the term 5806
of office of the member appointed under this division shall be for 5807
four years, with each term ending on the same day of the same 5808
month as did the term that it succeeds. The member shall hold 5809
office from the date of appointment until the end of the term for 5810
which the member was appointed and may be reappointed. Vacancies 5811
shall be filled in the manner provided for original appointments. 5812
Any member appointed under this division to fill a vacancy 5813
occurring prior to the expiration date of the term for which the 5814
member's predecessor was appointed shall hold office as a member 5815
for the remainder of that term. The member appointed under this 5816
division shall continue in office subsequent to the expiration 5817
date of the member's term until the member's successor takes 5818
office or until a period of sixty days has elapsed, whichever 5819
occurs first. 5820

The member appointed under this division shall be compensated 5821
in the same manner as other board members and shall be reimbursed 5822
for actual and necessary expenses incurred in the performance of 5823
the members' duties. The member may vote on all cases heard by the 5824
full board under section 5149.101 of the Revised Code, has such 5825
duties as are assigned by the chairperson of the board, and shall 5826
coordinate the member's activities with the office of victims' 5827
services created under section 5120.60 of the Revised Code. 5828

As used in this division, "crime," "member of the victim's 5829
family," and "victim" have the meanings given in section 2930.01 5830
of the Revised Code. 5831

(C) The chairperson shall submit all recommendations for or 5832
against clemency directly to the governor. 5833

(D) The chairperson shall transmit to the chief of the adult 5834

parole authority all determinations for or against parole made by 5835
the board. Parole determinations are final and are not subject to 5836
review or change by the chief. 5837

(E) In addition to its duties pertaining to parole and 5838
clemency, if an offender is sentenced to a prison term pursuant to 5839
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 5840
Revised Code, the parole board shall have control over the 5841
offender's service of the prison term during the entire term 5842
unless the board terminates its control in accordance with section 5843
2971.04 of the Revised Code. The parole board may terminate its 5844
control over the offender's service of the prison term only in 5845
accordance with section 2971.04 of the Revised Code. 5846

Section 2. That existing sections 109.42, 2743.191, 2907.02, 5847
2907.07, 2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2929.19, 5848
2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 2950.13, 2950.14, 5849
2967.12, 2967.121, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5850
3109.04, 5120.49, 5120.61, 5120.66, and 5149.10 of the Revised 5851
Code are hereby repealed. 5852

Section 3. Section 2930.16 of the Revised Code is presented 5853
in this act as a composite of the section as amended by both Am. 5854
Sub. H.B. 375 and Am. Sub. H.B. 473 of the 125th General Assembly. 5855
The General Assembly, applying the principle stated in division 5856
(B) of section 1.52 of the Revised Code that amendments are to be 5857
harmonized if reasonably capable of simultaneous operation, finds 5858
that the composite is the resulting version of the section in 5859
effect prior to the effective date of the section as presented in 5860
this act. 5861

Section 4. This act is hereby declared to be an emergency 5862
measure necessary for the immediate preservation of the public 5863
peace, health, and safety. The reason for such necessity is that 5864

the penalty provisions of this act are crucially needed to	5865
increase protection for the children of this state from being	5866
victimized by serious, violent sex offenses involving sexual	5867
conduct. Therefore, this act shall go into immediate effect.	5868