

**As Reported by the House Criminal Justice Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. S. B. No. 260**

**Senators Austria, Spada, Amstutz, Armbruster, Carey, Cates, Clancy,  
Coughlin, Dann, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris,  
Hottinger, Jacobson, Jordan, Kearney, Mumper, Niehaus, Padgett, Schuler,  
Schuring, Stivers, Wachtmann, Wilson, Zurz, Fedor, Miller, R., Roberts  
Representatives Latta, Evans, D., Hughes, Gilb, Yuko**

—

**A B I L L**

To amend sections 109.42, 2743.191, 2903.212, 1  
2903.213, 2903.214, 2907.02, 2907.07, 2919.26, 2  
2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 3  
2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 4  
2950.11, 2950.13, 2950.14, 2967.12, 2967.121, 5  
2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 6  
3109.04, 3113.31, 5120.49, 5120.61, 5120.66, and 7  
5149.10 and to enact sections 2941.1418, 8  
2941.1419, and 2941.1420 of the Revised Code to 9  
change the penalties and conditions when a person 10  
is convicted of rape or attempted rape and the 11  
victim is less than 13; to increase the penalty 12  
for importuning and establish a presumption for a 13  
prison term if the victim is under 13; to require 14  
the Department of Rehabilitation and Correction to 15  
notify sheriffs of the release of sex offenders 16  
and child-victim oriented offenders and to require 17  
BCII to include on its Internet sex offender 18  
database, and sheriffs who operate on the Internet 19  
a sex offender database, to include on the 20

database the information received about the 21  
offender; to provide for the consideration of 22  
specified convictions of members of the household 23  
of a parent in making child custody 24  
determinations; to modify provision regarding 25  
protection orders for victims of sexually oriented 26  
offenses; and to declare an emergency. 27

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

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

**Sec. 109.42.** (A) The attorney general shall prepare and have 36  
printed a pamphlet that contains a compilation of all statutes 37  
relative to victim's rights in which the attorney general lists 38  
and explains the statutes in the form of a victim's bill of 39  
rights. The attorney general shall distribute the pamphlet to all 40  
sheriffs, marshals, municipal corporation and township police 41  
departments, constables, and other law enforcement agencies, to 42  
all prosecuting attorneys, city directors of law, village 43  
solicitors, and other similar chief legal officers of municipal 44  
corporations, and to organizations that represent or provide 45  
services for victims of crime. The victim's bill of rights set 46  
forth in the pamphlet shall contain a description of all of the 47  
rights of victims that are provided for in Chapter 2930. or in any 48  
other section of the Revised Code and shall include, but not be 49

limited to, all of the following:	50
(1) The right of a victim or a victim's representative to attend a proceeding before a grand jury, in a juvenile case, or in a criminal case pursuant to a subpoena without being discharged from the victim's or representative's employment, having the victim's or representative's employment terminated, having the victim's or representative's pay decreased or withheld, or otherwise being punished, penalized, or threatened as a result of time lost from regular employment because of the victim's or representative's attendance at the proceeding pursuant to the subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code;	51 52 53 54 55 56 57 58 59 60 61
(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation or community control is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation or community control;	62 63 64 65 66 67 68 69
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	70 71 72
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	73 74 75 76 77 78 79
(5) The right of the victim in certain criminal or juvenile	80

cases or a victim's representative to receive, pursuant to section 81  
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 82  
name of the person charged with the violation, the case or docket 83  
number assigned to the charge, and a telephone number or numbers 84  
that can be called to obtain information about the disposition of 85  
the case; 86

(6) The right of the victim in certain criminal or juvenile 87  
cases or of the victim's representative pursuant to section 88  
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 89  
terms set by the court as authorized under section 2930.14 of the 90  
Revised Code, to make a statement about the victimization and, if 91  
applicable, a statement relative to the sentencing or disposition 92  
of the offender; 93

(7) The opportunity to obtain a court order, pursuant to 94  
section 2945.04 of the Revised Code, to prevent or stop the 95  
commission of the offense of intimidation of a crime victim or 96  
witness or an offense against the person or property of the 97  
complainant, or of the complainant's ward or child; 98

(8) The right of the victim in certain criminal or juvenile 99  
cases or a victim's representative pursuant to sections 2151.38, 100  
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 101  
receive notice of a pending motion for judicial release or early 102  
release of the person who committed the offense against the 103  
victim, to make an oral or written statement at the court hearing 104  
on the motion, and to be notified of the court's decision on the 105  
motion; 106

(9) The right of the victim in certain criminal or juvenile 107  
cases or a victim's representative pursuant to section 2930.16, 108  
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 109  
of any pending commutation, pardon, parole, transitional control, 110  
discharge, other form of authorized release, post-release control, 111

or supervised release for the person who committed the offense 112  
against the victim or any application for release of that person 113  
and to send a written statement relative to the victimization and 114  
the pending action to the adult parole authority or the release 115  
authority of the department of youth services; 116

(10) The right of the victim to bring a civil action pursuant 117  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 118  
from the offender's profit fund; 119

(11) The right, pursuant to section 3109.09 of the Revised 120  
Code, to maintain a civil action to recover compensatory damages 121  
not exceeding ten thousand dollars and costs from the parent of a 122  
minor who willfully damages property through the commission of an 123  
act that would be a theft offense, as defined in section 2913.01 124  
of the Revised Code, if committed by an adult; 125

(12) The right, pursuant to section 3109.10 of the Revised 126  
Code, to maintain a civil action to recover compensatory damages 127  
not exceeding ten thousand dollars and costs from the parent of a 128  
minor who willfully and maliciously assaults a person; 129

(13) The possibility of receiving restitution from an 130  
offender or a delinquent child pursuant to section 2152.20, 131  
2929.18, or 2929.28 of the Revised Code; 132

(14) The right of the victim in certain criminal or juvenile 133  
cases or a victim's representative, pursuant to section 2930.16 of 134  
the Revised Code, to receive notice of the escape from confinement 135  
or custody of the person who committed the offense, to receive 136  
that notice from the custodial agency of the person at the 137  
victim's last address or telephone number provided to the 138  
custodial agency, and to receive notice that, if either the 139  
victim's address or telephone number changes, it is in the 140  
victim's interest to provide the new address or telephone number 141  
to the custodial agency; 142

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

(16) The right of a victim of a sexually oriented offense  
that is not a registration-exempt sexually oriented offense or of  
a child-victim oriented offense that is committed by a person who  
is convicted of or pleads guilty to an aggravated sexually  
oriented offense, by a person who is adjudicated a sexual predator  
or child-victim predator, or, in certain cases, by a person who is  
determined to be a habitual sex offender or habitual child-victim  
offender to receive, pursuant to section 2950.10 of the Revised  
Code, notice that the person has registered with a sheriff under  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and  
notice of the person's name, the person's residence that is  
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) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment by an offender who is sentenced for the violation pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an attempted rape committed on or after the effective date of this amendment by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B)(2)(a), (b), or (c) of section 2971.03, to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(B)(1)(a) Subject to division (B)(1)(c) of this section, a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal 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 207  
request, the information in the pamphlet to the victim, the 208  
victim's family, or the victim's dependents. 209

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

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

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

If the agency does not give the victim, the victim's family, 228  
or the victim's dependents a copy of the pamphlet upon first 229  
contact with them and does not have a second contact with the 230  
victim, the victim's family, or the victim's dependents, the 231  
agency shall mail a copy of the pamphlet to the victim, the 232  
victim's family, or the victim's dependents at their last known 233  
address. 234

(c) In complying on and after December 9, 1994, with the 235  
duties imposed by division (B)(1)(a) or (b) of this section, an 236  
official or a law enforcement agency shall use copies of the 237



pamphlet that are in the official's or agency's possession on 238  
December 9, 1994, until the official or agency has distributed all 239  
of those copies. After the official or agency has distributed all 240  
of those copies, the official or agency shall use only copies of 241  
the pamphlet that contain at least the information described in 242  
divisions (A)(1) to (17) of this section. 243

(2) The failure of a law enforcement agency or of a 244  
prosecuting attorney, assistant prosecuting attorney, city 245  
director of law, assistant city director of law, village 246  
solicitor, assistant village solicitor, or similar chief legal 247  
officer of a municipal corporation or an assistant to any of those 248  
officers to give, as required by division (B)(1) of this section, 249  
the victim of an offense or delinquent act, the victim's family, 250  
or the victim's dependents a copy of the pamphlet prepared 251  
pursuant to division (A) of this section does not give the victim, 252  
the victim's family, the victim's dependents, or a victim's 253  
representative any rights under section 2743.51 to 2743.72, 254  
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 255  
Revised Code or under any other provision of the Revised Code and 256  
does not affect any right under those sections. 257

(3) A law enforcement agency, a prosecuting attorney or 258  
assistant prosecuting attorney, or a city director of law, 259  
assistant city director of law, village solicitor, assistant 260  
village solicitor, or similar chief legal officer of a municipal 261  
corporation that distributes a copy of the pamphlet prepared 262  
pursuant to division (A) of this section shall not be required to 263  
distribute a copy of an information card or other printed material 264  
provided by the clerk of the court of claims pursuant to section 265  
2743.71 of the Revised Code. 266

(C) The cost of printing and distributing the pamphlet 267  
prepared pursuant to division (A) of this section shall be paid 268  
out of the reparations fund, created pursuant to section 2743.191 269

of the Revised Code, in accordance with division (D) of that	270
section.	271
(D) As used in this section:	272
(1) "Victim's representative" has the same meaning as in	273
section 2930.01 of the Revised Code;	274
(2) "Victim advocate" has the same meaning as in section	275
2919.26 of the Revised Code.	276
<b>Sec. 2743.191.</b> (A)(1) There is hereby created in the state	277
treasury the reparations fund, which shall be used only for the	278
following purposes:	279
(a) The payment of awards of reparations that are granted by	280
the attorney general;	281
(b) The compensation of any personnel needed by the attorney	282
general to administer sections 2743.51 to 2743.72 of the Revised	283
Code;	284
(c) The compensation of witnesses as provided in division (J)	285
of section 2743.65 of the Revised Code;	286
(d) Other administrative costs of hearing and determining	287
claims for an award of reparations by the attorney general;	288
(e) The costs of administering sections 2907.28 and 2969.01	289
to 2969.06 of the Revised Code;	290
(f) The costs of investigation and decision-making as	291
certified by the attorney general;	292
(g) The provision of state financial assistance to victim	293
assistance programs in accordance with sections 109.91 and 109.92	294
of the Revised Code;	295
(h) The costs of paying the expenses of sex offense-related	296
examinations and antibiotics pursuant to section 2907.28 of the	297

Revised Code;	298
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	299 300 301
(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;	302 303 304 305 306 307
(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;	308 309 310 311 312 313
(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(1) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year;	314 315 316 317 318 319 320
(m) The costs of administering the adult parole authority's supervision <del>of sexually violent predators with an active global positioning system device</del> pursuant to <u>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)(a), (b), or (c) of that section for a violation of division (A)(1)(b) of section 2907.02</u>	321 322 323 324 325 326 327 328

of the Revised Code, and of offenders who are sentenced to a 329  
prison term pursuant to division (B)(2)(a), (b), or (c) of section 330  
2971.03 of the Revised Code for attempted rape and a specification 331  
of the type described in section 2941.1418, 2941.1419, 2941.1420 332  
of the Revised Code. 333

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

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

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

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

(3) If sufficient unencumbered moneys do not exist in the 356  
fund, the attorney general shall make application for payment of 357  
the award out of the emergency purposes account or any other 358  
appropriation for emergencies or contingencies, and payment out of 359

this account or other appropriation shall be authorized if there  
are sufficient moneys greater than the sum total of then pending  
emergency purposes account requests or requests for releases from  
the other appropriations.

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

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

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

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

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

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

(2) The mental health of the person;

(3) Whether the person has a history of violating the orders of any court or governmental entity;

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

(5) Whether setting bail at a high level will interfere with

any treatment or counseling that the person is undergoing.

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

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

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**Sec. 2903.213.** (A) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code ~~or~~, a violation of a municipal ordinance substantially similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or the commission of a sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file a motion that requests the issuance of a protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint. If the complaint involves a person who is a family or household member, the complainant, the alleged victim, or the

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family or household member may file a motion for a temporary 453  
protection order pursuant to section 2919.26 of the Revised Code. 454

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

"Motion for Protection Order 458

..... 459

Name and address of court 460

State of Ohio 461

v. No. .... 462

..... 463

Name of Defendant 464

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

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

I understand that I must appear before the court, at a time 478  
set by the court not later than the next day that the court is in 479  
session after the filing of this motion, for a hearing on the 480  
motion, and that any protection order granted pursuant to this 481  
motion is a pretrial condition of release and is effective only 482  
until the disposition of the criminal proceeding arising out of 483



the attached complaint or until the issuance under section 484  
2903.214 of the Revised Code of a protection order arising out of 485  
the same activities as those that were the basis of the attached 486  
complaint. 487

..... 488

Signature of person 489

..... 490

Address of person" 491

(C)(1) As soon as possible after the filing of a motion that 492  
requests the issuance of a protection order under this section, 493  
but not later than the next day that the court is in session after 494  
the filing of the motion, the court shall conduct a hearing to 495  
determine whether to issue the order. The person who requested the 496  
order shall appear before the court and provide the court with the 497  
information that it requests concerning the basis of the motion. 498  
If the court finds that the safety and protection of the 499  
complainant or the alleged victim may be impaired by the continued 500  
presence of the alleged offender, the court may issue a protection 501  
order under this section, as a pretrial condition of release, that 502  
contains terms designed to ensure the safety and protection of the 503  
complainant or the alleged victim, including a requirement that 504  
the alleged offender refrain from entering the residence, school, 505  
business, or place of employment of the complainant or the alleged 506  
victim. 507

(2)(a) If the court issues a protection order under this 508  
section that includes a requirement that the alleged offender 509  
refrain from entering the residence, school, business, or place of 510  
employment of the complainant or the alleged victim, the order 511  
shall clearly state that the order cannot be waived or nullified 512  
by an invitation to the alleged offender from the complainant, the 513  
alleged victim, or a family or household member to enter the 514

residence, school, business, or place of employment or by the  
alleged offender's entry into one of those places otherwise upon  
the consent of the complainant, the alleged victim, or a family or  
household member.

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

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

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

(3) If a municipal court or a county court issues a  
protection order under this section and if, subsequent to the  
issuance of the order, the alleged offender who is the subject of

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

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

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

(2) Is effective only until the disposition, by the court 568  
that issued the order or, in the circumstances described in 569  
division (D)(3) of this section, by the court of common pleas to 570  
which the alleged offender is bound over for prosecution, of the 571  
criminal proceeding arising out of the complaint upon which the 572  
order is based or until the issuance under section 2903.214 of the 573  
Revised Code of a protection order arising out of the same 574  
activities as those that were the basis of the complaint filed 575  
under this section; 576

(3) Shall not be construed as a finding that the alleged 577  
offender committed the alleged offense and shall not be introduced 578  
as evidence of the commission of the offense at the trial of the 579  
alleged offender on the complaint upon which the order is based. 580

(F) A person who meets the criteria for bail under Criminal 581  
Rule 46 and who, if required to do so pursuant to that rule, 582  
executes or posts bond or deposits cash or securities as bail, 583  
shall not be held in custody pending a hearing before the court on 584  
a motion requesting a protection order under this section. 585

(G)(1) A copy of a protection order that is issued under this 586  
section shall be issued by the court to the complainant, to the 587  
alleged victim, to the person who requested the order, to the 588  
defendant, and to all law enforcement agencies that have 589  
jurisdiction to enforce the order. The court shall direct that a 590  
copy of the order be delivered to the defendant on the same day 591  
that the order is entered. If a municipal court or a county court 592  
issues a protection order under this section and if, subsequent to 593  
the issuance of the order, the defendant who is the subject of the 594  
order is bound over to the court of common pleas for prosecution 595  
as described in division (D)(3) of this section, the municipal 596  
court or county court shall direct that a copy of the order be 597  
delivered to the court of common pleas to which the defendant is 598  
bound over. 599

(2) All law enforcement agencies shall establish and maintain 600  
an index for the protection orders delivered to the agencies 601  
pursuant to division (G)(1) of this section. With respect to each 602  
order delivered, each agency shall note on the index the date and 603  
time of the agency's receipt of the order. 604

(3) Regardless of whether the petitioner has registered the 605  
protection order in the county in which the officer's agency has 606  
jurisdiction, any officer of a law enforcement agency shall 607

enforce a protection order issued pursuant to this section in 608  
accordance with the provisions of the order. 609

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

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

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

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

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

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

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

(4) "Protection order issued by a court of another state" has 632  
the same meaning as in section 2919.27 of the Revised Code. 633

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

(B) The court has jurisdiction over all proceedings under 636

this section.

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

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

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(2) A request for relief under this section.

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(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

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(2)(a) If the court, after an ex parte hearing, issues a

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

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

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(ii) The parties consent to the continuance.

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

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

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

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(3) If a person who files a petition pursuant to this section  
does not request an ex parte order, or if a person requests an ex  
parte order but the court does not issue an ex parte order after  
an ex parte hearing, the court shall proceed as in a normal civil  
action and grant a full hearing on the matter.

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(E)(1) After an ex parte or full hearing, the court may issue  
any protection order, with or without bond, that contains terms

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designed to ensure the safety and protection of the person to be  
protected by the protection order, including, but not limited to,  
a requirement that the respondent refrain from entering the  
residence, school, business, or place of employment of the  
petitioner or family or household member. If the court includes a  
requirement that the respondent refrain from entering the  
residence, school, business, or place of employment of the  
petitioner or family or household member in the order, it also  
shall include in the order provisions of the type described in  
division (E)(5) of this section.

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

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

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

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

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

(c) If the petitioner has requested an ex parte order  
pursuant to division (D) of this section, the court does not delay  
any hearing required by that division beyond the time specified in  
that division in order to consolidate the hearing with a hearing  
on the petition filed by the respondent.



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

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

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

(b) Division (E)(5)(a) of this section does not limit any 751  
discretion of a court to determine that an alleged offender 752  
charged with a violation of section 2919.27 of the Revised Code, 753  
with a violation of a municipal ordinance substantially equivalent 754  
to that section, or with contempt of court, which charge is based 755  
on an alleged violation of a protection order issued under this 756  
section, did not commit the violation or was not in contempt of 757  
court. 758

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

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

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

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

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

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

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

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

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

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

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

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

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

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

(b) Upon accepting the certified copy of the order for 844  
registration, the clerk of the court of common pleas, municipal 845  
court, or county court shall place an endorsement of registration 846  
on the order and give the petitioner a copy of the order that 847  
bears that proof of registration. 848

(3) The clerk of each court of common pleas, municipal court, 849  
or county court shall maintain a registry of certified copies of 850  
protection orders that have been issued by courts in other 851

counties pursuant to this section or section 2903.213 of the 852  
Revised Code and that have been registered with the clerk. 853

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

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

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

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

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

(B) Whoever violates this section is guilty of rape, a felony 874  
of the first degree. If the offender under division (A)(1)(a) of 875  
this section substantially impairs the other person's judgment or 876  
control by administering any controlled substance described in 877  
section 3719.41 of the Revised Code to the other person 878  
surreptitiously or by force, threat of force, or deception, the 879  
prison term imposed upon the offender shall be one of the prison 880  
terms prescribed for a felony of the first degree in section 881

2929.14 of the Revised Code that is not less than five years. ~~If~~ 882  
~~the~~ Except as otherwise provided in this division, notwithstanding 883  
sections 2929.11 to 2929.14 of the Revised Code, an offender under 884  
division (A)(1)(b) of this section ~~purposely compels the victim to~~ 885  
~~submit by force or threat of force or if the victim under division~~ 886  
~~(A)(1)(b) of this section is less than ten years of age, whoever~~ 887  
~~violates division (A)(1)(b) of this section shall be imprisoned~~ 888  
~~for life~~ shall be sentenced to a prison term or term of life 889  
imprisonment pursuant to section 2971.03 of the Revised Code. If 890  
~~the~~ an offender under division (A)(1)(b) of this section 891  
previously has been convicted of or pleaded guilty to violating 892  
division (A)(1)(b) of this section or to violating ~~a~~ an existing 893  
or former law of this state, another state, or the United States 894  
that is substantially similar to division (A)(1)(b) of this 895  
section ~~or,~~ if the offender during or immediately after the 896  
commission of the offense caused serious physical harm to the 897  
victim, ~~whoever violates division (A)(1)(b) of this section shall~~ 898  
~~be imprisoned for life or~~ if the victim under division (A)(1)(b) 899  
of this section is less than ten years of age, in lieu of 900  
sentencing the offender to a prison term or term of life 901  
imprisonment pursuant to section 2971.03 of the Revised Code, the 902  
court may impose upon the offender a term of life without parole. 903  
If the court imposes a term of life without parole pursuant to 904  
this division, division (F) of section 2971.03 of the Revised Code 905  
applies, and the offender automatically is classified a sexual 906  
predator, as described in that division. 907

(C) A victim need not prove physical resistance to the 908  
offender in prosecutions under this section. 909

(D) Evidence of specific instances of the victim's sexual 910  
activity, opinion evidence of the victim's sexual activity, and 911  
reputation evidence of the victim's sexual activity shall not be 912  
admitted under this section unless it involves evidence of the 913

origin of semen, pregnancy, or disease, or the victim's past 914  
sexual activity with the offender, and only to the extent that the 915  
court finds that the evidence is material to a fact at issue in 916  
the case and that its inflammatory or prejudicial nature does not 917  
outweigh its probative value. 918

Evidence of specific instances of the defendant's sexual 919  
activity, opinion evidence of the defendant's sexual activity, and 920  
reputation evidence of the defendant's sexual activity shall not 921  
be admitted under this section unless it involves evidence of the 922  
origin of semen, pregnancy, or disease, the defendant's past 923  
sexual activity with the victim, or is admissible against the 924  
defendant under section 2945.59 of the Revised Code, and only to 925  
the extent that the court finds that the evidence is material to a 926  
fact at issue in the case and that its inflammatory or prejudicial 927  
nature does not outweigh its probative value. 928

(E) Prior to taking testimony or receiving evidence of any 929  
sexual activity of the victim or the defendant in a proceeding 930  
under this section, the court shall resolve the admissibility of 931  
the proposed evidence in a hearing in chambers, which shall be 932  
held at or before preliminary hearing and not less than three days 933  
before trial, or for good cause shown during the trial. 934

(F) Upon approval by the court, the victim may be represented 935  
by counsel in any hearing in chambers or other proceeding to 936  
resolve the admissibility of evidence. If the victim is indigent 937  
or otherwise is unable to obtain the services of counsel, the 938  
court, upon request, may appoint counsel to represent the victim 939  
without cost to the victim. 940

(G) It is not a defense to a charge under division (A)(2) of 941  
this section that the offender and the victim were married or were 942  
cohabiting at the time of the commission of the offense. 943

**Sec. 2907.07.** (A) No person shall solicit a person who is 944  
less than thirteen years of age to engage in sexual activity with 945  
the offender, whether or not the offender knows the age of such 946  
person. 947

(B) No person shall solicit another, not the spouse of the 948  
offender, to engage in sexual conduct with the offender, when the 949  
offender is eighteen years of age or older and four or more years 950  
older than the other person, and the other person is thirteen 951  
years of age or older but less than sixteen years of age, whether 952  
or not the offender knows the age of the other person. 953

(C) No person shall solicit another by means of a 954  
telecommunications device, as defined in section 2913.01 of the 955  
Revised Code, to engage in sexual activity with the offender when 956  
the offender is eighteen years of age or older and either of the 957  
following applies: 958

(1) The other person is less than thirteen years of age, and 959  
the offender knows that the other person is less than thirteen 960  
years of age or is reckless in that regard. 961

(2) The other person is a law enforcement officer posing as a 962  
person who is less than thirteen years of age, and the offender 963  
believes that the other person is less than thirteen years of age 964  
or is reckless in that regard. 965

(D) No person shall solicit another by means of a 966  
telecommunications device, as defined in section 2913.01 of the 967  
Revised Code, to engage in sexual activity with the offender when 968  
the offender is eighteen years of age or older and either of the 969  
following applies: 970

(1) The other person is thirteen years of age or older but 971  
less than sixteen years of age, the offender knows that the other 972  
person is thirteen years of age or older but less than sixteen 973



years of age or is reckless in that regard, and the offender is 974  
four or more years older than the other person. 975

(2) The other person is a law enforcement officer posing as a 976  
person who is thirteen years of age or older but less than sixteen 977  
years of age, the offender believes that the other person is 978  
thirteen years of age or older but less than sixteen years of age 979  
or is reckless in that regard, and the offender is four or more 980  
years older than the age the law enforcement officer assumes in 981  
posing as the person who is thirteen years of age or older but 982  
less than sixteen years of age. 983

(E) Divisions (C) and (D) of this section apply to any 984  
solicitation that is contained in a transmission via a 985  
telecommunications device that either originates in this state or 986  
is received in this state. 987

(F) Whoever violates this section is guilty of importuning. A 988  
violation of division (A) or (C) of this section is a felony of 989  
the ~~fourth~~ third degree on a first offense and a felony of the 990  
~~third~~ second degree on each subsequent offense. Notwithstanding 991  
division (C) of section 2929.13 of the Revised Code, there is a 992  
presumption that a prison term shall be imposed for a violation of 993  
division (A) or (C) of this section as described in division (D) 994  
of section 2929.13 of the Revised Code. A violation of division 995  
(B) or (D) of this section is a felony of the fifth degree on a 996  
first offense and a felony of the fourth degree on each subsequent 997  
offense. 998

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that 999  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1000  
2911.211 of the Revised Code if the alleged victim of the 1001  
violation was a family or household member at the time of the 1002  
violation, a violation of a municipal ordinance that is 1003  
substantially similar to any of those sections if the alleged 1004

victim of the violation was a family or household member at the 1005  
time of the violation, any offense of violence if the alleged 1006  
victim of the offense was a family or household member at the time 1007  
of the commission of the offense, or any sexually oriented offense 1008  
if the alleged victim of the offense was a family or household 1009  
member at the time of the commission of the offense, the 1010  
complainant, the alleged victim, or a family or household member 1011  
of an alleged victim may file, or, if in an emergency the alleged 1012  
victim is unable to file, a person who made an arrest for the 1013  
alleged violation or offense under section 2935.03 of the Revised 1014  
Code may file on behalf of the alleged victim, a motion that 1015  
requests the issuance of a temporary protection order as a 1016  
pretrial condition of release of the alleged offender, in addition 1017  
to any bail set under Criminal Rule 46. The motion shall be filed 1018  
with the clerk of the court that has jurisdiction of the case at 1019  
any time after the filing of the complaint. 1020

(2) For purposes of section 2930.09 of the Revised Code, all 1021  
stages of a proceeding arising out of a complaint alleging the 1022  
commission of a violation ~~or~~, offense of violence, or sexually 1023  
oriented offense described in division (A)(1) of this section, 1024  
including all proceedings on a motion for a temporary protection 1025  
order, are critical stages of the case, and a victim may be 1026  
accompanied by a victim advocate or another person to provide 1027  
support to the victim as provided in that section. 1028

(B) The motion shall be prepared on a form that is provided 1029  
by the clerk of the court, which form shall be substantially as 1030  
follows: 1031

"MOTION FOR TEMPORARY PROTECTION ORDER 1032

..... Court 1033

Name and address of court 1034

State of Ohio 1035

v. No. .... 1036

..... 1037

Name of Defendant 1038

(name of person), moves the court to issue a temporary protection 1039  
order containing terms designed to ensure the safety and 1040  
protection of the complainant, alleged victim, and other family or 1041  
household members, in relation to the named defendant, pursuant to 1042  
its authority to issue such an order under section 2919.26 of the 1043  
Revised Code. 1044

A complaint, a copy of which has been attached to this 1045  
motion, has been filed in this court charging the named defendant 1046  
with ..... (name of the specified violation 1047  
~~or~~, the offense of violence, or sexually oriented offense charged) 1048  
in circumstances in which the victim was a family or household 1049  
member in violation of (section of the Revised Code designating 1050  
the specified violation ~~or~~, offense of violence, or sexually 1051  
oriented offense charged), or charging the named defendant with a 1052  
violation of a municipal ordinance that is substantially similar 1053  
to ..... (section of the Revised Code 1054  
designating the specified violation ~~or~~, offense of violence, or 1055  
sexually oriented offense charged) involving a family or household 1056  
member. 1057

I understand that I must appear before the court, at a time 1058  
set by the court within twenty-four hours after the filing of this 1059  
motion, for a hearing on the motion or that, if I am unable to 1060  
appear because of hospitalization or a medical condition resulting 1061  
from the offense alleged in the complaint, a person who can 1062  
provide information about my need for a temporary protection order 1063  
must appear before the court in lieu of my appearing in court. I 1064  
understand that any temporary protection order granted pursuant to 1065  
this motion is a pretrial condition of release and is effective 1066  
only until the disposition of the criminal proceeding arising out 1067

of the attached complaint, or the issuance of a civil protection 1068  
order or the approval of a consent agreement, arising out of the 1069  
same activities as those that were the basis of the complaint, 1070  
under section 3113.31 of the Revised Code. 1071  
..... 1072  
Signature of person 1073  
(or signature of the arresting officer who filed the motion on 1074  
behalf of the alleged victim) 1075  
..... 1076  
Address of person (or office address of the arresting officer who 1077  
filed the motion on behalf of the alleged victim)" 1078  
(C)(1) As soon as possible after the filing of a motion that 1079  
requests the issuance of a temporary protection order, but not 1080  
later than twenty-four hours after the filing of the motion, the 1081  
court shall conduct a hearing to determine whether to issue the 1082  
order. The person who requested the order shall appear before the 1083  
court and provide the court with the information that it requests 1084  
concerning the basis of the motion. If the person who requested 1085  
the order is unable to appear and if the court finds that the 1086  
failure to appear is because of the person's hospitalization or 1087  
medical condition resulting from the offense alleged in the 1088  
complaint, another person who is able to provide the court with 1089  
the information it requests may appear in lieu of the person who 1090  
requested the order. If the court finds that the safety and 1091  
protection of the complainant, alleged victim, or any other family 1092  
or household member of the alleged victim may be impaired by the 1093  
continued presence of the alleged offender, the court may issue a 1094  
temporary protection order, as a pretrial condition of release, 1095  
that contains terms designed to ensure the safety and protection 1096  
of the complainant, alleged victim, or the family or household 1097  
member, including a requirement that the alleged offender refrain 1098

from entering the residence, school, business, or place of 1099  
employment of the complainant, alleged victim, or the family or 1100  
household member. 1101

(2)(a) If the court issues a temporary protection order that 1102  
includes a requirement that the alleged offender refrain from 1103  
entering the residence, school, business, or place of employment 1104  
of the complainant, the alleged victim, or the family or household 1105  
member, the order shall state clearly that the order cannot be 1106  
waived or nullified by an invitation to the alleged offender from 1107  
the complainant, alleged victim, or family or household member to 1108  
enter the residence, school, business, or place of employment or 1109  
by the alleged offender's entry into one of those places otherwise 1110  
upon the consent of the complainant, alleged victim, or family or 1111  
household member. 1112

(b) Division (C)(2)(a) of this section does not limit any 1113  
discretion of a court to determine that an alleged offender 1114  
charged with a violation of section 2919.27 of the Revised Code, 1115  
with a violation of a municipal ordinance substantially equivalent 1116  
to that section, or with contempt of court, which charge is based 1117  
on an alleged violation of a temporary protection order issued 1118  
under this section, did not commit the violation or was not in 1119  
contempt of court. 1120

(D)(1) Upon the filing of a complaint that alleges a 1121  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 1122  
Revised Code if the alleged victim of the violation was a family 1123  
or household member at the time of the violation, a violation of a 1124  
municipal ordinance that is substantially similar to any of those 1125  
sections if the alleged victim of the violation was a family or 1126  
household member at the time of the violation, any offense of 1127  
violence if the alleged victim of the offense was a family or 1128  
household member at the time of the commission of the offense, or 1129  
any sexually oriented offense if the alleged victim of the offense 1130

was a family or household member at the time of the commission of 1131  
the offense, the court, upon its own motion, may issue a temporary 1132  
protection order as a pretrial condition of release if it finds 1133  
that the safety and protection of the complainant, alleged victim, 1134  
or other family or household member of the alleged offender may be 1135  
impaired by the continued presence of the alleged offender. 1136

(2) If the court issues a temporary protection order under 1137  
this section as an ex parte order, it shall conduct, as soon as 1138  
possible after the issuance of the order, a hearing in the 1139  
presence of the alleged offender not later than the next day on 1140  
which the court is scheduled to conduct business after the day on 1141  
which the alleged offender was arrested or at the time of the 1142  
appearance of the alleged offender pursuant to summons to 1143  
determine whether the order should remain in effect, be modified, 1144  
or be revoked. The hearing shall be conducted under the standards 1145  
set forth in division (C) of this section. 1146

(3) An order issued under this section shall contain only 1147  
those terms authorized in orders issued under division (C) of this 1148  
section. 1149

(4) If a municipal court or a county court issues a temporary 1150  
protection order under this section and if, subsequent to the 1151  
issuance of the order, the alleged offender who is the subject of 1152  
the order is bound over to the court of common pleas for 1153  
prosecution of a felony arising out of the same activities as 1154  
those that were the basis of the complaint upon which the order is 1155  
based, notwithstanding the fact that the order was issued by a 1156  
municipal court or county court, the order shall remain in effect, 1157  
as though it were an order of the court of common pleas, while the 1158  
charges against the alleged offender are pending in the court of 1159  
common pleas, for the period of time described in division (E)(2) 1160  
of this section, and the court of common pleas has exclusive 1161  
jurisdiction to modify the order issued by the municipal court or 1162

county court. This division applies when the alleged offender is 1163  
bound over to the court of common pleas as a result of the person 1164  
waiving a preliminary hearing on the felony charge, as a result of 1165  
the municipal court or county court having determined at a 1166  
preliminary hearing that there is probable cause to believe that 1167  
the felony has been committed and that the alleged offender 1168  
committed it, as a result of the alleged offender having been 1169  
indicted for the felony, or in any other manner. 1170

(E) A temporary protection order that is issued as a pretrial 1171  
condition of release under this section: 1172

(1) Is in addition to, but shall not be construed as a part 1173  
of, any bail set under Criminal Rule 46; 1174

(2) Is effective only until the occurrence of either of the 1175  
following: 1176

(a) The disposition, by the court that issued the order or, 1177  
in the circumstances described in division (D)(4) of this section, 1178  
by the court of common pleas to which the alleged offender is 1179  
bound over for prosecution, of the criminal proceeding arising out 1180  
of the complaint upon which the order is based; 1181

(b) The issuance of a protection order or the approval of a 1182  
consent agreement, arising out of the same activities as those 1183  
that were the basis of the complaint upon which the order is 1184  
based, under section 3113.31 of the Revised Code; 1185

(3) Shall not be construed as a finding that the alleged 1186  
offender committed the alleged offense, and shall not be 1187  
introduced as evidence of the commission of the offense at the 1188  
trial of the alleged offender on the complaint upon which the 1189  
order is based. 1190

(F) A person who meets the criteria for bail under Criminal 1191  
Rule 46 and who, if required to do so pursuant to that rule, 1192

executes or posts bond or deposits cash or securities as bail, 1193  
shall not be held in custody pending a hearing before the court on 1194  
a motion requesting a temporary protection order. 1195

(G)(1) A copy of any temporary protection order that is 1196  
issued under this section shall be issued by the court to the 1197  
complainant, to the alleged victim, to the person who requested 1198  
the order, to the defendant, and to all law enforcement agencies 1199  
that have jurisdiction to enforce the order. The court shall 1200  
direct that a copy of the order be delivered to the defendant on 1201  
the same day that the order is entered. If a municipal court or a 1202  
county court issues a temporary protection order under this 1203  
section and if, subsequent to the issuance of the order, the 1204  
defendant who is the subject of the order is bound over to the 1205  
court of common pleas for prosecution as described in division 1206  
(D)(4) of this section, the municipal court or county court shall 1207  
direct that a copy of the order be delivered to the court of 1208  
common pleas to which the defendant is bound over. 1209

(2) All law enforcement agencies shall establish and maintain 1210  
an index for the temporary protection orders delivered to the 1211  
agencies pursuant to division (G)(1) of this section. With respect 1212  
to each order delivered, each agency shall note on the index, the 1213  
date and time of the receipt of the order by the agency. 1214

(3) A complainant, alleged victim, or other person who 1216  
obtains a temporary protection order under this section may 1217  
provide notice of the issuance of the temporary protection order 1218  
to the judicial and law enforcement officials in any county other 1219  
than the county in which the order is issued by registering that 1220  
order in the other county in accordance with division (N) of 1221  
section 3113.31 of the Revised Code and filing a copy of the 1222  
registered protection order with a law enforcement agency in the 1223  
other county in accordance with that division. 1224



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

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

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

(2) If a complaint is filed that alleges that a person committed a violation ~~of~~ offense of violence, or sexually oriented offense of the type described in division (A) of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:

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

(b) The court determines that both the complainant, alleged victim, or other family or household member in question who would

be required under the order to do or refrain from doing the act 1256  
and the defendant acted primarily as aggressors, that neither the 1257  
complainant, alleged victim, or other family or household member 1258  
in question who would be required under the order to do or refrain 1259  
from doing the act nor the defendant acted primarily in 1260  
self-defense, and, in accordance with the standards and criteria 1261  
of this section as applied in relation to the separate complaint 1262  
filed by the defendant, that it should issue the order to require 1263  
the complainant, alleged victim, or other family or household 1264  
member in question to do or refrain from doing the act. 1265

(J) Notwithstanding any provision of law to the contrary and 1266  
regardless of whether a protection order is issued or a consent 1267  
agreement is approved by a court of another county or a court of 1268  
another state, no court or unit of state or local government shall 1269  
charge any fee, cost, deposit, or money in connection with the 1270  
filing of a motion pursuant to this section, in connection with 1271  
the filing, issuance, registration, or service of a protection 1272  
order or consent agreement, or for obtaining a certified copy of a 1273  
protection order or consent agreement. 1274

(K) As used in this section: 1275

(1) "Sexually oriented offense" has the same meaning as in 1276  
section 2950.01 of the Revised Code. 1277

(2) "Victim advocate" means a person who provides support and 1278  
assistance for a victim of an offense during court proceedings. 1279

**Sec. 2921.34.** (A)(1) No person, knowing the person is under 1280  
detention or being reckless in that regard, shall purposely break 1281  
or attempt to break the detention, or purposely fail to return to 1282  
detention, either following temporary leave granted for a specific 1283  
purpose or limited period, or at the time required when serving a 1284  
sentence in intermittent confinement. 1285

(2) ~~No person~~ Division (A)(2) of this section applies to any 1286  
person who is adjudicated a sexually violent predator and is 1287  
sentenced to a prison term pursuant to division (A)(3) of section 1288  
2971.03 of the Revised Code for the sexually violent offense, to 1289  
any person who is convicted of or pleads guilty to a violation of 1290  
division (A)(1)(b) of section 2907.02 of the Revised Code 1291  
committed on or after the effective date of this amendment and is 1292  
sentenced to a prison term pursuant to division (B)(1)(a), (b), or 1293  
(c) of section 2971.03 of the Revised Code for the violation, and 1294  
to any person who is convicted of or pleads guilty to attempted 1295  
rape committed on or after the effective date of this amendment 1296  
and a specification of the type described in section 2941.1418, 1297  
2941.1419, or 2941.1420 of the Revised Code and is sentenced to a 1298  
prison term pursuant to division (B)(2)(a), (b), or (c) of section 1299  
2971.03 of the Revised Code for the attempted rape. No person to 1300  
whom this division applies, for whom the requirement that the 1301  
entire prison term imposed upon the person pursuant to division 1302  
(A)(3) or (B) of section 2971.03 of the Revised Code be served in 1303  
a state correctional institution has been modified pursuant to 1304  
section 2971.05 of the Revised Code, and who, pursuant to that 1305  
modification, is restricted to a geographic area, knowing that the 1306  
person is under a geographic restriction or being reckless in that 1307  
regard, shall purposely leave the geographic area to which the 1308  
restriction applies or purposely fail to return to that geographic 1309  
area following a temporary leave granted for a specific purpose or 1310  
for a limited period of time. 1311

(B) Irregularity in bringing about or maintaining detention, 1312  
or lack of jurisdiction of the committing or detaining authority, 1313  
is not a defense to a charge under this section if the detention 1314  
is pursuant to judicial order or in a detention facility. In the 1315  
case of any other detention, irregularity or lack of jurisdiction 1316  
is an affirmative defense only if either of the following occurs: 1317

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

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

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

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

(2) If the offender, at the time of the commission of the offense, was under detention in any other manner ~~or~~, the offender is a person who was adjudicated a sexually violent predator for whom the requirement that the entire prison term imposed upon the person pursuant to division (A)(3) of section 2971.03 of the Revised Code be served in a state correctional institution has been modified pursuant to section 2971.05 of the Revised Code, the offender is a person who was convicted of or pleaded guilty to committing on or after the effective date of this amendment a violation of division (A)(1)(b) of section 2907.02 of the Revised Code for whom the requirement that the entire prison term imposed upon the person pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code be served in a state correctional institution has been modified pursuant to section 2971.05 of the Revised Code, or the offender is a person who was convicted of or pleaded guilty to committing on or after the effective date of this amendment attempted rape, who also was convicted of or pleaded guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, who was sentenced pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, and for whom

the requirement that the entire prison term imposed pursuant to 1349  
that division be served in a state correctional institution has 1350  
been modified pursuant to section 2971.05 of the Revised Code, 1351  
escape is one of the following: 1352

(a) A felony of the second degree, when the most serious 1353  
offense for which the person was under detention or ~~adjudicated a~~ 1354  
~~sexually violent predator~~ for which the person had been sentenced 1355  
to the prison term under division (A)(3), (B)(1)(a), (b), or (c), 1356  
or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code 1357  
is aggravated murder, murder, or a felony of the first or second 1358  
degree or, if the person was under detention as an alleged or 1359  
adjudicated delinquent child, when the most serious act for which 1360  
the person was under detention would be aggravated murder, murder, 1361  
or a felony of the first or second degree if committed by an 1362  
adult; 1363

(b) A felony of the third degree, when the most serious 1364  
offense for which the person was under detention or ~~adjudicated a~~ 1365  
~~sexually violent predator~~ for which the person had been sentenced 1366  
to the prison term under division (A)(3), (B)(1)(a), (b), or (c), 1367  
or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code 1368  
is a felony of the third, fourth, or fifth degree or an 1369  
unclassified felony or, if the person was under detention as an 1370  
alleged or adjudicated delinquent child, when the most serious act 1371  
for which the person was under detention would be a felony of the 1372  
third, fourth, or fifth degree or an unclassified felony if 1373  
committed by an adult; 1374

(c) A felony of the fifth degree, when any of the following 1375  
applies: 1376

(i) The most serious offense for which the person was under 1377  
detention is a misdemeanor. 1378

(ii) The person was found not guilty by reason of insanity, 1379

and the person's detention consisted of hospitalization, 1380  
institutionalization, or confinement in a facility under an order 1381  
made pursuant to or under authority of section 2945.40, 2945.401, 1382  
or 2945.402 of the Revised Code. 1383

(d) A misdemeanor of the first degree, when the most serious 1384  
offense for which the person was under detention is a misdemeanor 1385  
and when the person fails to return to detention at a specified 1386  
time following temporary leave granted for a specific purpose or 1387  
limited period or at the time required when serving a sentence in 1388  
intermittent confinement. 1389

(D) As used in this section: 1390

(1) "Adjudicated a sexually violent predator" has the same 1391  
meaning as in section 2929.01 of the Revised Code, and a person is 1392  
"adjudicated a sexually violent predator" in the same manner and 1393  
the same circumstances as are described in that section. 1394

(2) "Sexually violent offense" has the same meaning as in 1395  
section 2971.01 of the Revised Code. 1396

**Sec. 2923.02.** (A) No person, purposely or knowingly, and when 1397  
purpose or knowledge is sufficient culpability for the commission 1398  
of an offense, shall engage in conduct that, if successful, would 1399  
constitute or result in the offense. 1400

(B) It is no defense to a charge under this section that, in 1401  
retrospect, commission of the offense that was the object of the 1402  
attempt was either factually or legally impossible under the 1403  
attendant circumstances, if that offense could have been committed 1404  
had the attendant circumstances been as the actor believed them to 1405  
be. 1406

(C) No person who is convicted of committing a specific 1407  
offense, of complicity in the commission of an offense, or of 1408  
conspiracy to commit an offense shall be convicted of an attempt 1409

to commit the same offense in violation of this section. 1410

(D) It is an affirmative defense to a charge under this 1411  
section that the actor abandoned the actor's effort to commit the 1412  
offense or otherwise prevented its commission, under circumstances 1413  
manifesting a complete and voluntary renunciation of the actor's 1414  
criminal purpose. 1415

(E)(1) Whoever violates this section is guilty of an attempt 1416  
to commit an offense. An attempt to commit aggravated murder, 1417  
murder, or an offense for which the maximum penalty is 1418  
imprisonment for life is a felony of the first degree. An attempt 1419  
to commit a drug abuse offense for which the penalty is determined 1420  
by the amount or number of unit doses of the controlled substance 1421  
involved in the drug abuse offense is an offense of the same 1422  
degree as the drug abuse offense attempted would be if that drug 1423  
abuse offense had been committed and had involved an amount or 1424  
number of unit doses of the controlled substance that is within 1425  
the next lower range of controlled substance amounts than was 1426  
involved in the attempt. An attempt to commit any other offense is 1427  
an offense of the next lesser degree than the offense attempted. 1428  
In the case of an attempt to commit an offense other than a 1429  
violation of Chapter 3734. of the Revised Code that is not 1430  
specifically classified, an attempt is a misdemeanor of the first 1431  
degree if the offense attempted is a felony, and a misdemeanor of 1432  
the fourth degree if the offense attempted is a misdemeanor. In 1433  
the case of an attempt to commit a violation of any provision of 1434  
Chapter 3734. of the Revised Code, other than section 3734.18 of 1435  
the Revised Code, that relates to hazardous wastes, an attempt is 1436  
a felony punishable by a fine of not more than twenty-five 1437  
thousand dollars or imprisonment for not more than eighteen 1438  
months, or both. An attempt to commit a minor misdemeanor, or to 1439  
engage in conspiracy, is not an offense under this section. 1440

(2) If a person is convicted of or pleads guilty to attempted 1441

rape and also is convicted of or pleads guilty to a specification 1442  
of the type described in section 2941.1418, 2941.1419, or 1443  
2941.1420 of the Revised Code, the offender shall be sentenced to 1444  
a prison term or term of life imprisonment pursuant to section 1445  
2971.03 of the Revised Code. 1446

(F) As used in this section, "drug abuse offense" has the 1447  
same meaning as in section 2925.01 of the Revised Code. 1448

**Sec. 2929.01.** As used in this chapter: 1449

(A)(1) "Alternative residential facility" means, subject to 1450  
division (A)(2) of this section, any facility other than an 1451  
offender's home or residence in which an offender is assigned to 1452  
live and that satisfies all of the following criteria: 1453

(a) It provides programs through which the offender may seek 1454  
or maintain employment or may receive education, training, 1455  
treatment, or habilitation. 1456

(b) It has received the appropriate license or certificate 1457  
for any specialized education, training, treatment, habilitation, 1458  
or other service that it provides from the government agency that 1459  
is responsible for licensing or certifying that type of education, 1460  
training, treatment, habilitation, or service. 1461

(2) "Alternative residential facility" does not include a 1462  
community-based correctional facility, jail, halfway house, or 1463  
prison. 1464

(B) "Bad time" means the time by which the parole board 1465  
administratively extends an offender's stated prison term or terms 1466  
pursuant to section 2967.11 of the Revised Code because the parole 1467  
board finds by clear and convincing evidence that the offender, 1468  
while serving the prison term or terms, committed an act that is a 1469  
criminal offense under the law of this state or the United States, 1470  
whether or not the offender is prosecuted for the commission of 1471



that act. 1472

(C) "Basic probation supervision" means a requirement that 1473  
the offender maintain contact with a person appointed to supervise 1474  
the offender in accordance with sanctions imposed by the court or 1475  
imposed by the parole board pursuant to section 2967.28 of the 1476  
Revised Code. "Basic probation supervision" includes basic parole 1477  
supervision and basic post-release control supervision. 1478

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1479  
"unit dose" have the same meanings as in section 2925.01 of the 1480  
Revised Code. 1481

(E) "Community-based correctional facility" means a 1482  
community-based correctional facility and program or district 1483  
community-based correctional facility and program developed 1484  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1485

(F) "Community control sanction" means a sanction that is not 1486  
a prison term and that is described in section 2929.15, 2929.16, 1487  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 1488  
a jail term and that is described in section 2929.26, 2929.27, or 1489  
2929.28 of the Revised Code. "Community control sanction" includes 1490  
probation if the sentence involved was imposed for a felony that 1491  
was committed prior to July 1, 1996, or if the sentence involved 1492  
was imposed for a misdemeanor that was committed prior to January 1493  
1, 2004. 1494

(G) "Controlled substance," "marihuana," "schedule I," and 1495  
"schedule II" have the same meanings as in section 3719.01 of the 1496  
Revised Code. 1497

(H) "Curfew" means a requirement that an offender during a 1498  
specified period of time be at a designated place. 1499

(I) "Day reporting" means a sanction pursuant to which an 1500  
offender is required each day to report to and leave a center or 1501

other approved reporting location at specified times in order to 1502  
participate in work, education or training, treatment, and other 1503  
approved programs at the center or outside the center. 1504

(J) "Deadly weapon" has the same meaning as in section 1505  
2923.11 of the Revised Code. 1506

(K) "Drug and alcohol use monitoring" means a program under 1507  
which an offender agrees to submit to random chemical analysis of 1508  
the offender's blood, breath, or urine to determine whether the 1509  
offender has ingested any alcohol or other drugs. 1510

(L) "Drug treatment program" means any program under which a 1511  
person undergoes assessment and treatment designed to reduce or 1512  
completely eliminate the person's physical or emotional reliance 1513  
upon alcohol, another drug, or alcohol and another drug and under 1514  
which the person may be required to receive assessment and 1515  
treatment on an outpatient basis or may be required to reside at a 1516  
facility other than the person's home or residence while 1517  
undergoing assessment and treatment. 1518

(M) "Economic loss" means any economic detriment suffered by 1519  
a victim as a direct and proximate result of the commission of an 1520  
offense and includes any loss of income due to lost time at work 1521  
because of any injury caused to the victim, and any property loss, 1522  
medical cost, or funeral expense incurred as a result of the 1523  
commission of the offense. "Economic loss" does not include 1524  
non-economic loss or any punitive or exemplary damages. 1525

(N) "Education or training" includes study at, or in 1526  
conjunction with a program offered by, a university, college, or 1527  
technical college or vocational study and also includes the 1528  
completion of primary school, secondary school, and literacy 1529  
curricula or their equivalent. 1530

(O) "Firearm" has the same meaning as in section 2923.11 of 1531  
the Revised Code. 1532

(P) "Halfway house" means a facility licensed by the division 1533  
of parole and community services of the department of 1534  
rehabilitation and correction pursuant to section 2967.14 of the 1535  
Revised Code as a suitable facility for the care and treatment of 1536  
adult offenders. 1537

(Q) "House arrest" means a period of confinement of an 1538  
offender that is in the offender's home or in other premises 1539  
specified by the sentencing court or by the parole board pursuant 1540  
to section 2967.28 of the Revised Code and during which all of the 1541  
following apply: 1542

(1) The offender is required to remain in the offender's home 1543  
or other specified premises for the specified period of 1544  
confinement, except for periods of time during which the offender 1545  
is at the offender's place of employment or at other premises as 1546  
authorized by the sentencing court or by the parole board. 1547

(2) The offender is required to report periodically to a 1548  
person designated by the court or parole board. 1549

(3) The offender is subject to any other restrictions and 1550  
requirements that may be imposed by the sentencing court or by the 1551  
parole board. 1552

(R) "Intensive probation supervision" means a requirement 1553  
that an offender maintain frequent contact with a person appointed 1554  
by the court, or by the parole board pursuant to section 2967.28 1555  
of the Revised Code, to supervise the offender while the offender 1556  
is seeking or maintaining necessary employment and participating 1557  
in training, education, and treatment programs as required in the 1558  
court's or parole board's order. "Intensive probation supervision" 1559  
includes intensive parole supervision and intensive post-release 1560  
control supervision. 1561

(S) "Jail" means a jail, workhouse, minimum security jail, or 1562  
other residential facility used for the confinement of alleged or 1563

convicted offenders that is operated by a political subdivision or 1564  
a combination of political subdivisions of this state. 1565

(T) "Jail term" means the term in a jail that a sentencing 1566  
court imposes or is authorized to impose pursuant to section 1567  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1568  
provision of the Revised Code that authorizes a term in a jail for 1569  
a misdemeanor conviction. 1570

(U) "Mandatory jail term" means the term in a jail that a 1571  
sentencing court is required to impose pursuant to division (G) of 1572  
section 1547.99 of the Revised Code, division (E) of section 1573  
2903.06 or division (D) of section 2903.08 of the Revised Code, 1574  
division (E) of section 2929.24 of the Revised Code, division (B) 1575  
of section 4510.14 of the Revised Code, or division (G) of section 1576  
4511.19 of the Revised Code or pursuant to any other provision of 1577  
the Revised Code that requires a term in a jail for a misdemeanor 1578  
conviction. 1579

(V) "Delinquent child" has the same meaning as in section 1580  
2152.02 of the Revised Code. 1581

(W) "License violation report" means a report that is made by 1582  
a sentencing court, or by the parole board pursuant to section 1583  
2967.28 of the Revised Code, to the regulatory or licensing board 1584  
or agency that issued an offender a professional license or a 1585  
license or permit to do business in this state and that specifies 1586  
that the offender has been convicted of or pleaded guilty to an 1587  
offense that may violate the conditions under which the offender's 1588  
professional license or license or permit to do business in this 1589  
state was granted or an offense for which the offender's 1590  
professional license or license or permit to do business in this 1591  
state may be revoked or suspended. 1592

(X) "Major drug offender" means an offender who is convicted 1593  
of or pleads guilty to the possession of, sale of, or offer to 1594

sell any drug, compound, mixture, preparation, or substance that  
consists of or contains at least one thousand grams of hashish; at  
least one hundred grams of crack cocaine; at least one thousand  
grams of cocaine that is not crack cocaine; at least two thousand  
five hundred unit doses or two hundred fifty grams of heroin; at  
least five thousand unit doses of L.S.D. or five hundred grams of  
L.S.D. in a liquid concentrate, liquid extract, or liquid  
distillate form; or at least one hundred times the amount of any  
other schedule I or II controlled substance other than marihuana  
that is necessary to commit a felony of the third degree pursuant  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised  
Code that is based on the possession of, sale of, or offer to sell  
the controlled substance.

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

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

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

(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(11) of section 2929.13 of the Revised Code, pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code for the offense of rape committed on or after the effective date of this amendment in violation of division (A)(1)(b) of section 2907.02 of the Revised Code, pursuant to division (B)(2)(a) of section 2971.03 of the Revised Code for the offense of 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, pursuant to division (B)(2)(b) of section 2971.03 of the Revised Code for the offense of attempted rape committed on or after the effective date of this amendment and a specification of the type described in section 2941.1419 of the Revised Code, or pursuant to division (B)(2)(c) of section 2971.03 of the Revised Code for the offense of attempted rape committed on or after the effective date of this amendment and a specification of the type described in section 2941.1420 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.

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

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

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

(CC) "Prison term" includes any of the following sanctions	1657
for an offender:	1658
(1) A stated prison term;	1659
(2) A term in a prison shortened by, or with the approval of,	1660
the sentencing court pursuant to section 2929.20, 2967.26,	1661
5120.031, 5120.032, or 5120.073 of the Revised Code;	1662
(3) A term in prison extended by bad time imposed pursuant to	1663
section 2967.11 of the Revised Code or imposed for a violation of	1664
post-release control pursuant to section 2967.28 of the Revised	1665
Code.	1666
(DD) "Repeat violent offender" means a person about whom both	1667
of the following apply:	1668
(1) The person is being sentenced for committing or for	1669
complicity in committing any of the following:	1670
(a) Aggravated murder, murder, any felony of the first or	1671
second degree that is an offense of violence, or an attempt to	1672
commit any of these offenses if the attempt is a felony of the	1673
first or second degree;	1674
(b) An offense under an existing or former law of this state,	1675
another state, or the United States that is or was substantially	1676
equivalent to an offense described in division (DD)(1)(a) of this	1677
section.	1678
(2) The person previously was convicted of or pleaded guilty	1679
to an offense described in division (DD)(1)(a) or (b) of this	1680
section.	1681
(EE) "Sanction" means any penalty imposed upon an offender	1682
who is convicted of or pleads guilty to an offense, as punishment	1683
for the offense. "Sanction" includes any sanction imposed pursuant	1684
to any provision of sections 2929.14 to 2929.18 or 2929.24 to	1685
2929.28 of the Revised Code.	1686

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

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

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

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

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

(KK) "Designated homicide, assault, or kidnapping offense," "violent sex offense," "sexual motivation specification," "sexually violent offense," "sexually violent predator," and



"sexually violent predator specification" have the same meanings	1718
as in section 2971.01 of the Revised Code.	1719
(LL) "Habitual sex offender," "sexually oriented offense,"	1720
"sexual predator," "registration-exempt sexually oriented	1721
offense," "child-victim oriented offense," "habitual child-victim	1722
offender," and "child-victim predator" have the same meanings as	1723
in section 2950.01 of the Revised Code.	1724
(MM) An offense is "committed in the vicinity of a child" if	1725
the offender commits the offense within thirty feet of or within	1726
the same residential unit as a child who is under eighteen years	1727
of age, regardless of whether the offender knows the age of the	1728
child or whether the offender knows the offense is being committed	1729
within thirty feet of or within the same residential unit as the	1730
child and regardless of whether the child actually views the	1731
commission of the offense.	1732
(NN) "Family or household member" has the same meaning as in	1733
section 2919.25 of the Revised Code.	1734
(OO) "Motor vehicle" and "manufactured home" have the same	1735
meanings as in section 4501.01 of the Revised Code.	1736
(PP) "Detention" and "detention facility" have the same	1737
meanings as in section 2921.01 of the Revised Code.	1738
(QQ) "Third degree felony OVI offense" means a violation of	1739
division (A) of section 4511.19 of the Revised Code that, under	1740
division (G) of that section, is a felony of the third degree.	1741
(RR) "Random drug testing" has the same meaning as in section	1742
5120.63 of the Revised Code.	1743
(SS) "Felony sex offense" has the same meaning as in section	1744
2967.28 of the Revised Code.	1745
(TT) "Body armor" has the same meaning as in section	1746
2941.1411 of the Revised Code.	1747

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

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

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

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

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

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by telephone by a receiver of the type described in division (VV)(1)(b) of this section and can monitor continuously the person to whom an

electronic monitoring device of the type described in division 1779  
(VV)(1)(a) of this section is attached. 1780

(2) Any device that is not a device of the type described in 1781  
division (VV)(1) of this section and that conforms with all of the 1782  
following: 1783

(a) The device includes a transmitter and receiver that can 1784  
monitor and determine the location of a subject person at any 1785  
time, or at a designated point in time, through the use of a 1786  
central monitoring computer or through other electronic means. 1787

(b) The device includes a transmitter and receiver that can 1788  
determine at any time, or at a designated point in time, through 1789  
the use of a central monitoring computer or other electronic means 1790  
the fact that the transmitter is turned off or altered in any 1791  
manner without prior approval of the court in relation to the 1792  
electronic monitoring or without prior approval of the department 1793  
of rehabilitation and correction in relation to the use of an 1794  
electronic monitoring device for an inmate on transitional control 1795  
or otherwise is tampered with. 1796

(3) Any type of technology that can adequately track or 1797  
determine the location of a subject person at any time and that is 1798  
approved by the director of rehabilitation and correction, 1799  
including, but not limited to, any satellite technology, voice 1800  
tracking system, or retinal scanning system that is so approved. 1801

(WW) "Non-economic loss" means nonpecuniary harm suffered by 1802  
a victim of an offense as a result of or related to the commission 1803  
of the offense, including, but not limited to, pain and suffering; 1804  
loss of society, consortium, companionship, care, assistance, 1805  
attention, protection, advice, guidance, counsel, instruction, 1806  
training, or education; mental anguish; and any other intangible 1807  
loss. 1808

(XX) "Prosecutor" has the same meaning as in section 2935.01 1809

of the Revised Code. 1810

(YY) "Continuous alcohol monitoring" means the ability to 1811  
automatically test and periodically transmit alcohol consumption 1812  
levels and tamper attempts at least every hour, regardless of the 1813  
location of the person who is being monitored. 1814

(ZZ) A person is "adjudicated a sexually violent predator" if 1815  
the person is convicted of or pleads guilty to a violent sex 1816  
offense and also is convicted of or pleads guilty to a sexually 1817  
violent predator specification that was included in the 1818  
indictment, count in the indictment, or information charging that 1819  
violent sex offense or if the person is convicted of or pleads 1820  
guilty to a designated homicide, assault, or kidnapping offense 1821  
and also is convicted of or pleads guilty to both a sexual 1822  
motivation specification and a sexually violent predator 1823  
specification that were included in the indictment, count in the 1824  
indictment, or information charging that designated homicide, 1825  
assault, or kidnapping offense. 1826

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 1827  
(G) of this section and unless a specific sanction is required to 1828  
be imposed or is precluded from being imposed pursuant to law, a 1829  
court that imposes a sentence upon an offender for a felony may 1830  
impose any sanction or combination of sanctions on the offender 1831  
that are provided in sections 2929.14 to 2929.18 of the Revised 1832  
Code. The sentence shall not impose an unnecessary burden on state 1833  
or local government resources. 1834

If the offender is eligible to be sentenced to community 1835  
control sanctions, the court shall consider the appropriateness of 1836  
imposing a financial sanction pursuant to section 2929.18 of the 1837  
Revised Code or a sanction of community service pursuant to 1838  
section 2929.17 of the Revised Code as the sole sanction for the 1839  
offense. Except as otherwise provided in this division, if the 1840

court is required to impose a mandatory prison term for the 1841  
offense for which sentence is being imposed, the court also may 1842  
impose a financial sanction pursuant to section 2929.18 of the 1843  
Revised Code but may not impose any additional sanction or 1844  
combination of sanctions under section 2929.16 or 2929.17 of the 1845  
Revised Code. 1846

If the offender is being sentenced for a fourth degree felony 1847  
OVI offense or for a third degree felony OVI offense, in addition 1848  
to the mandatory term of local incarceration or the mandatory 1849  
prison term required for the offense by division (G)(1) or (2) of 1850  
this section, the court shall impose upon the offender a mandatory 1851  
fine in accordance with division (B)(3) of section 2929.18 of the 1852  
Revised Code and may impose whichever of the following is 1853  
applicable: 1854

(1) For a fourth degree felony OVI offense for which sentence 1855  
is imposed under division (G)(1) of this section, an additional 1856  
community control sanction or combination of community control 1857  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 1858  
the court imposes upon the offender a community control sanction 1859  
and the offender violates any condition of the community control 1860  
sanction, the court may take any action prescribed in division (B) 1861  
of section 2929.15 of the Revised Code relative to the offender, 1862  
including imposing a prison term on the offender pursuant to that 1863  
division. 1864

(2) For a third or fourth degree felony OVI offense for which 1865  
sentence is imposed under division (G)(2) of this section, an 1866  
additional prison term as described in division (D)(4) of section 1867  
2929.14 of the Revised Code or a community control sanction as 1868  
described in division (G)(2) of this section. 1869

(B)(1) Except as provided in division (B)(2), (E), (F), or 1870  
(G) of this section, in sentencing an offender for a felony of the 1871

fourth or fifth degree, the sentencing court shall determine	1872
whether any of the following apply:	1873
(a) In committing the offense, the offender caused physical harm to a person.	1874 1875
(b) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.	1876 1877 1878
(c) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.	1879 1880 1881 1882
(d) The offender held a public office or position of trust and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.	1883 1884 1885 1886 1887 1888
(e) The offender committed the offense for hire or as part of an organized criminal activity.	1889 1890
(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.	1891 1892 1893 1894
(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term.	1895 1896
(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.	1897 1898 1899
(i) The offender committed the offense while in possession of a firearm.	1900 1901

(2)(a) If the court makes a finding described in division 1902  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1903  
section and if the court, after considering the factors set forth 1904  
in section 2929.12 of the Revised Code, finds that a prison term 1905  
is consistent with the purposes and principles of sentencing set 1906  
forth in section 2929.11 of the Revised Code and finds that the 1907  
offender is not amenable to an available community control 1908  
sanction, the court shall impose a prison term upon the offender. 1909

(b) Except as provided in division (E), (F), or (G) of this 1910  
section, if the court does not make a finding described in 1911  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1912  
this section and if the court, after considering the factors set 1913  
forth in section 2929.12 of the Revised Code, finds that a 1914  
community control sanction or combination of community control 1915  
sanctions is consistent with the purposes and principles of 1916  
sentencing set forth in section 2929.11 of the Revised Code, the 1917  
court shall impose a community control sanction or combination of 1918  
community control sanctions upon the offender. 1919

(C) Except as provided in division (D), (E), (F), or (G) of 1920  
this section, in determining whether to impose a prison term as a 1921  
sanction for a felony of the third degree or a felony drug offense 1922  
that is a violation of a provision of Chapter 2925. of the Revised 1923  
Code and that is specified as being subject to this division for 1924  
purposes of sentencing, the sentencing court shall comply with the 1925  
purposes and principles of sentencing under section 2929.11 of the 1926  
Revised Code and with section 2929.12 of the Revised Code. 1927

(D)(1) Except as provided in division (E) or (F) of this 1928  
section, for a felony of the first or second degree, for a felony 1929  
drug offense that is a violation of any provision of Chapter 1930  
2925., 3719., or 4729. of the Revised Code for which a presumption 1931  
in favor of a prison term is specified as being applicable, and 1932  
for a violation of division (A)(4) of section 2907.05 of the 1933

Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under division (D)(1) of this section for the offenses listed in that division other than a violation of division (A)(4) of section 2907.05 of the Revised Code, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(a) A community control sanction or a combination of 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.

(b) 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, 1966  
for any drug offense that is a violation of any provision of 1967  
Chapter 2925. of the Revised Code and that is a felony of the 1968  
third, fourth, or fifth degree, the applicability of a presumption 1969  
under division (D) of this section in favor of a prison term or of 1970  
division (B) or (C) of this section in determining whether to 1971  
impose a prison term for the offense shall be determined as 1972  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1973  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1974  
Revised Code, whichever is applicable regarding the violation. 1975

(2) If an offender who was convicted of or pleaded guilty to 1976  
a felony violates the conditions of a community control sanction 1977  
imposed for the offense solely by reason of producing positive 1978  
results on a drug test, the court, as punishment for the violation 1979  
of the sanction, shall not order that the offender be imprisoned 1980  
unless the court determines on the record either of the following: 1981

(a) The offender had been ordered as a sanction for the 1982  
felony to participate in a drug treatment program, in a drug 1983  
education program, or in narcotics anonymous or a similar program, 1984  
and the offender continued to use illegal drugs after a reasonable 1985  
period of participation in the program. 1986

(b) The imprisonment of the offender for the violation is 1987  
consistent with the purposes and principles of sentencing set 1988  
forth in section 2929.11 of the Revised Code. 1989

(F) Notwithstanding divisions (A) to (E) of this section, the 1990  
court shall impose a prison term or terms under sections 2929.02 1991  
to 2929.06, section 2929.14, or section 2971.03 of the Revised 1992  
Code and except as specifically provided in section 2929.20 or 1993  
2967.191 of the Revised Code or when parole is authorized for the 1994  
offense under section 2967.13 of the Revised Code shall not reduce 1995  
the terms pursuant to section 2929.20, section 2967.193, or any 1996

other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:	1997 1998
(1) Aggravated murder when death is not imposed or murder;	1999
(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 <del>subject to a sentence of life imprisonment or life imprisonment without parole for the rape</del> <u>guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code;</u>	2000 2001 2002 2003 2004 2005 2006
(3) Gross sexual imposition or sexual battery, if the victim is under thirteen years of age and if any of the following applies:	2007 2008 2009
(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was under thirteen years of age;	2010 2011 2012 2013 2014
(b) Regarding gross sexual imposition, the offense was committed on or after <del>the effective date of this amendment</del> <u>August 3, 2006</u> , and evidence other than the testimony of the victim was admitted in the case corroborating the violation.	2015 2016 2017 2018
(c) Regarding sexual battery, either of the following applies:	2019 2020
(i) The offense was committed prior to <del>the effective date of this amendment</del> <u>August 3, 2006</u> , the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was under thirteen years of age.	2021 2022 2023 2024 2025
(ii) The offense was committed on or after <del>the effective date</del>	2026

~~of this amendment August 3, 2006.~~ 2027

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2028  
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 2029  
requires the imposition of a prison term; 2030

(5) A first, second, or third degree felony drug offense for 2031  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2032  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 2033  
4729.99 of the Revised Code, whichever is applicable regarding the 2034  
violation, requires the imposition of a mandatory prison term; 2035

(6) Any offense that is a first or second degree felony and 2036  
that is not set forth in division (F)(1), (2), (3), or (4) of this 2037  
section, if the offender previously was convicted of or pleaded 2038  
guilty to aggravated murder, murder, any first or second degree 2039  
felony, or an offense under an existing or former law of this 2040  
state, another state, or the United States that is or was 2041  
substantially equivalent to one of those offenses; 2042

(7) Any offense that is a third degree felony and either is a 2043  
violation of section 2903.04 of the Revised Code or an attempt to 2044  
commit a felony of the second degree that is an offense of 2045  
violence and involved an attempt to cause serious physical harm to 2046  
a person or that resulted in serious physical harm to a person if 2047  
the offender previously was convicted of or pleaded guilty to any 2048  
of the following offenses: 2049

(a) Aggravated murder, murder, involuntary manslaughter, 2050  
rape, felonious sexual penetration as it existed under section 2051  
2907.12 of the Revised Code prior to September 3, 1996, a felony 2052  
of the first or second degree that resulted in the death of a 2053  
person or in physical harm to a person, or complicity in or an 2054  
attempt to commit any of those offenses; 2055

(b) An offense under an existing or former law of this state, 2056  
another state, or the United States that is or was substantially 2057

equivalent to an offense listed in division (F)(7)(a) of this 2058  
section that resulted in the death of a person or in physical harm 2059  
to a person. 2060

(8) Any offense, other than a violation of section 2923.12 of 2061  
the Revised Code, that is a felony, if the offender had a firearm 2062  
on or about the offender's person or under the offender's control 2063  
while committing the felony, with respect to a portion of the 2064  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 2065  
of the Revised Code for having the firearm; 2066

(9) Any offense of violence that is a felony, if the offender 2067  
wore or carried body armor while committing the felony offense of 2068  
violence, with respect to the portion of the sentence imposed 2069  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 2070  
Code for wearing or carrying the body armor; 2071

(10) Corrupt activity in violation of section 2923.32 of the 2072  
Revised Code when the most serious offense in the pattern of 2073  
corrupt activity that is the basis of the offense is a felony of 2074  
the first degree; 2075

(11) Any violent sex offense or designated homicide, assault, 2076  
or kidnapping offense if, in relation to that offense, the 2077  
offender is adjudicated a sexually violent predator; 2078

(12) A violation of division (A)(1) or (2) of section 2921.36 2079  
of the Revised Code, or a violation of division (C) of that 2080  
section involving an item listed in division (A)(1) or (2) of that 2081  
section, if the offender is an officer or employee of the 2082  
department of rehabilitation and correction; 2083

(13) A violation of division (A)(1) or (2) of section 2903.06 2084  
of the Revised Code if the victim of the offense is a peace 2085  
officer, as defined in section 2935.01 of the Revised Code, with 2086  
respect to the portion of the sentence imposed pursuant to 2087  
division (D)(5) of section 2929.14 of the Revised Code; 2088

(14) A violation of division (A)(1) or (2) of section 2903.06 2089  
of the Revised Code if the offender has been convicted of or 2090  
pleaded guilty to three or more violations of division (A) or (B) 2091  
of section 4511.19 of the Revised Code or an equivalent offense, 2092  
as defined in section 2941.1415 of the Revised Code, or three or 2093  
more violations of any combination of those divisions and 2094  
offenses, with respect to the portion of the sentence imposed 2095  
pursuant to division (D)(6) of section 2929.14 of the Revised 2096  
Code. 2097

(G) Notwithstanding divisions (A) to (E) of this section, if 2098  
an offender is being sentenced for a fourth degree felony OVI 2099  
offense or for a third degree felony OVI offense, the court shall 2100  
impose upon the offender a mandatory term of local incarceration 2101  
or a mandatory prison term in accordance with the following: 2102

(1) If the offender is being sentenced for a fourth degree 2103  
felony OVI offense and if the offender has not been convicted of 2104  
and has not pleaded guilty to a specification of the type 2105  
described in section 2941.1413 of the Revised Code, the court may 2106  
impose upon the offender a mandatory term of local incarceration 2107  
of sixty days or one hundred twenty days as specified in division 2108  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 2109  
not reduce the term pursuant to section 2929.20, 2967.193, or any 2110  
other provision of the Revised Code. The court that imposes a 2111  
mandatory term of local incarceration under this division shall 2112  
specify whether the term is to be served in a jail, a 2113  
community-based correctional facility, a halfway house, or an 2114  
alternative residential facility, and the offender shall serve the 2115  
term in the type of facility specified by the court. A mandatory 2116  
term of local incarceration imposed under division (G)(1) of this 2117  
section is not subject to extension under section 2967.11 of the 2118  
Revised Code, to a period of post-release control under section 2119  
2967.28 of the Revised Code, or to any other Revised Code 2120

provision that pertains to a prison term except as provided in 2121  
division (A)(1) of this section. 2122

(2) If the offender is being sentenced for a third degree 2123  
felony OVI offense, or if the offender is being sentenced for a 2124  
fourth degree felony OVI offense and the court does not impose a 2125  
mandatory term of local incarceration under division (G)(1) of 2126  
this section, the court shall impose upon the offender a mandatory 2127  
prison term of one, two, three, four, or five years if the 2128  
offender also is convicted of or also pleads guilty to a 2129  
specification of the type described in section 2941.1413 of the 2130  
Revised Code or shall impose upon the offender a mandatory prison 2131  
term of sixty days or one hundred twenty days as specified in 2132  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2133  
if the offender has not been convicted of and has not pleaded 2134  
guilty to a specification of that type. The court shall not reduce 2135  
the term pursuant to section 2929.20, 2967.193, or any other 2136  
provision of the Revised Code. The offender shall serve the one-, 2137  
two-, three-, four-, or five-year mandatory prison term 2138  
consecutively to and prior to the prison term imposed for the 2139  
underlying offense and consecutively to any other mandatory prison 2140  
term imposed in relation to the offense. In no case shall an 2141  
offender who once has been sentenced to a mandatory term of local 2142  
incarceration pursuant to division (G)(1) of this section for a 2143  
fourth degree felony OVI offense be sentenced to another mandatory 2144  
term of local incarceration under that division for any violation 2145  
of division (A) of section 4511.19 of the Revised Code. In 2146  
addition to the mandatory prison term described in division (G)(2) 2147  
of this section, the court may sentence the offender to a 2148  
community control sanction under section 2929.16 or 2929.17 of the 2149  
Revised Code, but the offender shall serve the prison term prior 2150  
to serving the community control sanction. The department of 2151  
rehabilitation and correction may place an offender sentenced to a 2152

mandatory prison term under this division in an intensive program 2153  
prison established pursuant to section 5120.033 of the Revised 2154  
Code if the department gave the sentencing judge prior notice of 2155  
its intent to place the offender in an intensive program prison 2156  
established under that section and if the judge did not notify the 2157  
department that the judge disapproved the placement. Upon the 2158  
establishment of the initial intensive program prison pursuant to 2159  
section 5120.033 of the Revised Code that is privately operated 2160  
and managed by a contractor pursuant to a contract entered into 2161  
under section 9.06 of the Revised Code, both of the following 2162  
apply: 2163

(a) The department of rehabilitation and correction shall 2164  
make a reasonable effort to ensure that a sufficient number of 2165  
offenders sentenced to a mandatory prison term under this division 2166  
are placed in the privately operated and managed prison so that 2167  
the privately operated and managed prison has full occupancy. 2168

(b) Unless the privately operated and managed prison has full 2169  
occupancy, the department of rehabilitation and correction shall 2170  
not place any offender sentenced to a mandatory prison term under 2171  
this division in any intensive program prison established pursuant 2172  
to section 5120.033 of the Revised Code other than the privately 2173  
operated and managed prison. 2174

(H) If an offender is being sentenced for a sexually oriented 2175  
offense committed on or after January 1, 1997, the judge shall 2176  
require the offender to submit to a DNA specimen collection 2177  
procedure pursuant to section 2901.07 of the Revised Code if 2178  
either of the following applies: 2179

(1) The offense was a violent sex offense or a designated 2180  
homicide, assault, or kidnapping offense and, in relation to that 2181  
offense, the offender was adjudicated a sexually violent predator. 2182

(2) The offense was a violation of division (A)(1)(b) of 2183

section 2907.02 of the Revised Code committed on or after the 2184  
effective date of this amendment. 2185

(3) The offense was attempted rape committed on or after the 2186  
effective date of this amendment, and the offender also was 2187  
convicted of or pleaded guilty to a specification of the type 2188  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 2189  
Revised Code. 2190

(4) The judge imposing sentence for the sexually oriented 2191  
offense determines pursuant to division (B) of section 2950.09 of 2192  
the Revised Code that the offender is a sexual predator. 2193

(I) If an offender is being sentenced for a sexually oriented 2194  
offense that is not a registration-exempt sexually oriented 2195  
offense or for a child-victim oriented offense committed on or 2196  
after January 1, 1997, the judge shall include in the sentence a 2197  
summary of the offender's duties imposed under sections 2950.04, 2198  
2950.041, 2950.05, and 2950.06 of the Revised Code and the 2199  
duration of the duties. The judge shall inform the offender, at 2200  
the time of sentencing, of those duties and of their duration and, 2201  
if required under division (A)(2) of section 2950.03 of the 2202  
Revised Code, shall perform the duties specified in that section. 2203

(J)(1) Except as provided in division (J)(2) of this section, 2204  
when considering sentencing factors under this section in relation 2205  
to an offender who is convicted of or pleads guilty to an attempt 2206  
to commit an offense in violation of section 2923.02 of the 2207  
Revised Code, the sentencing court shall consider the factors 2208  
applicable to the felony category of the violation of section 2209  
2923.02 of the Revised Code instead of the factors applicable to 2210  
the felony category of the offense attempted. 2211

(2) When considering sentencing factors under this section in 2212  
relation to an offender who is convicted of or pleads guilty to an 2213  
attempt to commit a drug abuse offense for which the penalty is 2214



determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

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

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

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

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

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

(3) For a felony of the third degree, the prison term shall 2245  
be one, two, three, four, or five years. 2246

(4) For a felony of the fourth degree, the prison term shall 2247  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2248  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2249

(5) For a felony of the fifth degree, the prison term shall 2250  
be six, seven, eight, nine, ten, eleven, or twelve months. 2251

(B) Except as provided in division (C), (D)(1), (D)(2), 2252  
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 2253  
or 2907.05 of the Revised Code, or in Chapter 2925. of the Revised 2254  
Code, if the court imposing a sentence upon an offender for a 2255  
felony elects or is required to impose a prison term on the 2256  
offender, the court shall impose the shortest prison term 2257  
authorized for the offense pursuant to division (A) of this 2258  
section, unless one or more of the following applies: 2259

(1) The offender was serving a prison term at the time of the 2260  
offense, or the offender previously had served a prison term. 2261

(2) The court finds on the record that the shortest prison 2262  
term will demean the seriousness of the offender's conduct or will 2263  
not adequately protect the public from future crime by the 2264  
offender or others. 2265

(C) Except as provided in division (G) of this section or in 2266  
Chapter 2925. of the Revised Code, the court imposing a sentence 2267  
upon an offender for a felony may impose the longest prison term 2268  
authorized for the offense pursuant to division (A) of this 2269  
section only upon offenders who committed the worst forms of the 2270  
offense, upon offenders who pose the greatest likelihood of 2271  
committing future crimes, upon certain major drug offenders under 2272  
division (D)(3) of this section, and upon certain repeat violent 2273  
offenders in accordance with division (D)(2) of this section. 2274

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

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

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

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

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

(c) Except as provided in division (D)(1)(e) of this section, 2306  
if an offender who is convicted of or pleads guilty to a violation 2307  
of section 2923.161 of the Revised Code or to a felony that 2308  
includes, as an essential element, purposely or knowingly causing 2309  
or attempting to cause the death of or physical harm to another, 2310  
also is convicted of or pleads guilty to a specification of the 2311  
type described in section 2941.146 of the Revised Code that 2312  
charges the offender with committing the offense by discharging a 2313  
firearm from a motor vehicle other than a manufactured home, the 2314  
court, after imposing a prison term on the offender for the 2315  
violation of section 2923.161 of the Revised Code or for the other 2316  
felony offense under division (A), (D)(2), or (D)(3) of this 2317  
section, shall impose an additional prison term of five years upon 2318  
the offender that shall not be reduced pursuant to section 2319  
2929.20, section 2967.193, or any other provision of Chapter 2967. 2320  
or Chapter 5120. of the Revised Code. A court shall not impose 2321  
more than one additional prison term on an offender under division 2322  
(D)(1)(c) of this section for felonies committed as part of the 2323  
same act or transaction. If a court imposes an additional prison 2324  
term on an offender under division (D)(1)(c) of this section 2325  
relative to an offense, the court also shall impose a prison term 2326  
under division (D)(1)(a) of this section relative to the same 2327  
offense, provided the criteria specified in that division for 2328  
imposing an additional prison term are satisfied relative to the 2329  
offender and the offense. 2330

(d) If an offender who is convicted of or pleads guilty to an 2331  
offense of violence that is a felony also is convicted of or 2332  
pleads guilty to a specification of the type described in section 2333  
2941.1411 of the Revised Code that charges the offender with 2334  
wearing or carrying body armor while committing the felony offense 2335  
of violence, the court shall impose on the offender a prison term 2336  
of two years. The prison term so imposed shall not be reduced 2337

pursuant to section 2929.20, section 2967.193, or any other 2338  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2339  
court shall not impose more than one prison term on an offender 2340  
under division (D)(1)(d) of this section for felonies committed as 2341  
part of the same act or transaction. If a court imposes an 2342  
additional prison term under division (D)(1)(a) or (c) of this 2343  
section, the court is not precluded from imposing an additional 2344  
prison term under division (D)(1)(d) of this section. 2345

(e) The court shall not impose any of the prison terms 2346  
described in division (D)(1)(a) of this section or any of the 2347  
additional prison terms described in division (D)(1)(c) of this 2348  
section upon an offender for a violation of section 2923.12 or 2349  
2923.123 of the Revised Code. The court shall not impose any of 2350  
the prison terms described in division (D)(1)(a) of this section 2351  
or any of the additional prison terms described in division 2352  
(D)(1)(c) of this section upon an offender for a violation of 2353  
section 2923.13 of the Revised Code unless all of the following 2354  
apply: 2355

(i) The offender previously has been convicted of aggravated 2356  
murder, murder, or any felony of the first or second degree. 2357

(ii) Less than five years have passed since the offender was 2358  
released from prison or post-release control, whichever is later, 2359  
for the prior offense. 2360

(f) If an offender is convicted of or pleads guilty to a 2361  
felony that includes, as an essential element, causing or 2362  
attempting to cause the death of or physical harm to another and 2363  
also is convicted of or pleads guilty to a specification of the 2364  
type described in section 2941.1412 of the Revised Code that 2365  
charges the offender with committing the offense by discharging a 2366  
firearm at a peace officer as defined in section 2935.01 of the 2367  
Revised Code or a corrections officer as defined in section 2368

2941.1412 of the Revised Code, the court, after imposing a prison  
term on the offender for the felony offense under division (A),  
(D)(2), or (D)(3) of this section, shall impose an additional  
prison term of seven years upon the offender that shall not be  
reduced pursuant to section 2929.20, section 2967.193, or any  
other provision of Chapter 2967. or Chapter 5120. of the Revised  
Code. A court shall not impose more than one additional prison  
term on an offender under division (D)(1)(f) of this section for  
felonies committed as part of the same act or transaction. If a  
court imposes an additional prison term on an offender under  
division (D)(1)(f) of this section relative to an offense, the  
court shall not impose a prison term under division (D)(1)(a) or  
(c) of this section relative to the same offense.

(2)(a) If division (D)(2)(b) of this section does not apply,  
the court may impose on an offender, in addition to the longest  
prison term authorized or required for the offense, an additional  
definite prison term of one, two, three, four, five, six, seven,  
eight, nine, or ten years if all of the following criteria are  
met:

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

(ii) The offense of which the offender currently is convicted  
or to which the offender currently pleads guilty is aggravated  
murder and the court does not impose a sentence of death or life  
imprisonment without parole, murder, terrorism and the court does  
not impose a sentence of life imprisonment without parole, any  
felony of the first degree that is an offense of violence and the  
court does not impose a sentence of life imprisonment without  
parole, or any felony of the second degree that is an offense of  
violence and the trier of fact finds that the offense involved an  
attempt to cause or a threat to cause serious physical harm to a

person or resulted in serious physical harm to a person. 2401

(iii) The court imposes the longest prison term for the 2402  
offense that is not life imprisonment without parole. 2403

(iv) The court finds that the prison terms imposed pursuant 2404  
to division (D)(2)(a)(iii) of this section and, if applicable, 2405  
division (D)(1) or (3) of this section are inadequate to punish 2406  
the offender and protect the public from future crime, because the 2407  
applicable factors under section 2929.12 of the Revised Code 2408  
indicating a greater likelihood of recidivism outweigh the 2409  
applicable factors under that section indicating a lesser 2410  
likelihood of recidivism. 2411

(v) The court finds that the prison terms imposed pursuant to 2412  
division (D)(2)(a)(iii) of this section and, if applicable, 2413  
division (D)(1) or (3) of this section are demeaning to the 2414  
seriousness of the offense, because one or more of the factors 2415  
under section 2929.12 of the Revised Code indicating that the 2416  
offender's conduct is more serious than conduct normally 2417  
constituting the offense are present, and they outweigh the 2418  
applicable factors under that section indicating that the 2419  
offender's conduct is less serious than conduct normally 2420  
constituting the offense. 2421

(b) The court shall impose on an offender the longest prison 2422  
term authorized or required for the offense and shall impose on 2423  
the offender an additional definite prison term of one, two, 2424  
three, four, five, six, seven, eight, nine, or ten years if all of 2425  
the following criteria are met: 2426

(i) The offender is convicted of or pleads guilty to a 2427  
specification of the type described in section 2941.149 of the 2428  
Revised Code that the offender is a repeat violent offender. 2429

(ii) The offender within the preceding twenty years has been 2430  
convicted of or pleaded guilty to three or more offenses described 2431

in division (DD)(1) of section 2929.01 of the Revised Code, 2432  
including all offenses described in that division of which the 2433  
offender is convicted or to which the offender pleads guilty in 2434  
the current prosecution and all offenses described in that 2435  
division of which the offender previously has been convicted or to 2436  
which the offender previously pleaded guilty, whether prosecuted 2437  
together or separately. 2438

(iii) The offense or offenses of which the offender currently 2439  
is convicted or to which the offender currently pleads guilty is 2440  
aggravated murder and the court does not impose a sentence of 2441  
death or life imprisonment without parole, murder, terrorism and 2442  
the court does not impose a sentence of life imprisonment without 2443  
parole, any felony of the first degree that is an offense of 2444  
violence and the court does not impose a sentence of life 2445  
imprisonment without parole, or any felony of the second degree 2446  
that is an offense of violence and the trier of fact finds that 2447  
the offense involved an attempt to cause or a threat to cause 2448  
serious physical harm to a person or resulted in serious physical 2449  
harm to a person. 2450

(c) For purposes of division (D)(2)(b) of this section, two 2451  
or more offenses committed at the same time or as part of the same 2452  
act or event shall be considered one offense, and that one offense 2453  
shall be the offense with the greatest penalty. 2454

(d) A sentence imposed under division (D)(2)(a) or (b) of 2455  
this section shall not be reduced pursuant to section 2929.20 or 2456  
section 2967.193, or any other provision of Chapter 2967. or 2457  
Chapter 5120. of the Revised Code. The offender shall serve an 2458  
additional prison term imposed under this section consecutively to 2459  
and prior to the prison term imposed for the underlying offense. 2460

(e) When imposing a sentence pursuant to division (D)(2)(a) 2461  
or (b) of this section, the court shall state its findings 2462



explaining the imposed sentence.

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

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(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison

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term of one, two, three, four, five, six, seven, eight, nine, or 2495  
ten years, if the court, with respect to the term imposed under 2496  
division (D)(3)(a) of this section and, if applicable, divisions 2497  
(D)(1) and (2) of this section, makes both of the findings set 2498  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 2499

(4) If the offender is being sentenced for a third or fourth 2500  
degree felony OVI offense under division (G)(2) of section 2929.13 2501  
of the Revised Code, the sentencing court shall impose upon the 2502  
offender a mandatory prison term in accordance with that division. 2503  
In addition to the mandatory prison term, if the offender is being 2504  
sentenced for a fourth degree felony OVI offense, the court, 2505  
notwithstanding division (A)(4) of this section, may sentence the 2506  
offender to a definite prison term of not less than six months and 2507  
not more than thirty months, and if the offender is being 2508  
sentenced for a third degree felony OVI offense, the sentencing 2509  
court may sentence the offender to an additional prison term of 2510  
any duration specified in division (A)(3) of this section. In 2511  
either case, the additional prison term imposed shall be reduced 2512  
by the sixty or one hundred twenty days imposed upon the offender 2513  
as the mandatory prison term. The total of the additional prison 2514  
term imposed under division (D)(4) of this section plus the sixty 2515  
or one hundred twenty days imposed as the mandatory prison term 2516  
shall equal a definite term in the range of six months to thirty 2517  
months for a fourth degree felony OVI offense and shall equal one 2518  
of the authorized prison terms specified in division (A)(3) of 2519  
this section for a third degree felony OVI offense. If the court 2520  
imposes an additional prison term under division (D)(4) of this 2521  
section, the offender shall serve the additional prison term after 2522  
the offender has served the mandatory prison term required for the 2523  
offense. In addition to the mandatory prison term or mandatory and 2524  
additional prison term imposed as described in division (D)(4) of 2525  
this section, the court also may sentence the offender to a 2526

community control sanction under section 2929.16 or 2929.17 of the  
Revised Code, but the offender shall serve all of the prison terms  
so imposed prior to serving the community control sanction.

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

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

(6) If an offender is convicted of or pleads guilty to a  
violation of division (A)(1) or (2) of section 2903.06 of the  
Revised Code and also is convicted of or pleads guilty to a  
specification of the type described in section 2941.1415 of the  
Revised Code that charges that the offender previously has been  
convicted of or pleaded guilty to three or more violations of  
division (A) or (B) of section 4511.19 of the Revised Code or an  
equivalent offense, as defined in section 2941.1415 of the Revised  
Code, or three or more violations of any combination of those  
divisions and offenses, the court shall impose on the offender a

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

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

(b) If a mandatory prison term is imposed upon an offender  
pursuant to division (D)(1)(d) of this section for wearing or  
carrying body armor while committing an offense of violence that  
is a felony, the offender shall serve the mandatory term so  
imposed consecutively to any other mandatory prison term imposed  
under that division or under division (D)(1)(a) or (c) of this  
section, consecutively to and prior to any prison term imposed for  
the underlying felony under division (A), (D)(2), or (D)(3) of

this section or any other section of the Revised Code, and 2591  
consecutively to any other prison term or mandatory prison term 2592  
previously or subsequently imposed upon the offender. 2593

(c) If a mandatory prison term is imposed upon an offender 2594  
pursuant to division (D)(1)(f) of this section, the offender shall 2595  
serve the mandatory prison term so imposed consecutively to and 2596  
prior to any prison term imposed for the underlying felony under 2597  
division (A), (D)(2), or (D)(3) of this section or any other 2598  
section of the Revised Code, and consecutively to any other prison 2599  
term or mandatory prison term previously or subsequently imposed 2600  
upon the offender. 2601

(2) If an offender who is an inmate in a jail, prison, or 2602  
other residential detention facility violates section 2917.02, 2603  
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2604  
who is under detention at a detention facility commits a felony 2605  
violation of section 2923.131 of the Revised Code, or if an 2606  
offender who is an inmate in a jail, prison, or other residential 2607  
detention facility or is under detention at a detention facility 2608  
commits another felony while the offender is an escapee in 2609  
violation of section 2921.34 of the Revised Code, any prison term 2610  
imposed upon the offender for one of those violations shall be 2611  
served by the offender consecutively to the prison term or term of 2612  
imprisonment the offender was serving when the offender committed 2613  
that offense and to any other prison term previously or 2614  
subsequently imposed upon the offender. 2615

(3) If a prison term is imposed for a violation of division 2616  
(B) of section 2911.01 of the Revised Code, a violation of 2617  
division (A) of section 2913.02 of the Revised Code in which the 2618  
stolen property is a firearm or dangerous ordnance, or a felony 2619  
violation of division (B) of section 2921.331 of the Revised Code, 2620  
the offender shall serve that prison term consecutively to any 2621  
other prison term or mandatory prison term previously or 2622

subsequently imposed upon the offender. 2623

(4) If multiple prison terms are imposed on an offender for 2624  
convictions of multiple offenses, the court may require the 2625  
offender to serve the prison terms consecutively if the court 2626  
finds that the consecutive service is necessary to protect the 2627  
public from future crime or to punish the offender and that 2628  
consecutive sentences are not disproportionate to the seriousness 2629  
of the offender's conduct and to the danger the offender poses to 2630  
the public, and if the court also finds any of the following: 2631

(a) The offender committed one or more of the multiple 2632  
offenses while the offender was awaiting trial or sentencing, was 2633  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2634  
2929.18 of the Revised Code, or was under post-release control for 2635  
a prior offense. 2636

(b) At least two of the multiple offenses were committed as 2637  
part of one or more courses of conduct, and the harm caused by two 2638  
or more of the multiple offenses so committed was so great or 2639  
unusual that no single prison term for any of the offenses 2640  
committed as part of any of the courses of conduct adequately 2641  
reflects the seriousness of the offender's conduct. 2642

(c) The offender's history of criminal conduct demonstrates 2643  
that consecutive sentences are necessary to protect the public 2644  
from future crime by the offender. 2645

(5) If a mandatory prison term is imposed upon an offender 2646  
pursuant to division (D)(5) or (6) of this section, the offender 2647  
shall serve the mandatory prison term consecutively to and prior 2648  
to any prison term imposed for the underlying violation of 2649  
division (A)(1) or (2) of section 2903.06 of the Revised Code 2650  
pursuant to division (A) of this section. If a mandatory prison 2651  
term is imposed upon an offender pursuant to division (D)(5) of 2652  
this section, and if a mandatory prison term also is imposed upon 2653

the offender pursuant to division (D)(6) of this section in 2654  
relation to the same violation, the offender shall serve the 2655  
mandatory prison term imposed pursuant to division (D)(5) of this 2656  
section consecutively to and prior to the mandatory prison term 2657  
imposed pursuant to division (D)(6) of this section and 2658  
consecutively to and prior to any prison term imposed for the 2659  
underlying violation of division (A)(1) or (2) of section 2903.06 2660  
of the Revised Code pursuant to division (A) of this section. 2661

(6) When consecutive prison terms are imposed pursuant to 2662  
division (E)(1), (2), (3), (4), or (5) of this section, the term 2663  
to be served is the aggregate of all of the terms so imposed. 2664

(F)(1) If a court imposes a prison term for a felony of the 2665  
first degree, for a felony of the second degree, for a felony sex 2666  
offense, or for a felony of the third degree that is not a felony 2667  
sex offense and in the commission of which the offender caused or 2668  
threatened to cause physical harm to a person, it shall include in 2669  
the sentence a requirement that the offender be subject to a 2670  
period of post-release control after the offender's release from 2671  
imprisonment, in accordance with that division. If a court imposes 2672  
a sentence including a prison term of a type described in this 2673  
division on or after ~~the effective date of this amendment~~ July 11, 2674  
2006, the failure of a court to include a post-release control 2675  
requirement in the sentence pursuant to this division does not 2676  
negate, limit, or otherwise affect the mandatory period of 2677  
post-release control that is required for the offender under 2678  
division (B) of section 2967.28 of the Revised Code. Section 2679  
2929.191 of the Revised Code applies if, prior to ~~the effective~~ 2680  
~~date of this amendment~~ July 11, 2006, a court imposed a sentence 2681  
including a prison term of a type described in this division and 2682  
failed to include in the sentence pursuant to this division a 2683  
statement regarding post-release control. 2684

(2) If a court imposes a prison term for a felony of the 2685

third, fourth, or fifth degree that is not subject to division 2686  
(F)(1) of this section, it shall include in the sentence a 2687  
requirement that the offender be subject to a period of 2688  
post-release control after the offender's release from 2689  
imprisonment, in accordance with that division, if the parole 2690  
board determines that a period of post-release control is 2691  
necessary. Section 2929.191 of the Revised Code applies if, prior 2692  
to ~~the effective date of this amendment~~ July 11, 2006, a court 2693  
imposed a sentence including a prison term of a type described in 2694  
this division and failed to include in the sentence pursuant to 2695  
this division a statement regarding post-release control. 2696

(G) If a person is convicted of or pleads guilty to a violent 2697  
sex offense or a designated homicide, assault, or kidnapping 2698  
offense and, in relation to that offense, the offender is 2699  
adjudicated a sexually violent predator, if a person is convicted 2700  
of or pleads guilty to a violation of division (A)(1)(b) of 2701  
section 2907.02 of the Revised Code committed on or after the 2702  
effective date of this amendment and the court does not impose a 2703  
sentence of life without parole when authorized pursuant to 2704  
division (B) of section 2907.02 of the Revised Code, or if a 2705  
person is convicted of or pleads guilty to attempted rape 2706  
committed on or after the effective date of this amendment and a 2707  
specification of the type described in section 2941.1418, 2708  
2941.1419, or 2941.1420 of the Revised Code, the court shall 2709  
impose sentence upon the offender in accordance with section 2710  
2971.03 of the Revised Code, and Chapter 2971. of the Revised Code 2711  
applies regarding the prison term or term of life imprisonment 2712  
without parole imposed upon the offender and the service of that 2713  
term of imprisonment. 2714

(H) If a person who has been convicted of or pleaded guilty 2715  
to a felony is sentenced to a prison term or term of imprisonment 2716  
under this section, sections 2929.02 to 2929.06 of the Revised 2717



Code, section 2971.03 of the Revised Code, or any other provision 2718  
of law, section 5120.163 of the Revised Code applies regarding the 2719  
person while the person is confined in a state correctional 2720  
institution. 2721

(I) If an offender who is convicted of or pleads guilty to a 2722  
felony that is an offense of violence also is convicted of or 2723  
pleads guilty to a specification of the type described in section 2724  
2941.142 of the Revised Code that charges the offender with having 2725  
committed the felony while participating in a criminal gang, the 2726  
court shall impose upon the offender an additional prison term of 2727  
one, two, or three years. 2728

(J) If an offender who is convicted of or pleads guilty to 2729  
aggravated murder, murder, or a felony of the first, second, or 2730  
third degree that is an offense of violence also is convicted of 2731  
or pleads guilty to a specification of the type described in 2732  
section 2941.143 of the Revised Code that charges the offender 2733  
with having committed the offense in a school safety zone or 2734  
towards a person in a school safety zone, the court shall impose 2735  
upon the offender an additional prison term of two years. The 2736  
offender shall serve the additional two years consecutively to and 2737  
prior to the prison term imposed for the underlying offense. 2738

(K) At the time of sentencing, the court may recommend the 2739  
offender for placement in a program of shock incarceration under 2740  
section 5120.031 of the Revised Code or for placement in an 2741  
intensive program prison under section 5120.032 of the Revised 2742  
Code, disapprove placement of the offender in a program of shock 2743  
incarceration or an intensive program prison of that nature, or 2744  
make no recommendation on placement of the offender. In no case 2745  
shall the department of rehabilitation and correction place the 2746  
offender in a program or prison of that nature unless the 2747  
department determines as specified in section 5120.031 or 5120.032 2748  
of the Revised Code, whichever is applicable, that the offender is 2749

eligible for the placement. 2750

If the court disapproves placement of the offender in a 2751  
program or prison of that nature, the department of rehabilitation 2752  
and correction shall not place the offender in any program of 2753  
shock incarceration or intensive program prison. 2754

If the court recommends placement of the offender in a 2755  
program of shock incarceration or in an intensive program prison, 2756  
and if the offender is subsequently placed in the recommended 2757  
program or prison, the department shall notify the court of the 2758  
placement and shall include with the notice a brief description of 2759  
the placement. 2760

If the court recommends placement of the offender in a 2761  
program of shock incarceration or in an intensive program prison 2762  
and the department does not subsequently place the offender in the 2763  
recommended program or prison, the department shall send a notice 2764  
to the court indicating why the offender was not placed in the 2765  
recommended program or prison. 2766

If the court does not make a recommendation under this 2767  
division with respect to an offender and if the department 2768  
determines as specified in section 5120.031 or 5120.032 of the 2769  
Revised Code, whichever is applicable, that the offender is 2770  
eligible for placement in a program or prison of that nature, the 2771  
department shall screen the offender and determine if there is an 2772  
available program of shock incarceration or an intensive program 2773  
prison for which the offender is suited. If there is an available 2774  
program of shock incarceration or an intensive program prison for 2775  
which the offender is suited, the department shall notify the 2776  
court of the proposed placement of the offender as specified in 2777  
section 5120.031 or 5120.032 of the Revised Code and shall include 2778  
with the notice a brief description of the placement. The court 2779  
shall have ten days from receipt of the notice to disapprove the 2780

placement.

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

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(2) Except as otherwise provided in this division, before imposing sentence on an offender who is being sentenced on or after January 1, 1997, for a sexually oriented offense that is not a registration-exempt sexually oriented offense and who is in any category of offender described in division (B)(1)(a)(i), (ii), or (iii) of section 2950.09 of the Revised Code, the court shall conduct a hearing in accordance with division (B) of section 2950.09 of the Revised Code to determine whether the offender is a sexual predator. The court shall not conduct a hearing under that division if the offender is being sentenced for a violent sex offense or a designated homicide, assault, or kidnapping offense and, in relation to that offense, the offender was adjudicated a sexually violent predator, if the offender is being sentenced for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment, or if the offender is being sentenced for attempted

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rape committed on or after the effective date of this amendment 2812  
and a specification of the type described in section 2941.1418, 2813  
2941.1419, or 2941.1420 of the Revised Code. Before imposing 2814  
sentence on an offender who is being sentenced for a sexually 2815  
oriented offense that is not a registration-exempt sexually 2816  
oriented offense, the court also shall comply with division (E) of 2817  
section 2950.09 of the Revised Code. 2818

Before imposing sentence on or after July 31, 2003, on an 2819  
offender who is being sentenced for a child-victim oriented 2820  
offense, regardless of when the offense was committed, the court 2821  
shall conduct a hearing in accordance with division (B) of section 2822  
2950.091 of the Revised Code to determine whether the offender is 2823  
a child-victim predator. Before imposing sentence on an offender 2824  
who is being sentenced for a child-victim oriented offense, the 2825  
court also shall comply with division (E) of section 2950.091 of 2826  
the Revised Code. 2827

(B)(1) At the sentencing hearing, the court, before imposing 2828  
sentence, shall consider the record, any information presented at 2829  
the hearing by any person pursuant to division (A) of this 2830  
section, and, if one was prepared, the presentence investigation 2831  
report made pursuant to section 2951.03 of the Revised Code or 2832  
Criminal Rule 32.2, and any victim impact statement made pursuant 2833  
to section 2947.051 of the Revised Code. 2834

(2) The court shall impose a sentence and shall make a 2835  
finding that gives its reasons for selecting the sentence imposed 2836  
in any of the following circumstances: 2837

(a) Unless the offense is a violent sex offense or designated 2838  
homicide, assault, or kidnapping offense for which the court is 2839  
required to impose sentence pursuant to division (G) of section 2840  
2929.14 of the Revised Code, if it imposes a prison term for a 2841  
felony of the fourth or fifth degree or for a felony drug offense 2842  
that is a violation of a provision of Chapter 2925. of the Revised 2843

Code and that is specified as being subject to division (B) of 2844  
section 2929.13 of the Revised Code for purposes of sentencing, 2845  
its reasons for imposing the prison term, based upon the 2846  
overriding purposes and principles of felony sentencing set forth 2847  
in section 2929.11 of the Revised Code, and any factors listed in 2848  
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code 2849  
that it found to apply relative to the offender. 2850

(b) If it does not impose a prison term for a felony of the 2851  
first or second degree or for a felony drug offense that is a 2852  
violation of a provision of Chapter 2925. of the Revised Code and 2853  
for which a presumption in favor of a prison term is specified as 2854  
being applicable, its reasons for not imposing the prison term and 2855  
for overriding the presumption, based upon the overriding purposes 2856  
and principles of felony sentencing set forth in section 2929.11 2857  
of the Revised Code, and the basis of the findings it made under 2858  
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 2859

(c) If it imposes consecutive sentences under section 2929.14 2860  
of the Revised Code, its reasons for imposing the consecutive 2861  
sentences; 2862

(d) If the sentence is for one offense and it imposes a 2863  
prison term for the offense that is the maximum prison term 2864  
allowed for that offense by division (A) of section 2929.14 of the 2865  
Revised Code, its reasons for imposing the maximum prison term; 2866

(e) If the sentence is for two or more offenses arising out 2867  
of a single incident and it imposes a prison term for those 2868  
offenses that is the maximum prison term allowed for the offense 2869  
of the highest degree by division (A) of section 2929.14 of the 2870  
Revised Code, its reasons for imposing the maximum prison term. 2871

(3) Subject to division (B)(4) of this section, if the 2872  
sentencing court determines at the sentencing hearing that a 2873  
prison term is necessary or required, the court shall do all of 2874

the following: 2875

(a) Impose a stated prison term; 2876

(b) Notify the offender that, as part of the sentence, the 2877  
parole board may extend the stated prison term for certain 2878  
violations of prison rules for up to one-half of the stated prison 2879  
term; 2880

(c) Notify the offender that the offender will be supervised 2881  
under section 2967.28 of the Revised Code after the offender 2882  
leaves prison if the offender is being sentenced for a felony of 2883  
the first degree or second degree, for a felony sex offense, or 2884  
for a felony of the third degree that is not a felony sex offense 2885  
and in the commission of which the offender caused or threatened 2886  
to cause physical harm to a person. If a court imposes a sentence 2887  
including a prison term of a type described in division (B)(3)(c) 2888  
of this section on or after ~~the effective date of this amendment~~ 2889  
July 11, 2006, the failure of a court to notify the offender 2890  
pursuant to division (B)(3)(c) of this section that the offender 2891  
will be supervised under section 2967.28 of the Revised Code after 2892  
the offender leaves prison or to include in the judgment of 2893  
conviction entered on the journal a statement to that effect does 2894  
not negate, limit, or otherwise affect the mandatory period of 2895  
supervision that is required for the offender under division (B) 2896  
of section 2967.28 of the Revised Code. Section 2929.191 of the 2897  
Revised Code applies if, prior to ~~the effective date of this~~ 2898  
~~amendment~~ July 11, 2006, a court imposed a sentence including a 2899  
prison term of a type described in division (B)(3)(c) of this 2900  
section and failed to notify the offender pursuant to division 2901  
(B)(3)(c) of this section regarding post-release control or to 2902  
include in the judgment of conviction entered on the journal or in 2903  
the sentence a statement regarding post-release control. 2904

(d) Notify the offender that the offender may be supervised 2905

under section 2967.28 of the Revised Code after the offender 2906  
leaves prison if the offender is being sentenced for a felony of 2907  
the third, fourth, or fifth degree that is not subject to division 2908  
(B)(3)(c) of this section. Section 2929.191 of the Revised Code 2909  
applies if, prior to ~~the effective date of this amendment~~ July 11, 2910  
2006, a court imposed a sentence including a prison term of a type 2911  
described in division (B)(3)(d) of this section and failed to 2912  
notify the offender pursuant to division (B)(3)(d) of this section 2913  
regarding post-release control or to include in the judgment of 2914  
conviction entered on the journal or in the sentence a statement 2915  
regarding post-release control. 2916

(e) Notify the offender that, if a period of supervision is 2917  
imposed following the offender's release from prison, as described 2918  
in division (B)(3)(c) or (d) of this section, and if the offender 2919  
violates that supervision or a condition of post-release control 2920  
imposed under division (B) of section 2967.131 of the Revised 2921  
Code, the parole board may impose a prison term, as part of the 2922  
sentence, of up to one-half of the stated prison term originally 2923  
imposed upon the offender. If a court imposes a sentence including 2924  
a prison term on or after ~~the effective date of this amendment~~ 2925  
July 11, 2006, the failure of a court to notify the offender 2926  
pursuant to division (B)(3)(e) of this section that the parole 2927  
board may impose a prison term as described in division (B)(3)(e) 2928  
of this section for a violation of that supervision or a condition 2929  
of post-release control imposed under division (B) of section 2930  
2967.131 of the Revised Code or to include in the judgment of 2931  
conviction entered on the journal a statement to that effect does 2932  
not negate, limit, or otherwise affect the authority of the parole 2933  
board to so impose a prison term for a violation of that nature 2934  
if, pursuant to division (D)(1) of section 2967.28 of the Revised 2935  
Code, the parole board notifies the offender prior to the 2936  
offender's release of the board's authority to so impose a prison 2937

term. Section 2929.191 of the Revised Code applies if, prior to 2938  
~~the effective date of this amendment July 11, 2006,~~ a court 2939  
imposed a sentence including a prison term and failed to notify 2940  
the offender pursuant to division (B)(3)(e) of this section 2941  
regarding the possibility of the parole board imposing a prison 2942  
term for a violation of supervision or a condition of post-release 2943  
control. 2944

(f) Require that the offender not ingest or be injected with 2945  
a drug of abuse and submit to random drug testing as provided in 2946  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 2947  
is applicable to the offender who is serving a prison term, and 2948  
require that the results of the drug test administered under any 2949  
of those sections indicate that the offender did not ingest or was 2950  
not injected with a drug of abuse. 2951

(4) If the offender is being sentenced for a violent sex 2952  
offense or designated homicide, assault, or kidnapping offense 2953  
that the offender committed on or after January 1, 1997, and the 2954  
offender is adjudicated a sexually violent predator in relation to 2955  
that offense, if the offender is being sentenced for a sexually 2956  
oriented offense that is not a registration-exempt sexually 2957  
oriented offense and that the offender committed on or after 2958  
January 1, 1997, and the court imposing the sentence has 2959  
determined pursuant to division (B) of section 2950.09 of the 2960  
Revised Code that the offender is a sexual predator, if the 2961  
offender is being sentenced on or after July 31, 2003, for a 2962  
child-victim oriented offense and the court imposing the sentence 2963  
has determined pursuant to division (B) of section 2950.091 of the 2964  
Revised Code that the offender is a child-victim predator, ~~or~~ if 2965  
the offender is being sentenced for an aggravated sexually 2966  
oriented offense as defined in section 2950.01 of the Revised 2967  
Code, if the offender is being sentenced for a violation of 2968  
division (A)(1)(b) of section 2907.02 of the Revised Code 2969



committed on or after the effective date of this amendment, or if 2970  
the offender is being sentenced for attempted rape committed on or 2971  
after the effective date of this amendment and a specification of 2972  
the type described in section 2941.1418, 2941.1419, or 2941.1420 2973  
of the Revised Code, the court shall include in the offender's 2974  
sentence a statement that the offender has been adjudicated a 2975  
sexual predator, has been adjudicated a child victim predator, or 2976  
has been convicted of or pleaded guilty to an aggravated sexually 2977  
oriented offense, whichever is applicable, and shall comply with 2978  
the requirements of section 2950.03 of the Revised Code. 2979  
Additionally, in the circumstances described in division (G) of 2980  
section 2929.14 of the Revised Code, the court shall impose 2981  
sentence on the offender as described in that division. 2982

(5) If the sentencing court determines at the sentencing 2983  
hearing that a community control sanction should be imposed and 2984  
the court is not prohibited from imposing a community control 2985  
sanction, the court shall impose a community control sanction. The 2986  
court shall notify the offender that, if the conditions of the 2987  
sanction are violated, if the offender commits a violation of any 2988  
law, or if the offender leaves this state without the permission 2989  
of the court or the offender's probation officer, the court may 2990  
impose a longer time under the same sanction, may impose a more 2991  
restrictive sanction, or may impose a prison term on the offender 2992  
and shall indicate the specific prison term that may be imposed as 2993  
a sanction for the violation, as selected by the court from the 2994  
range of prison terms for the offense pursuant to section 2929.14 2995  
of the Revised Code. 2996

(6) Before imposing a financial sanction under section 2997  
2929.18 of the Revised Code or a fine under section 2929.32 of the 2998  
Revised Code, the court shall consider the offender's present and 2999  
future ability to pay the amount of the sanction or fine. 3000

(7) If the sentencing court sentences the offender to a 3001

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.

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

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

impose a prison term upon the offender as provided in division 3033  
(A)(1) of section 2929.13 of the Revised Code. 3034

(2) If the offender is being sentenced for a third or fourth 3035  
degree felony OVI offense under division (G)(2) of section 2929.13 3036  
of the Revised Code, the court shall impose the mandatory prison 3037  
term in accordance with that division, shall impose a mandatory 3038  
fine in accordance with division (B)(3) of section 2929.18 of the 3039  
Revised Code, and, in addition, may impose an additional prison 3040  
term as specified in section 2929.14 of the Revised Code. In 3041  
addition to the mandatory prison term or mandatory prison term and 3042  
additional prison term the court imposes, the court also may 3043  
impose a community control sanction on the offender, but the 3044  
offender shall serve all of the prison terms so imposed prior to 3045  
serving the community control sanction. 3046

(D) The sentencing court, pursuant to division (K) of section 3047  
2929.14 of the Revised Code, may recommend placement of the 3048  
offender in a program of shock incarceration under section 3049  
5120.031 of the Revised Code or an intensive program prison under 3050  
section 5120.032 of the Revised Code, disapprove placement of the 3051  
offender in a program or prison of that nature, or make no 3052  
recommendation. If the court recommends or disapproves placement, 3053  
it shall make a finding that gives its reasons for its 3054  
recommendation or disapproval. 3055

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in 3056  
a case who has requested to receive notice under this section 3057  
shall be given notice of the incarceration of the defendant. If an 3058  
alleged juvenile offender is committed to the temporary custody of 3059  
a school, camp, institution, or other facility operated for the 3060  
care of delinquent children or to the legal custody of the 3061  
department of youth services, a victim in a case who has requested 3062  
to receive notice under this section shall be given notice of the 3063

commitment. Promptly after sentence is imposed upon the defendant 3064  
or the commitment of the alleged juvenile offender is ordered, the 3065  
prosecutor in the case shall notify the victim of the date on 3066  
which the defendant will be released from confinement or the 3067  
prosecutor's reasonable estimate of that date or the date on which 3068  
the alleged juvenile offender will have served the minimum period 3069  
of commitment or the prosecutor's reasonable estimate of that 3070  
date. The prosecutor also shall notify the victim of the name of 3071  
the custodial agency of the defendant or alleged juvenile offender 3072  
and tell the victim how to contact that custodial agency. If the 3073  
custodial agency is the department of rehabilitation and 3074  
correction, the prosecutor shall notify the victim of the services 3075  
offered by the office of victims' services pursuant to section 3076  
5120.60 of the Revised Code. If the custodial agency is the 3077  
department of youth services, the prosecutor shall notify the 3078  
victim of the services provided by the office of victims' services 3079  
within the release authority of the department pursuant to section 3080  
5139.55 of the Revised Code and the victim's right pursuant to 3081  
section 5139.56 of the Revised Code to submit a written request to 3082  
the release authority to be notified of actions the release 3083  
authority takes with respect to the alleged juvenile offender. The 3084  
victim shall keep the custodial agency informed of the victim's 3085  
current address and telephone number. 3086

(B)(1) Upon the victim's request, the prosecutor promptly 3087  
shall notify the victim of any hearing for judicial release of the 3088  
defendant pursuant to section 2929.20 of the Revised Code or of 3089  
any hearing for judicial release or early release of the alleged 3090  
juvenile offender pursuant to section 2151.38 of the Revised Code 3091  
and of the victim's right to make a statement under those 3092  
sections. The court shall notify the victim of its ruling in each 3093  
of those hearings and on each of those applications. 3094

(2) If an offender is convicted of or pleads guilty to a 3095

violent sex offense or designated homicide, assault, or kidnapping 3096  
offense, ~~if~~ the offender is adjudicated a sexually violent 3097  
predator in relation to that crime, and ~~if~~ the offender is 3098  
sentenced to a prison term for that crime pursuant to division 3099  
(A)(3) of section 2971.03 of the Revised Code, if an offender is 3100  
convicted of or pleads guilty to a violation of division (A)(1)(b) 3101  
of section 2907.02 of the Revised Code committed on or after the 3102  
effective date of this amendment, and the offender is sentenced to 3103  
a prison term for that offense pursuant to division (B)(1)(a), 3104  
(b), or (c) of section 2971.03 of the Revised Code, if an offender 3105  
is convicted of or pleads guilty to attempted rape committed on or 3106  
after the effective date of this amendment, the offender also is 3107  
convicted of or pleads guilty to a specification of the type 3108  
described in section 2941.1418 of the Revised Code, and the 3109  
offender is sentenced to a prison term for that offense pursuant 3110  
to division (B)(2)(a) of section 2971.03 of the Revised Code, if 3111  
the offender is convicted of or pleads guilty to attempted rape 3112  
committed on or after the effective date of this amendment, the 3113  
offender also is convicted of or pleads guilty to a specification 3114  
of the type described in section 2941.1419 of the Revised Code, 3115  
and the offender is sentenced to a prison term for that offense 3116  
pursuant to division (B)(2)(b) of section 2971.03 of the Revised 3117  
Code, or if the offender is convicted of or pleads guilty to 3118  
attempted rape committed on or after the effective date of this 3119  
amendment, the offender also is convicted of or pleads guilty to a 3120  
specification of the type described in section 2941.1420 of the 3121  
Revised Code, and the offender is sentenced to a prison term for 3122  
that offense pursuant to division (B)(2)(c) of section 2971.03 of 3123  
the Revised Code, upon the request of the victim of the crime, the 3124  
prosecutor promptly shall notify the victim of any hearing to be 3125  
conducted pursuant to section 2971.05 of the Revised Code to 3126  
determine whether to modify the requirement that the offender 3127  
serve the entire prison term in a state correctional facility in 3128

accordance with division (C) of that section, whether to continue, 3129  
revise, or revoke any existing modification of that requirement, 3130  
or whether to terminate the prison term in accordance with 3131  
division (D) of that section. The court shall notify the victim of 3132  
any order issued at the conclusion of the hearing. As used in this 3133  
division: 3134

(a) "Adjudicated a sexually violent predator" has the same 3135  
meaning as in section 2929.01 of the Revised Code and a person is 3136  
"adjudicated a sexually violent predator" in the same manner and 3137  
the same circumstances as are described in that section. 3138

(b) "Designated homicide, assault, or kidnapping offense" and 3139  
"violent sex offense" have the same meanings as in section 2971.01 3140  
of the Revised Code. 3141

(c) Upon the victim's request made at any time before the 3142  
particular notice would be due, the custodial agency of a 3143  
defendant or alleged juvenile offender shall give the victim any 3144  
of the following notices that is applicable: 3145

(1) At least three weeks before the adult parole authority 3146  
recommends a pardon or commutation of sentence for the defendant 3147  
or at least three weeks prior to a hearing before the adult parole 3148  
authority regarding a grant of parole to the defendant, notice of 3149  
the victim's right to submit a statement regarding the impact of 3150  
the defendant's release in accordance with section 2967.12 of the 3151  
Revised Code and, if applicable, of the victim's right to appear 3152  
at a full board hearing of the parole board to give testimony as 3153  
authorized by section 5149.101 of the Revised Code; 3154

(2) At least three weeks before the defendant is transferred 3155  
to transitional control under section 2967.26 of the Revised Code, 3156  
notice of the pendency of the transfer and of the victim's right 3157  
under that section to submit a statement regarding the impact of 3158  
the transfer; 3159

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

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

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

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

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

(a) The offender is charged with a violent sex offense, and the indictment, count in the indictment, or information charging the violent sex offense also includes a specification that the offender is a sexually violent predator, or the offender is charged with a designated homicide, assault, or kidnapping

offense, and the indictment, count in the indictment, or 3190  
information charging the designated homicide, assault, or 3191  
kidnapping offense also includes both a specification of the type 3192  
described in section 2941.147 of the Revised Code and a 3193  
specification that the offender is a sexually violent predator. 3194  
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(b) The offender is convicted of or pleads guilty to a 3196  
violation of division (A)(1)(b) of section 2907.02 of the Revised 3197  
Code committed on or after the effective date of this amendment. 3198

(c) The offender is convicted of or pleads guilty to 3199  
attempted rape committed on or after the effective date of this 3200  
amendment and to a specification of the type described in section 3201  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 3202

(2) A specification required under division (A)(1)(a) of this 3203  
section that the an offender is a sexually violent predator shall 3204  
be stated at the end of the body of the indictment, count, or 3205  
information and shall be stated in substantially the following 3206  
form: 3207

"Specification (or, specification to the first count). The 3208  
grand jury (or insert the person's or prosecuting attorney's name 3209  
when appropriate) further find and specify that the offender is a 3210  
sexually violent predator." 3211

(B) In determining for purposes of this section whether a 3212  
person is a sexually violent predator, all of the factors set 3213  
forth in divisions (H)(1) to (6) of section 2971.01 of the Revised 3214  
Code that apply regarding the person may be considered as evidence 3215  
tending to indicate that it is likely that the person will engage 3216  
in the future in one or more sexually violent offenses. 3217

(C) As used in this section, "designated homicide, assault, 3218  
or kidnapping offense," "violent sex offense," and "sexually 3219  
violent predator" have the same meanings as in section 2971.01 of 3220



the Revised Code.

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Sec. 2941.1418. (A) Imposition of a mandatory indefinite  
prison term consisting of a minimum term of five years and a  
maximum term of twenty-five years upon an offender pursuant to  
division (A)(3)(e)(ii) or (B)(2)(a) 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.

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

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"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."

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Sec. 2941.1419. Imposition of a mandatory indefinite prison  
term consisting of a minimum term of ten years and a maximum term  
of life imprisonment upon an offender pursuant to division  
(A)(3)(e)(iii) or (B)(2)(b) 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 and either the

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victim was under ten years of age or the offender attempted to 3251  
commit rape by purposely compelling the victim to submit by force 3252  
or threat of force. The specification shall be stated at the end 3253  
of the body of the indictment, count, or information and shall be 3254  
stated in substantially the following form: 3255

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3256  
Grand Jurors (or insert the person's or the prosecuting attorney's 3257  
name when appropriate) further find and specify that (set forth 3258  
that, had the offender completed the rape that was attempted, the 3259  
offender would have been guilty of a violation of division 3260  
(A)(1)(b) of section 2907.02 of the Revised Code, and either the 3261  
victim was under ten years of age or the offender attempted to 3262  
commit rape by purposely compelling the victim to submit by force 3263  
or threat of force)." 3264

Sec. 2941.1420. (A) Imposition of a mandatory indefinite 3265  
prison term consisting of a minimum term of fifteen years and a 3266  
maximum term of life imprisonment upon an offender pursuant to 3267  
division (A)(3)(e)(iv) or (B)(2)(c) of section 2971.03 of the 3268  
Revised Code is precluded unless the offender is convicted of or 3269  
pleads guilty to attempted rape and unless the indictment, count 3270  
in the indictment, or information charging the offense specifies 3271  
that, had the offender completed the rape that was attempted, the 3272  
offender would have been guilty of rape in violation of division 3273  
(A)(1)(b) of section 2907.02 of the Revised Code, and any of the 3274  
following apply: 3275

(1) The offender previously has been convicted of or pleaded 3276  
guilty to one of the following: 3277

(a) Attempted rape and previously has been convicted of or 3278  
pleaded guilty to a specification of the type described in this 3279  
section or section 2941.1418 or 2941.1419 of the Revised Code; 3280

(b) Attempted rape under circumstances that are substantially similar to the circumstances described in this section or section 2941.1419 or 2941.1420 of the Revised Code; 3281  
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(c) A violation of an existing or former law of this state, another state, or the United States that is substantially similar to any of the offenses described in divisions (A)(1)(a) and (b) of this section. 3284  
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(2) The offender previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of section 2907.02 of the Revised Code or to violating a substantially similar existing or former law of this state, another state, or the United States. 3288  
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(3) The offender during or immediately after the commission of the offense caused serious physical harm to the victim. 3292  
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(B) The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 3294  
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code, and the offender previously has been convicted of or pleaded guilty to attempted rape and previously has been convicted of or pleaded guilty to a specification of the type described in this section or section 2941.1418 or 2941.1419 of the Revised Code, previously has been convicted of or pleaded guilty to attempted rape under circumstances that are substantially similar to the circumstances described in this section or section 2941.1419 or 2941.1420 of the Revised Code, or previously has been convicted of or pleaded guilty to violating a substantially similar existing or former law 3297  
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of this state, another state, or the United States; previously has 3312  
been convicted of or pleaded guilty to violating division 3313  
(A)(1)(b) of section 2907.02 of the Revised Code or to violating a 3314  
substantially similar existing or former law of this state, 3315  
another state, or the United States; or the offender during or 3316  
immediately after the commission of the offense caused serious 3317  
physical harm to the victim)." 3318

**Sec. 2950.01.** As used in this chapter, unless the context 3319  
clearly requires otherwise: 3320

(A) "Confinement" includes, but is not limited to, a 3321  
community residential sanction imposed pursuant to section 2929.16 3322  
or 2929.26 of the Revised Code. 3323

(B) "Habitual sex offender" means, except when a juvenile 3324  
judge removes this classification pursuant to division (A)(2) of 3325  
section 2152.84 or division (C)(2) of section 2152.85 of the 3326  
Revised Code, a person to whom both of the following apply: 3327

(1) The person is convicted of or pleads guilty to a sexually 3328  
oriented offense that is not a registration-exempt sexually 3329  
oriented offense, or the person is adjudicated a delinquent child 3330  
for committing on or after January 1, 2002, a sexually oriented 3331  
offense that is not a registration-exempt sexually oriented 3332  
offense, was fourteen years of age or older at the time of 3333  
committing the offense, and is classified a juvenile sex offender 3334  
registrant based on that adjudication. 3335

(2) One of the following applies to the person: 3336

(a) Regarding a person who is an offender, the person 3337  
previously was convicted of or pleaded guilty to one or more 3338  
sexually oriented offenses or child-victim oriented offenses or 3339  
previously was adjudicated a delinquent child for committing one 3340  
or more sexually oriented offenses or child-victim oriented 3341

offenses and was classified a juvenile offender registrant or 3342  
out-of-state juvenile offender registrant based on one or more of 3343  
those adjudications, regardless of when the offense was committed 3344  
and regardless of the person's age at the time of committing the 3345  
offense. 3346

(b) Regarding a delinquent child, the person previously was 3347  
convicted of, pleaded guilty to, or was adjudicated a delinquent 3348  
child for committing one or more sexually oriented offenses or 3349  
child-victim oriented offenses, regardless of when the offense was 3350  
committed and regardless of the person's age at the time of 3351  
committing the offense. 3352

(C) "Prosecutor" has the same meaning as in section 2935.01 3353  
of the Revised Code. 3354

(D) "Sexually oriented offense" means any of the following: 3355

(1) Any of the following violations or offenses committed by 3356  
a person eighteen years of age or older: 3357

(a) Regardless of the age of the victim of the offense, a 3358  
violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the 3359  
Revised Code; 3360

(b) Any of the following offenses involving a minor, in the 3361  
circumstances specified: 3362

(i) A violation of division (A)(4) of section 2905.01 or 3363  
section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the 3364  
victim of the offense is under eighteen years of age; 3365

(ii) A violation of section 2907.21 of the Revised Code when 3366  
the person who is compelled, induced, procured, encouraged, 3367  
solicited, requested, or facilitated to engage in, paid or agreed 3368  
to be paid for, or allowed to engage in the sexual activity in 3369  
question is under eighteen years of age; 3370

(iii) A violation of division (A)(1) or (3) of section 3371

2907.321 or 2907.322 of the Revised Code;	3372
(iv) A violation of division (A)(1) or (2) of section 2907.323 of the Revised Code;	3373 3374
(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;	3375 3376 3377
(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.	3378 3379 3380 3381 3382
(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;	3383 3384 3385 3386
(d) A violent sex offense, or a designated homicide, assault, or kidnapping offense if the offender also was convicted of or pleaded guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the designated homicide, assault, or kidnapping offense;	3387 3388 3389 3390 3391 3392
(e) A violation of section 2907.06 or 2907.08 of the Revised Code when the victim of the offense is eighteen years of age or older, or a violation of section 2903.211 of the Revised Code when the victim of the offense is eighteen years of age or older and the offense is committed with a sexual motivation;	3393 3394 3395 3396 3397
(f) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law	3398 3399 3400 3401

of any nation other than the United States, that is or was 3402  
substantially equivalent to any offense listed in division 3403  
(D)(1)(a), (b), (c), (d), or (e) of this section; 3404

(g) An attempt to commit, conspiracy to commit, or complicity 3405  
in committing any offense listed in division (D)(1)(a), (b), (c), 3406  
(d), (e), or (f) of this section. 3407

(2) An act committed by a person under eighteen years of age 3408  
that is any of the following: 3409

(a) Subject to division (D)(2)(i) of this section, regardless 3410  
of the age of the victim of the violation, a violation of section 3411  
2907.02, 2907.03, 2907.05, or 2907.07 of the Revised Code; 3412

(b) Subject to division (D)(2)(i) of this section, any of the 3413  
following acts involving a minor in the circumstances specified: 3414

(i) A violation of division (A)(4) of section 2905.01 or 3415  
section 2907.06 or 2907.08 of the Revised Code, when the victim of 3416  
the violation is under eighteen years of age; 3417

(ii) A violation of section 2907.21 of the Revised Code when 3418  
the person who is compelled, induced, procured, encouraged, 3419  
solicited, requested, or facilitated to engage in, paid or agreed 3420  
to be paid for, or allowed to engage in the sexual activity in 3421  
question is under eighteen years of age; 3422

(iii) A violation of division (B)(5) of section 2919.22 of 3423  
the Revised Code when the child who is involved in the violation 3424  
is under eighteen years of age; 3425

(iv) A violation of division (A)(1), (2), (3), or (5) of 3426  
section 2905.01, section 2903.211, or former section 2905.04 of 3427  
the Revised Code, when the victim of the violation is under 3428  
eighteen years of age and the offense is committed with a sexual 3429  
motivation. 3430

(c) Subject to division (D)(2)(i) of this section, any of the 3431

following: 3432

(i) Any violent sex offense that, if committed by an adult, 3433  
would be a felony of the first, second, third, or fourth degree; 3434

(ii) Any designated homicide, assault, or kidnapping offense 3435  
if that offense, if committed by an adult, would be a felony of 3436  
the first, second, third, or fourth degree and if the court 3437  
determined that, if the child was an adult, the child would be 3438  
guilty of a sexual motivation specification regarding that 3439  
offense. 3440

(d) Subject to division (D)(2)(i) of this section, a 3441  
violation of section 2903.01, 2903.02, 2903.11, 2905.01, or 3442  
2905.02 of the Revised Code, a violation of division (A) of 3443  
section 2903.04 of the Revised Code, or an attempt to violate any 3444  
of those sections or that division that is committed with a sexual 3445  
motivation; 3446

(e) Subject to division (D)(2)(i) of this section, a 3447  
violation of division (A)(1) or (3) of section 2907.321, division 3448  
(A)(1) or (3) of section 2907.322, or division (A)(1) or (2) of 3449  
section 2907.323 of the Revised Code, or an attempt to violate any 3450  
of those divisions, if the person who violates or attempts to 3451  
violate the division is four or more years older than the minor 3452  
who is the victim of the violation; 3453

(f) Subject to division (D)(2)(i) of this section, a 3454  
violation of section 2907.06 or 2907.08 of the Revised Code when 3455  
the victim of the violation is eighteen years of age or older, or 3456  
a violation of section 2903.211 of the Revised Code when the 3457  
victim of the violation is eighteen years of age or older and the 3458  
offense is committed with a sexual motivation; 3459

(g) Subject to division (D)(2)(i) of this section, any 3460  
violation of any former law of this state, any existing or former 3461  
municipal ordinance or law of another state or the United States, 3462



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.

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

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

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

(F) "Supervised release" means a release of an offender from a prison term, a term of imprisonment, or another type of

confinement that satisfies either of the following conditions: 3494

(1) The release is on parole, a conditional pardon, under a 3495  
community control sanction, under transitional control, or under a 3496  
post-release control sanction, and it requires the person to 3497  
report to or be supervised by a parole officer, probation officer, 3498  
field officer, or another type of supervising officer. 3499

(2) The release is any type of release that is not described 3500  
in division (F)(1) of this section and that requires the person to 3501  
report to or be supervised by a probation officer, a parole 3502  
officer, a field officer, or another type of supervising officer. 3503

(G) An offender or delinquent child is "adjudicated as being 3504  
a sexual predator" or "adjudicated a sexual predator" if any of 3505  
the following applies and if, regarding a delinquent child, that 3506  
status has not been removed pursuant to section 2152.84, 2152.85, 3507  
or 2950.09 of the Revised Code: 3508

(1) The offender is convicted of or pleads guilty to 3509  
committing, on or after January 1, 1997, a sexually oriented 3510  
offense that is not a registration-exempt sexually oriented 3511  
offense, ~~the~~ and either of the following applies: 3512

(a) The sexually oriented offense is a violent sex offense or 3513  
a designated homicide, assault, or kidnapping offense, and the 3514  
offender is adjudicated a sexually violent predator in relation to 3515  
that offense. 3516

(b) The sexually oriented offense is a violation of division 3517  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 3518  
after the effective date of this amendment. 3519

(c) The sexually oriented offense is attempted rape committed 3520  
on or after the effective date of this amendment, and the offender 3521  
also was convicted of or pleaded guilty to a specification of the 3522  
type described in section 2941.1418, 2941.1419, or 2941.1420 of 3523

the Revised Code. 3524

(2) Regardless of when the sexually oriented offense was 3525  
committed, on or after January 1, 1997, the offender is sentenced 3526  
for a sexually oriented offense that is not a registration-exempt 3527  
sexually oriented offense, and the sentencing judge determines 3528  
pursuant to division (B) of section 2950.09 of the Revised Code 3529  
that the offender is a sexual predator. 3530

(3) The delinquent child is adjudicated a delinquent child 3531  
for committing a sexually oriented offense that is not a 3532  
registration-exempt sexually oriented offense, was fourteen years 3533  
of age or older at the time of committing the offense, and has 3534  
been classified a juvenile offender registrant based on that 3535  
adjudication, and the adjudicating judge or that judge's successor 3536  
in office determines pursuant to division (B) of section 2950.09 3537  
or pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of 3538  
the Revised Code that the delinquent child is a sexual predator. 3539

(4) Prior to January 1, 1997, the offender was convicted of 3540  
or pleaded guilty to, and was sentenced for, a sexually oriented 3541  
offense that is not a registration-exempt sexually oriented 3542  
offense, the offender is imprisoned in a state correctional 3543  
institution on or after January 1, 1997, and the court determines 3544  
pursuant to division (C) of section 2950.09 of the Revised Code 3545  
that the offender is a sexual predator. 3546

(5) Regardless of when the sexually oriented offense was 3547  
committed, the offender or delinquent child is convicted of or 3548  
pleads guilty to, has been convicted of or pleaded guilty to, or 3549  
is adjudicated a delinquent child for committing a sexually 3550  
oriented offense that is not a registration-exempt sexually 3551  
oriented offense in another state, in a federal court, military 3552  
court, or Indian tribal court, or in a court in any nation other 3553  
than the United States, as a result of that conviction, plea of 3554

guilty, or adjudication, the offender or delinquent child is 3555  
required, under the law of the jurisdiction in which the offender 3556  
was convicted or pleaded guilty or the delinquent child was 3557  
adjudicated, to register as a sex offender until the offender's or 3558  
delinquent child's death, and, on or after July 1, 1997, for 3559  
offenders or January 1, 2002, for delinquent children, the 3560  
offender or delinquent child moves to and resides in this state or 3561  
temporarily is domiciled in this state for more than five days or 3562  
the offender is required under section 2950.04 of the Revised Code 3563  
to register a school, institution of higher education, or place of 3564  
employment address in this state, unless a court of common pleas 3565  
or juvenile court determines that the offender or delinquent child 3566  
is not a sexual predator pursuant to division (F) of section 3567  
2950.09 of the Revised Code. 3568

(H) "Sexually violent predator specification," "sexually 3569  
violent offense," "sexual motivation specification," "designated 3570  
homicide, assault, or kidnapping offense," and "violent sex 3571  
offense" have the same meanings as in section 2971.01 of the 3572  
Revised Code. 3573

(I) "Post-release control sanction" and "transitional 3574  
control" have the same meanings as in section 2967.01 of the 3575  
Revised Code. 3576

(J) "Juvenile offender registrant" means a person who is 3577  
adjudicated a delinquent child for committing on or after January 3578  
1, 2002, a sexually oriented offense that is not a 3579  
registration-exempt sexually oriented offense or a child-victim 3580  
oriented offense, who is fourteen years of age or older at the 3581  
time of committing the offense, and who a juvenile court judge, 3582  
pursuant to an order issued under section 2152.82, 2152.83, 3583  
2152.84, or 2152.85 of the Revised Code, classifies a juvenile 3584  
offender registrant and specifies has a duty to comply with 3585  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code if the 3586

child committed a sexually oriented offense or with sections 3587  
2950.041, 2950.05, and 2950.06 of the Revised Code if the child 3588  
committed a child-victim oriented offense. "Juvenile offender 3589  
registrant" includes a person who, prior to July 31, 2003, was a 3590  
"juvenile sex offender registrant" under the former definition of 3591  
that former term. 3592

(K) "Secure facility" means any facility that is designed and 3593  
operated to ensure that all of its entrances and exits are locked 3594  
and under the exclusive control of its staff and to ensure that, 3595  
because of that exclusive control, no person who is 3596  
institutionalized or confined in the facility may leave the 3597  
facility without permission or supervision. 3598

(L) "Out-of-state juvenile offender registrant" means a 3599  
person who is adjudicated a delinquent child in a court in another 3600  
state, in a federal court, military court, or Indian tribal court, 3601  
or in a court in any nation other than the United States for 3602  
committing a sexually oriented offense that is not a 3603  
registration-exempt sexually oriented offense or a child-victim 3604  
oriented offense, who on or after January 1, 2002, moves to and 3605  
resides in this state or temporarily is domiciled in this state 3606  
for more than five days, and who has a duty under section 2950.04 3607  
of the Revised Code to register in this state and the duty to 3608  
otherwise comply with that section and sections 2950.05 and 3609  
2950.06 of the Revised Code if the child committed a sexually 3610  
oriented offense or has a duty under section 2950.041 of the 3611  
Revised Code to register in this state and the duty to otherwise 3612  
comply with that section and sections 2950.05 and 2950.06 of the 3613  
Revised Code if the child committed a child-victim oriented 3614  
offense. "Out-of-state juvenile offender registrant" includes a 3615  
person who, prior to July 31, 2003, was an "out-of-state juvenile 3616  
sex offender registrant" under the former definition of that 3617  
former term. 3618

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

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

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

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

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

(b) 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

committed by a person who is eighteen years of age or older and 3650  
that is or was substantially equivalent to any sexually oriented 3651  
offense listed in division (P)(1)(a) of this section; 3652

(c) Subject to division (P)(1)(e) of this section, any 3653  
violation of any former law of this state, any existing or former 3654  
municipal ordinance or law of another state or the United States, 3655  
any existing or former law applicable in a military court or in an 3656  
Indian tribal court, or any existing or former law of any nation 3657  
other than the United States that is committed by a person who is 3658  
under eighteen years of age, that is or was substantially 3659  
equivalent to any sexually oriented offense listed in division 3660  
(P)(1)(a) of this section, and that would be a felony of the 3661  
fourth degree if committed by an adult; 3662

(d) Any attempt to commit, conspiracy to commit, or 3663  
complicity in committing any offense listed in division (P)(1)(a) 3664  
or (b) of this section if the person is eighteen years of age or 3665  
older or, subject to division (P)(1)(e) of this section, listed in 3666  
division (P)(1)(a) or (c) of this section if the person is under 3667  
eighteen years of age. 3668

(e) Regarding an act committed by a person under eighteen 3669  
years of age, if the child's case has been transferred for 3670  
criminal prosecution under section 2152.12 of the Revised Code, 3671  
the act is any sexually oriented offense listed in division 3672  
(P)(1)(a), (b), or (d) of this section. 3673

(2) "Presumptive registration-exempt sexually oriented 3674  
offense" does not include any sexually oriented offense described 3675  
in division (P)(1)(a), (b), (c), (d), or (e) of this section that 3676  
is committed by a person who previously has been convicted of, 3677  
pleaded guilty to, or adjudicated a delinquent child for 3678  
committing any sexually oriented offense described in division 3679  
(P)(1)(a), (b), (c), (d), or (e) of this section or any other 3680

sexually oriented offense.

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

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

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

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

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

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

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

(iii) An attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (S)(1)(a)(i) or (ii) of this section.

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

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

(ii) Subject to division (S)(1)(b)(iv) of this section, any violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation

other than the United States, that is or was substantially  
equivalent to any offense listed in division (S)(1)(b)(i) of this  
section and that, if committed by an adult, would be a felony of  
the first, second, third, or fourth degree;

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

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

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

(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 3773  
previously was convicted of or pleaded guilty to one or more 3774  
child-victim oriented offenses or previously was adjudicated a 3775  
delinquent child for committing one or more child-victim oriented 3776  
offenses and was classified a juvenile offender registrant or 3777  
out-of-state juvenile offender registrant based on one or more of 3778  
those adjudications, regardless of when the offense was committed 3779  
and regardless of the person's age at the time of committing the 3780  
offense. 3781

(ii) Regarding a delinquent child, the person previously was 3782  
convicted of, pleaded guilty to, or was adjudicated a delinquent 3783  
child for committing one or more child-victim oriented offenses, 3784  
regardless of when the offense was committed and regardless of the 3785  
person's age at the time of committing the offense. 3786

(2) "Habitual child-victim offender" includes a person who 3787  
has been convicted of, pleaded guilty to, or adjudicated a 3788  
delinquent child for committing, a child-victim oriented offense 3789  
and who, on and after July 31, 2003, is automatically classified a 3790  
habitual child-victim offender pursuant to division (E) of section 3791  
2950.091 of the Revised Code. 3792

(U) "Child-victim predator" means a person to whom either of 3793  
the following applies: 3794

(1) The person has been convicted of or pleaded guilty to 3795  
committing a child-victim oriented offense and is likely to engage 3796  
in the future in one or more child-victim oriented offenses. 3797

(2) The person has been adjudicated a delinquent child for 3798  
committing a child-victim oriented offense, was fourteen years of 3799  
age or older at the time of committing the offense, was classified 3800  
a juvenile offender registrant based on that adjudication, and is 3801  
likely to engage in the future in one or more child-victim 3802  
oriented offenses. 3803

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

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

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

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

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

child-victim predator. 3835

(5) Regardless of when the child-victim oriented offense was 3836  
committed, the offender or delinquent child is convicted, pleads 3837  
guilty, has been convicted, pleaded guilty, or adjudicated a 3838  
delinquent child in a court in another state, in a federal court, 3839  
military court, or Indian tribal court, or in a court in any 3840  
nation other than the United States for committing a child-victim 3841  
oriented offense, as a result of that conviction, plea of guilty, 3842  
or adjudication, the offender or delinquent child is required 3843  
under the law of the jurisdiction in which the offender was 3844  
convicted or pleaded guilty or the delinquent child was 3845  
adjudicated, to register as a child-victim offender or sex 3846  
offender until the offender's or delinquent child's death, and, on 3847  
or after July 1, 1997, for offenders or January 1, 2002, for 3848  
delinquent children the offender or delinquent child moves to and 3849  
resides in this state or temporarily is domiciled in this state 3850  
for more than five days or the offender is required under section 3851  
2950.041 of the Revised Code to register a school, institution of 3852  
higher education, or place of employment address in this state, 3853  
unless a court of common pleas or juvenile court determines that 3854  
the offender or delinquent child is not a child-victim predator 3855  
pursuant to division (F) of section 2950.091 of the Revised Code. 3856

(W) "Residential premises" means the building in which a 3857  
residential unit is located and the grounds upon which that 3858  
building stands, extending to the perimeter of the property. 3859  
"Residential premises" includes any type of structure in which a 3860  
residential unit is located, including, but not limited to, 3861  
multi-unit buildings and mobile and manufactured homes. 3862

(X) "Residential unit" means a dwelling unit for residential 3863  
use and occupancy, and includes the structure or part of a 3864  
structure that is used as a home, residence, or sleeping place by 3865  
one person who maintains a household or two or more persons who 3866

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 3897  
this amendment a sexually oriented offense that is a violation of 3898  
division (A)(1)(b) of section 2907.02 of the Revised Code, the 3899  
conviction of or plea of guilty to the offense automatically 3900  
classifies the offender as a sexual predator for purposes of this 3901  
chapter. If a person is convicted of or pleads guilty to 3902  
committing on or after the effective date of this amendment 3903  
attempted rape and also is convicted of or pleads guilty to a 3904  
specification of the type described in section 2941.1418, 3905  
2941.1419, or 2941.1420 of the Revised Code, the conviction of or 3906  
plea of guilty to the offense and the specification automatically 3907  
classify the offender as a sexual predator for purposes of this 3908  
chapter. If a person is convicted, pleads guilty, or is 3909  
adjudicated a delinquent child, in a court in another state, in a 3910  
federal court, military court, or Indian tribal court, or in a 3911  
court of any nation other than the United States for committing a 3912  
sexually oriented offense that is not a registration-exempt 3913  
sexually oriented offense, and if, as a result of that conviction, 3914  
plea of guilty, or adjudication, the person is required, under the 3915  
law of the jurisdiction in which the person was convicted, pleaded 3916  
guilty, or was adjudicated, to register as a sex offender until 3917  
the person's death, that conviction, plea of guilty, or 3918  
adjudication automatically classifies the person as a sexual 3919  
predator for the purposes of this chapter, but the person may 3920  
challenge that classification pursuant to division (F) of this 3921  
section. In all other cases, a person who is convicted of or 3922  
pleads guilty to, has been convicted of or pleaded guilty to, or 3923  
is adjudicated a delinquent child for committing, a sexually 3924  
oriented offense may be classified as a sexual predator for 3925  
purposes of this chapter only in accordance with division (B) or 3926  
(C) of this section or, regarding delinquent children, divisions 3927  
(B) and (C) of section 2152.83 of the Revised Code. 3928

(B)(1)(a) The judge who is to impose sentence on a person who 3929

is convicted of or pleads guilty to a sexually oriented offense 3930  
that is not a registration-exempt sexually oriented offense shall 3931  
conduct a hearing to determine whether the offender is a sexual 3932  
predator if any of the following circumstances apply: 3933

(i) Regardless of when the sexually oriented offense was 3934  
committed, the offender is to be sentenced on or after January 1, 3935  
1997, for a sexually oriented offense that is not a 3936  
registration-exempt sexually oriented offense and that is not a 3937  
sexually violent offense. 3938

(ii) Regardless of when the sexually oriented offense was 3939  
committed, the offender is to be sentenced on or after January 1, 3940  
1997, for a sexually oriented offense that is not a 3941  
registration-exempt sexually oriented offense, and that is not a 3942  
violation of division (A)(1)(b) of section 2907.02 of the Revised 3943  
Code committed on or after the effective date of this amendment, 3944  
and that is not attempted rape committed on or after the effective 3945  
date of this amendment when the offender also is convicted of or 3946  
pleads guilty to a specification of the type described in section 3947  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code, and either 3948  
of the following applies: the sexually oriented offense is a 3949  
violent sex offense other than a violation of division (A)(1)(b) 3950  
of section 2907.02 of the Revised Code committed on or after the 3951  
effective date of this amendment and other than attempted rape 3952  
committed on or after that date when the offender also is 3953  
convicted of or pleads guilty to a specification of the type 3954  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 3955  
Revised Code, and a sexually violent predator specification was 3956  
not included in the indictment, count in the indictment, or 3957  
information charging the violent sex offense; or the sexually 3958  
oriented offense is a designated homicide, assault, or kidnapping 3959  
offense and either a sexual motivation specification or a sexually 3960  
violent predator specification, or both such specifications, were 3961



not included in the indictment, count in the indictment, or 3962  
information charging the designated homicide, assault, or 3963  
kidnapping offense. 3964

(iii) Regardless of when the sexually oriented offense was 3965  
committed, the offender is to be sentenced on or after May 7, 3966  
2002, for a sexually oriented offense that is not a 3967  
registration-exempt sexually oriented offense, and that offender 3968  
was acquitted of a sexually violent predator specification that 3969  
was included in the indictment, count in the indictment, or 3970  
information charging the sexually oriented offense. 3971

(b) The judge who is to impose or has imposed an order of 3972  
disposition upon a child who is adjudicated a delinquent child for 3973  
committing on or after January 1, 2002, a sexually oriented 3974  
offense that is not a registration-exempt sexually oriented 3975  
offense shall conduct a hearing as provided in this division to 3976  
determine whether the child is to be classified as a sexual 3977  
predator if either of the following applies: 3978

(i) The judge is required by section 2152.82 or division (A) 3979  
of section 2152.83 of the Revised Code to classify the child a 3980  
juvenile offender registrant. 3981

(ii) Division (B) of section 2152.83 of the Revised Code 3982  
applies regarding the child, the judge conducts a hearing under 3983  
that division for the purposes described in that division, and the 3984  
judge determines at that hearing that the child will be classified 3985  
a juvenile offender registrant. 3986

(2) Regarding an offender, the judge shall conduct the 3987  
hearing required by division (B)(1)(a) of this section prior to 3988  
sentencing and, if the sexually oriented offense for which 3989  
sentence is to be imposed is a felony and if the hearing is being 3990  
conducted under division (B)(1)(a) of this section, the judge may 3991  
conduct it as part of the sentencing hearing required by section 3992

2929.19 of the Revised Code. Regarding a delinquent child, the  
judge may conduct the hearing required by division (B)(1)(b) of  
this section at the same time as, or separate from, the  
dispositional hearing, as specified in the applicable provision of  
section 2152.82 or 2152.83 of the Revised Code. The court shall  
give the offender or delinquent child and the prosecutor who  
prosecuted the offender or handled the case against the delinquent  
child for the sexually oriented offense notice of the date, time,  
and location of the hearing. At the hearing, the offender or  
delinquent child and the prosecutor shall have an opportunity to  
testify, present evidence, call and examine witnesses and expert  
witnesses, and cross-examine witnesses and expert witnesses  
regarding the determination as to whether the offender or  
delinquent child is a sexual predator. The offender or delinquent  
child shall have the right to be represented by counsel and, if  
indigent, the right to have counsel appointed to represent the  
offender or delinquent child.

(3) In making a determination under divisions (B)(1) and (4)  
of this section as to whether an offender or delinquent child is a  
sexual predator, the judge shall consider all relevant factors,  
including, but not limited to, all of the following:

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

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

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

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

(e) Whether the offender or delinquent child used drugs or 4024  
alcohol to impair the victim of the sexually oriented offense or 4025  
to prevent the victim from resisting; 4026

(f) If the offender or delinquent child previously has been 4027  
convicted of or pleaded guilty to, or been adjudicated a 4028  
delinquent child for committing an act that if committed by an 4029  
adult would be, a criminal offense, whether the offender or 4030  
delinquent child completed any sentence or dispositional order 4031  
imposed for the prior offense or act and, if the prior offense or 4032  
act was a sex offense or a sexually oriented offense, whether the 4033  
offender or delinquent child participated in available programs 4034  
for sexual offenders; 4035

(g) Any mental illness or mental disability of the offender 4036  
or delinquent child; 4037

(h) The nature of the offender's or delinquent child's sexual 4038  
conduct, sexual contact, or interaction in a sexual context with 4039  
the victim of the sexually oriented offense and whether the sexual 4040  
conduct, sexual contact, or interaction in a sexual context was 4041  
part of a demonstrated pattern of abuse; 4042

(i) Whether the offender or delinquent child, during the 4043  
commission of the sexually oriented offense for which sentence is 4044  
to be imposed or the order of disposition is to be made, displayed 4045  
cruelty or made one or more threats of cruelty; 4046

(j) Any additional behavioral characteristics that contribute 4047  
to the offender's or delinquent child's conduct. 4048

(4) After reviewing all testimony and evidence presented at 4049  
the hearing conducted under division (B)(1) of this section and 4050  
the factors specified in division (B)(3) of this section, the 4051  
court shall determine by clear and convincing evidence whether the 4052  
subject offender or delinquent child is a sexual predator. If the 4053  
court determines that the subject offender or delinquent child is 4054

not a sexual predator, the court shall specify in the offender's  
sentence and the judgment of conviction that contains the sentence  
or in the delinquent child's dispositional order, as appropriate,  
that the court has determined that the offender or delinquent  
child is not a sexual predator and the reason or reasons why the  
court determined that the subject offender or delinquent child is  
not a sexual predator. If the court determines by clear and  
convincing evidence that the subject offender or delinquent child  
is a sexual predator, the court shall specify in the offender's  
sentence and the judgment of conviction that contains the sentence  
or in the delinquent child's dispositional order, as appropriate,  
that the court has determined that the offender or delinquent  
child is a sexual predator and shall specify that the  
determination was pursuant to division (B) of this section. In any  
case in which the sexually oriented offense in question is an  
aggravated sexually oriented offense, the court shall specify in  
the offender's sentence and the judgment of conviction that  
contains the sentence that the offender's offense is an aggravated  
sexually oriented offense. The offender or delinquent child and  
the prosecutor who prosecuted the offender or handled the case  
against the delinquent child for the sexually oriented offense in  
question may appeal as a matter of right the court's determination  
under this division as to whether the offender or delinquent child  
is, or is not, a sexual predator.

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

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

(b) The sexually oriented offense in question is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment. 4087  
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(c) The sexually oriented offense in question is attempted rape committed on or after the effective date of this amendment, and the offender also was convicted of or pleaded guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 4090  
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(C)(1) If a person was convicted of or pleaded guilty to a sexually oriented offense that is not a registration-exempt sexually oriented offense prior to January 1, 1997, if the person was not sentenced for the offense on or after January 1, 1997, and if, on or after January 1, 1997, the offender is serving a term of imprisonment in a state correctional institution, the department of rehabilitation and correction shall do whichever of the following is applicable: 4095  
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(a) If the sexually oriented offense was an offense described in division (D)(1)(c) of section 2950.01 of the Revised Code or was a violent sex offense, the department shall notify the court that sentenced the offender of this fact, and the court shall conduct a hearing to determine whether the offender is a sexual predator. 4103  
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(b) If division (C)(1)(a) of this section does not apply, the department shall determine whether to recommend that the offender be adjudicated a sexual predator. In making a determination under this division as to whether to recommend that the offender be adjudicated a sexual predator, the department shall consider all relevant factors, including, but not limited to, all of the factors specified in divisions (B)(2) and (3) of this section. If the department determines that it will recommend that the offender be adjudicated a sexual predator, it immediately shall send the 4109  
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recommendation to the court that sentenced the offender. If the department determines that it will not recommend that the offender be adjudicated a sexual predator, it immediately shall send its determination to the court that sentenced the offender. In all cases, the department shall enter its determination and recommendation in the offender's institutional record, and the court shall proceed in accordance with division (C)(2) of this section.

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

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

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

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) of this section, the court shall give the offender and the prosecutor who prosecuted the offender for the sexually oriented offense, or that prosecutor's successor in office, notice of the date, time, and place of the hearing. If the hearing is scheduled under division (C)(2)(a) of this section to determine whether the offender is a sexual predator, the prosecutor who is given the notice may contact the department of rehabilitation and correction and request that the department provide to the prosecutor all information the department possesses regarding the offender that is relevant and necessary for use in making the determination as to whether the offender is a sexual predator and that is not privileged or confidential under law. If the prosecutor makes a request for that information, the department promptly shall provide to the prosecutor all information the department possesses

regarding the offender that is not privileged or confidential 4182  
under law and that is relevant and necessary for making that 4183  
determination. A hearing scheduled under division (C)(2)(a) of 4184  
this section to determine whether the offender is a sexual 4185  
predator shall be conducted in the manner described in division 4186  
(B)(1) of this section regarding hearings conducted under that 4187  
division and, in making a determination under this division as to 4188  
whether the offender is a sexual predator, the court shall 4189  
consider all relevant factors, including, but not limited to, all 4190  
of the factors specified in divisions (B)(2) and (3) of this 4191  
section. After reviewing all testimony and evidence presented at 4192  
the sexual predator hearing and the factors specified in divisions 4193  
(B)(2) and (3) of this section, the court shall determine by clear 4194  
and convincing evidence whether the offender is a sexual predator. 4195  
If the court determines at the sexual predator hearing that the 4196  
offender is not a sexual predator, it also shall determine whether 4197  
the offender previously has been convicted of or pleaded guilty to 4198  
a sexually oriented offense other than the offense in relation to 4199  
which the hearing is being conducted. 4200

Upon making its determinations at the sexual predator 4201  
hearing, the court shall proceed as follows: 4202

(i) If the court determines that the offender is not a sexual 4203  
predator and that the offender previously has not been convicted 4204  
of or pleaded guilty to a sexually oriented offense other than the 4205  
offense in relation to which the hearing is being conducted and 4206  
previously has not been convicted of or pleaded guilty to a 4207  
child-victim oriented offense, it shall include in the offender's 4208  
institutional record its determinations and the reason or reasons 4209  
why it determined that the offender is not a sexual predator. 4210

(ii) If the court determines that the offender is not a 4211  
sexual predator but that the offender previously has been 4212  
convicted of or pleaded guilty to a sexually oriented offense 4213



other than the offense in relation to which the hearing is being  
conducted or previously has been convicted of or pleaded guilty to  
a child-victim oriented offense, it shall include in the  
offender's institutional record its determination that the  
offender is not a sexual predator but is a habitual sex offender  
and the reason or reasons why it determined that the offender is  
not a sexual predator, shall attach the determinations and the  
reason or reasons to the offender's sentence, shall specify that  
the determinations were pursuant to division (C) of this section,  
shall provide a copy of the determinations and the reason or  
reasons to the offender, to the prosecuting attorney, and to the  
department of rehabilitation and correction, and may impose a  
requirement that the offender be subject to the community  
notification provisions contained in sections 2950.10 and 2950.11  
of the Revised Code. In determining whether to impose the  
community notification requirements, the court, in the  
circumstances described in division (E)(2) of this section, shall  
apply the presumption specified in that division. The offender  
shall not be subject to those community notification provisions  
relative to the sexually oriented offense in question if the court  
does not so impose the requirement described in this division. If  
the court imposes that requirement, the offender may appeal the  
judge's determination that the offender is a habitual sex  
offender.

(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 4246  
divisions (C)(2)(a) and (c) of this section as to whether the 4247  
offender is, or is not, a sexual predator. 4248

If the hearing is scheduled under division (C)(2)(b) of this 4249  
section to determine whether the offender previously has been 4250  
convicted of or pleaded guilty to a sexually oriented offense or a 4251  
child-victim oriented offense or whether to subject the offender 4252  
to the community notification provisions contained in sections 4253  
2950.10 and 2950.11 of the Revised Code, upon making the 4254  
determination, the court shall attach the determination or 4255  
determinations to the offender's sentence, shall provide a copy to 4256  
the offender, to the prosecuting attorney, and to the department 4257  
of rehabilitation and correction and may impose a requirement that 4258  
the offender be subject to the community notification provisions. 4259  
In determining whether to impose the community notification 4260  
requirements, the court, in the circumstances described in 4261  
division (E)(2) of this section, shall apply the presumption 4262  
specified in that division. The offender shall not be subject to 4263  
the community notification provisions relative to the sexually 4264  
oriented offense in question if the court does not so impose the 4265  
requirement described in this division. If the court imposes that 4266  
requirement, the offender may appeal the judge's determination 4267  
that the offender is a habitual sex offender. 4268

(3) The changes made in divisions (C)(1) and (2) of this 4269  
section that take effect on July 31, 2003, do not require a court 4270  
to conduct a new hearing under those divisions for any offender 4271  
regarding a sexually oriented offense if, prior to July 31, 2003, 4272  
the court previously conducted a hearing under those divisions 4273  
regarding that offense to determine whether the offender was a 4274  
sexual predator. The changes made in divisions (C)(1) and (2) of 4275  
this section that take effect on July 31, 2003, do not require a 4276  
court to conduct a hearing under those divisions for any offender 4277

regarding a sexually oriented offense if, prior to July 31, 2003, 4278  
and pursuant to those divisions, the department of rehabilitation 4279  
and correction recommended that the offender be adjudicated a 4280  
sexual predator regarding that offense, and the court denied the 4281  
recommendation and determined that the offender was not a sexual 4282  
predator without a hearing, provided that this provision does not 4283  
apply if the sexually oriented offense in question was an offense 4284  
described in division (D)(1)(c) of section 2950.01 of the Revised 4285  
Code. 4286

(D)(1) Division (D)(1) of this section does not apply to any 4287  
person who has been convicted of or pleaded guilty to a sexually 4288  
oriented offense. Division (D) of this section applies only to 4289  
delinquent children as provided in Chapter 2152. of the Revised 4290  
Code. A person who has been adjudicated a delinquent child for 4291  
committing a sexually oriented offense that is not a 4292  
registration-exempt sexually oriented offense and who has been 4293  
classified by a juvenile court judge a juvenile offender 4294  
registrant or, if applicable, additionally has been determined by 4295  
a juvenile court judge to be a sexual predator or habitual sex 4296  
offender, may petition the adjudicating court for a 4297  
reclassification or declassification pursuant to section 2152.85 4298  
of the Revised Code. 4299

A judge who is reviewing a sexual predator determination for 4300  
a delinquent child under section 2152.84 or 2152.85 of the Revised 4301  
Code shall comply with this section. At the hearing, the judge 4302  
shall consider all relevant evidence and information, including, 4303  
but not limited to, the factors set forth in division (B)(3) of 4304  
this section. The judge shall not enter a determination that the 4305  
delinquent child no longer is a sexual predator unless the judge 4306  
determines by clear and convincing evidence that the delinquent 4307  
child is unlikely to commit a sexually oriented offense in the 4308  
future. If the judge enters a determination under this division 4309

that the delinquent child no longer is a sexual predator, the 4310  
judge shall notify the bureau of criminal identification and 4311  
investigation of the determination and shall include in the notice 4312  
a statement of the reason or reasons why it determined that the 4313  
delinquent child no longer is a sexual predator. Upon receipt of 4314  
the notification, the bureau promptly shall notify the sheriff 4315  
with whom the delinquent child most recently registered under 4316  
section 2950.04 or 2950.05 of the Revised Code of the 4317  
determination that the delinquent child no longer is a sexual 4318  
predator. 4319

(2) If an offender who has been convicted of or pleaded 4320  
guilty to a sexually oriented offense is classified a sexual 4321  
predator pursuant to division (A) of this section or has been 4322  
adjudicated a sexual predator relative to the offense as described 4323  
in division (B) or (C) of this section, subject to division (F) of 4324  
this section, the classification or adjudication of the offender 4325  
as a sexual predator is permanent and continues in effect until 4326  
the offender's death and in no case shall the classification or 4327  
adjudication be removed or terminated. 4328

(E)(1) If a person is convicted of or pleads guilty to 4329  
committing, on or after January 1, 1997, a sexually oriented 4330  
offense that is not a registration-exempt sexually oriented 4331  
offense, the judge who is to impose sentence on the offender shall 4332  
determine, prior to sentencing, whether the offender previously 4333  
has been convicted of or pleaded guilty to, or adjudicated a 4334  
delinquent child for committing, a sexually oriented offense or a 4335  
child-victim oriented offense and is a habitual sex offender. The 4336  
judge who is to impose or has imposed an order of disposition upon 4337  
a child who is adjudicated a delinquent child for committing on or 4338  
after January 1, 2002, a sexually oriented offense that is not a 4339  
registration-exempt sexually oriented offense shall determine, 4340  
prior to entering the order classifying the delinquent child a 4341

juvenile offender registrant, whether the delinquent child 4342  
previously has been convicted of or pleaded guilty to, or 4343  
adjudicated a delinquent child for committing, a sexually oriented 4344  
offense or a child-victim oriented offense and is a habitual sex 4345  
offender, if either of the following applies: 4346

(a) The judge is required by section 2152.82 or division (A) 4347  
of section 2152.83 of the Revised Code to classify the child a 4348  
juvenile offender registrant; 4349

(b) Division (B) of section 2152.83 of the Revised Code 4350  
applies regarding the child, the judge conducts a hearing under 4351  
that division for the purposes described in that division, and the 4352  
judge determines at that hearing that the child will be classified 4353  
a juvenile offender registrant. 4354

(2) If, under division (E)(1) of this section, the judge 4355  
determines that the offender or delinquent child previously has 4356  
not been convicted of or pleaded guilty to, or been adjudicated a 4357  
delinquent child for committing, a sexually oriented offense or a 4358  
child-victim oriented offense or that the offender otherwise does 4359  
not satisfy the criteria for being a habitual sex offender, the 4360  
judge shall specify in the offender's sentence or in the order 4361  
classifying the delinquent child a juvenile offender registrant 4362  
that the judge has determined that the offender or delinquent 4363  
child is not a habitual sex offender. 4364

If, under division (E)(1) of this section, the judge 4365  
determines that the offender or delinquent child previously has 4366  
been convicted of or pleaded guilty to, or been adjudicated a 4367  
delinquent child for committing, a sexually oriented offense or a 4368  
child-victim oriented offense and that the offender satisfies all 4369  
other criteria for being a habitual sex offender, the offender or 4370  
delinquent child is a habitual sex offender or habitual 4371  
child-victim offender and the court shall determine whether to 4372

impose a requirement that the offender or delinquent child be 4373  
subject to the community notification provisions contained in 4374  
sections 2950.10 and 2950.11 of the Revised Code. In making the 4375  
determination regarding the possible imposition of the community 4376  
notification requirement, if at least two of the sexually oriented 4377  
offenses or child-victim oriented offenses that are the basis of 4378  
the habitual sex offender or habitual child-victim offender 4379  
determination were committed against a victim who was under 4380  
eighteen years of age, it is presumed that subjecting the offender 4381  
or delinquent child to the community notification provisions is 4382  
necessary in order to comply with the determinations, findings, 4383  
and declarations of the general assembly regarding sex offenders 4384  
and child-victim offenders that are set forth in section 2950.02 4385  
of the Revised Code. When a judge determines as described in this 4386  
division that an offender or delinquent child is a habitual sex 4387  
offender or a habitual child-victim offender, the judge shall 4388  
specify in the offender's sentence and the judgment of conviction 4389  
that contains the sentence or in the order classifying the 4390  
delinquent child a juvenile offender registrant that the judge has 4391  
determined that the offender or delinquent child is a habitual sex 4392  
offender and may impose a requirement in that sentence and 4393  
judgment of conviction or in that order that the offender or 4394  
delinquent child be subject to the community notification 4395  
provisions contained in sections 2950.10 and 2950.11 of the 4396  
Revised Code. Unless the habitual sex offender also has been 4397  
adjudicated a sexual predator relative to the sexually oriented 4398  
offense in question or the habitual sex offender was convicted of 4399  
or pleaded guilty to an aggravated sexually oriented offense, the 4400  
offender or delinquent child shall be subject to those community 4401  
notification provisions only if the court imposes the requirement 4402  
described in this division in the offender's sentence and the 4403  
judgment of conviction or in the order classifying the delinquent 4404  
child a juvenile offender registrant. If the court determines 4405

pursuant to this division or division (C)(2) of this section that 4406  
an offender is a habitual sex offender, the determination is 4407  
permanent and continues in effect until the offender's death, and 4408  
in no case shall the determination be removed or terminated. 4409

If a court in another state, a federal court, military court, 4410  
or Indian tribal court, or a court in any nation other than the 4411  
United States determines a person to be a habitual sex offender in 4412  
that jurisdiction, the person is considered to be determined to be 4413  
a habitual sex offender in this state. If the court in the other 4414  
state, the federal court, military court, or Indian tribal court, 4415  
or the court in the nation other than the United States subjects 4416  
the habitual sex offender to community notification regarding the 4417  
person's place of residence, the person, as much as is 4418  
practicable, is subject to the community notification provisions 4419  
regarding the person's place of residence that are contained in 4420  
sections 2950.10 and 2950.11 of the Revised Code, unless the court 4421  
that so subjected the person to community notification determines 4422  
that the person no longer is subject to community notification. 4423

(F)(1) An offender or delinquent child classified as a sexual 4424  
predator may petition the court of common pleas or, for a 4425  
delinquent child, the juvenile court of the county in which the 4426  
offender or delinquent child resides or temporarily is domiciled 4427  
to enter a determination that the offender or delinquent child is 4428  
not an adjudicated sexual predator in this state for purposes of 4429  
the registration and other requirements of this chapter or the 4430  
community notification provisions contained in sections 2950.10 4431  
and 2950.11 of the Revised Code if all of the following apply: 4432

(a) The offender or delinquent child was convicted of, 4433  
pleaded guilty to, or was adjudicated a delinquent child for 4434  
committing, a sexually oriented offense that is not a 4435  
registration-exempt sexually oriented offense in another state, in 4436  
a federal court, a military court, or Indian tribal court, or in a 4437

court of any nation other than the United States.

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(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.

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(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.

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(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.

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(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

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the Revised Code and if, on and after July 31, 2003, the sexually 4469  
oriented offense upon which the classification or determination 4470  
was based no longer is considered a sexually oriented offense but 4471  
instead is a child-victim oriented offense, notwithstanding the 4472  
redesignation of that offense, on and after July 31, 2003, all of 4473  
the following apply: 4474

(1) Divisions (A)(1) or (2) or (E)(1) and (2) of section 4475  
2950.091 of the Revised Code apply regarding the offender or 4476  
child, and the judge's classification or determination made prior 4477  
to July 31, 2003, shall be considered for all purposes to be a 4478  
classification or determination that classifies the offender or 4479  
child as described in those divisions. 4480

(2) The offender's or child's classification or determination 4481  
under divisions (A)(1) or (2) or (E)(1) and (2) of section 4482  
2950.091 of the Revised Code shall be considered, for purposes of 4483  
section 2950.07 of the Revised Code and for all other purposes, to 4484  
be a continuation of the classification or determination made 4485  
prior to July 31, 2003. 4486

(3) The offender's or child's duties under this chapter 4487  
relative to that classification or determination shall be 4488  
considered for all purposes to be a continuation of the duties 4489  
related to that classification or determination as they existed 4490  
prior to July 31, 2003. 4491

**Sec. 2950.11.** (A) As used in this section, "specified 4492  
geographical notification area" means the geographic area or areas 4493  
within which the attorney general, by rule adopted under section 4494  
2950.13 of the Revised Code, requires the notice described in 4495  
division (B) of this section to be given to the persons identified 4496  
in divisions (A)(2) to (8) of this section. If a person is 4497  
convicted of or pleads guilty to, or has been convicted of or 4498  
pleaded guilty to, either a sexually oriented offense that is not 4499

a registration-exempt sexually oriented offense or a child-victim 4500  
oriented offense, or a person is adjudicated a delinquent child 4501  
for committing either a sexually oriented offense that is not a 4502  
registration-exempt sexually oriented offense or a child-victim 4503  
oriented offense and is classified a juvenile offender registrant 4504  
or is an out-of-state juvenile offender registrant based on that 4505  
adjudication, and if the offender or delinquent child is in any 4506  
category specified in division (F)(1)(a), (b), or (c) of this 4507  
section, the sheriff with whom the offender or delinquent child 4508  
has most recently registered under section 2950.04, 2950.041, or 4509  
2950.05 of the Revised Code and the sheriff to whom the offender 4510  
or delinquent child most recently sent a notice of intent to 4511  
reside under section 2950.04 or 2950.041 of the Revised Code, 4512  
within the period of time specified in division (C) of this 4513  
section, shall provide a written notice containing the information 4514  
set forth in division (B) of this section to all of the persons 4515  
described in divisions (A)(1) to (9) of this section. If the 4516  
sheriff has sent a notice to the persons described in those 4517  
divisions as a result of receiving a notice of intent to reside 4518  
and if the offender or delinquent child registers a residence 4519  
address that is the same residence address described in the notice 4520  
of intent to reside, the sheriff is not required to send an 4521  
additional notice when the offender or delinquent child registers. 4522  
The sheriff shall provide the notice to all of the following 4523  
persons: 4524

(1)(a) Any occupant of each residential unit that is located 4525  
within one thousand feet of the offender's or delinquent child's 4526  
residential premises, that is located within the county served by 4527  
the sheriff, and that is not located in a multi-unit building. 4528  
Division (D)(3) of this section applies regarding notices required 4529  
under this division. 4530

(b) If the offender or delinquent child resides in a 4531

multi-unit building, any occupant of each residential unit that is 4532  
located in that multi-unit building and that shares a common 4533  
hallway with the offender or delinquent child. For purposes of 4534  
this division, an occupant's unit shares a common hallway with the 4535  
offender or delinquent child if the entrance door into the 4536  
occupant's unit is located on the same floor and opens into the 4537  
same hallway as the entrance door to the unit the offender or 4538  
delinquent child occupies. Division (D)(3) of this section applies 4539  
regarding notices required under this division. 4540

(c) The building manager, or the person the building owner or 4541  
condominium unit owners association authorizes to exercise 4542  
management and control, of each multi-unit building that is 4543  
located within one thousand feet of the offender's or delinquent 4544  
child's residential premises, including a multi-unit building in 4545  
which the offender or delinquent child resides, and that is 4546  
located within the county served by the sheriff. In addition to 4547  
notifying the building manager or the person authorized to 4548  
exercise management and control in the multi-unit building under 4549  
this division, the sheriff shall post a copy of the notice 4550  
prominently in each common entryway in the building and any other 4551  
location in the building the sheriff determines appropriate. The 4552  
manager or person exercising management and control of the 4553  
building shall permit the sheriff to post copies of the notice 4554  
under this division as the sheriff determines appropriate. In lieu 4555  
of posting copies of the notice as described in this division, a 4556  
sheriff may provide notice to all occupants of the multi-unit 4557  
building by mail or personal contact; if the sheriff so notifies 4558  
all the occupants, the sheriff is not required to post copies of 4559  
the notice in the common entryways to the building. Division 4560  
(D)(3) of this section applies regarding notices required under 4561  
this division. 4562

(d) All additional persons who are within any category of 4563

neighbors of the offender or delinquent child that the attorney  
general by rule adopted under section 2950.13 of the Revised Code  
requires to be provided the notice and who reside within the  
county served by the sheriff;

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

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

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

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

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

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

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

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

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

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

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

child resides. 4626

(B) The notice required under division (A) of this section 4627  
shall include all of the following information regarding the 4628  
subject offender or delinquent child: 4629

(1) The offender's or delinquent child's name; 4630

(2) The address or addresses of the offender's residence, 4631  
school, institution of higher education, or place of employment, 4632  
as applicable, or the delinquent child's residence address or 4633  
addresses; 4634

(3) The sexually oriented offense or child-victim oriented 4635  
offense of which the offender was convicted, to which the offender 4636  
pleaded guilty, or for which the child was adjudicated a 4637  
delinquent child; 4638

(4) All of the following statements that are applicable: 4639

(a) A statement that the offender has been adjudicated a 4640  
sexual predator, a statement that the offender has been convicted 4641  
of or pleaded guilty to an aggravated sexually oriented offense, a 4642  
statement that the delinquent child has been adjudicated a sexual 4643  
predator and that, as of the date of the notice, the court has not 4644  
entered a determination that the delinquent child no longer is a 4645  
sexual predator, or a statement that the sentencing or reviewing 4646  
judge has determined that the offender or delinquent child is a 4647  
habitual sex offender and that, as of the date of the notice, the 4648  
determination regarding a delinquent child has not been removed 4649  
pursuant to section 2152.84 or 2152.85 of the Revised Code; 4650

(b) A statement that the offender has been adjudicated a 4651  
child-victim predator, a statement that the delinquent child has 4652  
been adjudicated a child-victim predator and that, as of the date 4653  
of the notice, the court has not entered a determination that the 4654  
delinquent child no longer is a child-victim predator, or a 4655

statement that the sentencing or reviewing judge has determined 4656  
that the offender or delinquent child is a habitual child-victim 4657  
offender and that, as of the date of the notice, the determination 4658  
regarding a delinquent child has not been removed pursuant to 4659  
section 2152.84 or 2152.85 of the Revised Code; 4660

(5) The offender's or delinquent child's photograph. 4661

(C) If a sheriff with whom an offender or delinquent child 4662  
registers under section 2950.04, 2950.041, or 2950.05 of the 4663  
Revised Code or to whom the offender or delinquent child most 4664  
recently sent a notice of intent to reside under section 2950.04 4665  
or 2950.041 of the Revised Code is required by division (A) of 4666  
this section to provide notices regarding an offender or 4667  
delinquent child and if, pursuant to that requirement, the sheriff 4668  
provides a notice to a sheriff of one or more other counties in 4669  
accordance with division (A)(8) of this section, the sheriff of 4670  
each of the other counties who is provided notice under division 4671  
(A)(8) of this section shall provide the notices described in 4672  
divisions (A)(1) to (7) and (A)(9) of this section to each person 4673  
or entity identified within those divisions that is located within 4674  
the specified geographical notification area and within the county 4675  
served by the sheriff in question. 4676

(D)(1) A sheriff required by division (A) or (C) of this 4677  
section to provide notices regarding an offender or delinquent 4678  
child shall provide the notice to the neighbors that are described 4679  
in division (A)(1) of this section and the notices to law 4680  
enforcement personnel that are described in divisions (A)(8) and 4681  
(9) of this section as soon as practicable, but no later than five 4682  
days after the offender sends the notice of intent to reside to 4683  
the sheriff and again no later than five days after the offender 4684  
or delinquent child registers with the sheriff or, if the sheriff 4685  
is required by division (C) of this section to provide the 4686  
notices, no later than five days after the sheriff is provided the 4687

notice described in division (A)(8) of this section.

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

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(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (9) of this section. If a sheriff provides a notice pursuant to this division to the 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 the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) of this section.

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(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions

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(A)(1)(a) and (b) of this section, and the portion of division 4720  
(A)(1)(c) of this section relating to the provision of notice to 4721  
occupants of a multi-unit building by mail or personal contact, 4722  
the provision of one written notice per unit is deemed as 4723  
providing notice to all occupants of that unit. 4724

(E) All information that a sheriff possesses regarding a 4725  
sexual predator, a habitual sex offender, a child-victim predator, 4726  
or a habitual child-victim offender that is described in division 4727  
(B) of this section and that must be provided in a notice required 4728  
under division (A) or (C) of this section or that may be provided 4729  
in a notice authorized under division (D)(2) of this section is a 4730  
public record that is open to inspection under section 149.43 of 4731  
the Revised Code. 4732

The sheriff shall not cause to be publicly disseminated by 4733  
means of the internet any of the information described in this 4734  
division that is provided by a sexual predator, habitual sex 4735  
offender, child-victim predator, or habitual child-victim offender 4736  
who is a juvenile offender registrant, except when the act that is 4737  
the basis of the child's classification as a juvenile offender 4738  
registrant is a violation of, or an attempt to commit a violation 4739  
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 4740  
was committed with a purpose to gratify the sexual needs or 4741  
desires of the child, a violation of section 2907.02 of the 4742  
Revised Code, or an attempt to commit a violation of that section. 4743

(F)(1) The duties to provide the notices described in 4744  
divisions (A) and (C) of this section apply regarding any offender 4745  
or delinquent child who is in any of the following categories, if 4746  
the other criteria set forth in division (A) or (C) of this 4747  
section, whichever is applicable, are satisfied: 4748

(a) The offender or delinquent child has been adjudicated a 4749  
sexual predator relative to the sexually oriented offense for 4750

which the offender or delinquent child has the duty to register 4751  
under section 2950.04 of the Revised Code or has been adjudicated 4752  
a child-victim predator relative to the child-victim oriented 4753  
offense for which the offender or child has the duty to register 4754  
under section 2950.041 of the Revised Code, and the court has not 4755  
subsequently determined pursuant to section 2152.84 or 2152.85 of 4756  
the Revised Code regarding a delinquent child that the delinquent 4757  
child no longer is a sexual predator or no longer is a 4758  
child-victim predator, whichever is applicable. 4759

(b) The offender or delinquent child has been determined 4760  
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 4761  
division (B) of section 2152.83, section 2152.84, or section 4762  
2152.85 of the Revised Code to be a habitual sex offender or a 4763  
habitual child-victim offender, the court has imposed a 4764  
requirement under that division or section subjecting the habitual 4765  
sex offender or habitual child-victim offender to this section, 4766  
and the determination has not been removed pursuant to section 4767  
2152.84 or 2152.85 of the Revised Code regarding a delinquent 4768  
child. 4769

(c) The sexually oriented offense for which the offender has 4770  
the duty to register under section 2950.04 of the Revised Code is 4771  
an aggravated sexually oriented offense, regardless of whether the 4772  
offender has been adjudicated a sexual predator relative to the 4773  
offense or has been determined to be a habitual sex offender. 4774

(2) The notification provisions of this section do not apply 4775  
regarding a person who is convicted of or pleads guilty to, has 4776  
been convicted of or pleaded guilty to, or is adjudicated a 4777  
delinquent child for committing, a sexually oriented offense or a 4778  
child-victim oriented offense, who is not in the category 4779  
specified in either division (F)(1)(a) or (c) of this section, and 4780  
who is determined pursuant to division (C)(2) or (E) of section 4781  
2950.09 or 2950.091, division (B) of section 2152.83, section 4782

2152.84, or section 2152.85 of the Revised Code to be a habitual 4783  
sex offender or habitual child-victim offender unless the 4784  
sentencing or reviewing court imposes a requirement in the 4785  
offender's sentence and in the judgment of conviction that 4786  
contains the sentence or in the delinquent child's adjudication, 4787  
or imposes a requirement as described in division (C)(2) of 4788  
section 2950.09 or 2950.091 of the Revised Code, that subjects the 4789  
offender or the delinquent child to the provisions of this 4790  
section. 4791

(G) The department of job and family services shall compile, 4792  
maintain, and update in January and July of each year, a list of 4793  
all agencies, centers, or homes of a type described in division 4794  
(A)(2) or (6) of this section that contains the name of each 4795  
agency, center, or home of that type, the county in which it is 4796  
located, its address and telephone number, and the name of an 4797  
administrative officer or employee of the agency, center, or home. 4798  
The department of education shall compile, maintain, and update in 4799  
January and July of each year, a list of all boards of education, 4800  
schools, or programs of a type described in division (A)(3), (4), 4801  
or (5) of this section that contains the name of each board of 4802  
education, school, or program of that type, the county in which it 4803  
is located, its address and telephone number, the name of the 4804  
superintendent of the board or of an administrative officer or 4805  
employee of the school or program, and, in relation to a board of 4806  
education, the county or counties in which each of its schools is 4807  
located and the address of each such school. The Ohio board of 4808  
regents shall compile, maintain, and update in January and July of 4809  
each year, a list of all institutions of a type described in 4810  
division (A)(7) of this section that contains the name of each 4811  
such institution, the county in which it is located, its address 4812  
and telephone number, and the name of its president or other chief 4813  
administrative officer. A sheriff required by division (A) or (C) 4814

of this section, or authorized by division (D)(2) of this section, 4815  
to provide notices regarding an offender or delinquent child, or a 4816  
designee of a sheriff of that type, may request the department of 4817  
job and family services, department of education, or Ohio board of 4818  
regents, by telephone, in person, or by mail, to provide the 4819  
sheriff or designee with the names, addresses, and telephone 4820  
numbers of the appropriate persons and entities to whom the 4821  
notices described in divisions (A)(2) to (7) of this section are 4822  
to be provided. Upon receipt of a request, the department or board 4823  
shall provide the requesting sheriff or designee with the names, 4824  
addresses, and telephone numbers of the appropriate persons and 4825  
entities to whom those notices are to be provided. 4826

(H)(1) Upon the motion of the offender or the prosecuting 4827  
attorney of the county in which the offender was convicted of or 4828  
pleaded guilty to the sexually oriented offense or child-victim 4829  
oriented offense for which the offender is subject to community 4830  
notification under this section, or upon the motion of the 4831  
sentencing judge or that judge's successor in office, the judge 4832  
may schedule a hearing to determine whether the interests of 4833  
justice would be served by suspending the community notification 4834  
requirement under this section in relation to the offender. The 4835  
judge may dismiss the motion without a hearing but may not issue 4836  
an order suspending the community notification requirement without 4837  
a hearing. At the hearing, all parties are entitled to be heard, 4838  
and the judge shall consider all of the factors set forth in 4839  
division (B)(3) of section 2950.09 of the Revised Code. If, at the 4840  
conclusion of the hearing, the judge finds that the offender has 4841  
proven by clear and convincing evidence that the offender is 4842  
unlikely to commit in the future a sexually oriented offense or a 4843  
child-victim oriented offense and if the judge finds that 4844  
suspending the community notification requirement is in the 4845  
interests of justice, the judge may suspend the application of 4846

this section in relation to the offender. The order shall contain 4847  
both of these findings. 4848

The judge promptly shall serve a copy of the order upon the 4849  
sheriff with whom the offender most recently registered under 4850  
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 4851  
the bureau of criminal identification and investigation. 4852

An order suspending the community notification requirement 4853  
does not suspend or otherwise alter an offender's duties to comply 4854  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 4855  
Revised Code and does not suspend the victim notification 4856  
requirement under section 2950.10 of the Revised Code. 4857

(2) A prosecuting attorney, a sentencing judge or that 4858  
judge's successor in office, and an offender who is subject to the 4859  
community notification requirement under this section may 4860  
initially make a motion under division (H)(1) of this section upon 4861  
the expiration of twenty years after the offender's duty to comply 4862  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 4863  
Revised Code begins in relation to the offense for which the 4864  
offender is subject to community notification. After the initial 4865  
making of a motion under division (H)(1) of this section, 4866  
thereafter, the prosecutor, judge, and offender may make a 4867  
subsequent motion under that division upon the expiration of five 4868  
years after the judge has entered an order denying the initial 4869  
motion or the most recent motion made under that division. 4870

(3) The offender and the prosecuting attorney have the right 4871  
to appeal an order approving or denying a motion made under 4872  
division (H)(1) of this section. 4873

(4) ~~Division~~ Divisions (H) (1) to (3) of this section ~~does do~~ 4874  
not apply to any of the following types of offender: 4875

(a) A person who is convicted of or pleads guilty to a 4876  
violent sex offense or designated homicide, assault, or kidnapping 4877

offense and who, in relation to that offense, is adjudicated a  
sexually violent predator; 4878  
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(b) A person who is convicted of or pleads guilty to a 4880  
sexually oriented offense that is a violation of division 4881  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 4882  
after the effective date of this amendment; 4883

(c) A person who is convicted of or pleads guilty to a 4884  
sexually oriented offense that is attempted rape committed on or 4885  
after the effective date of this amendment and who also is 4886  
convicted of or pleads guilty to a specification of the type 4887  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 4888  
Revised Code; 4889

(d) A habitual sex offender or habitual child-victim oriented 4890  
offender who is subject to community notification who, subsequent 4891  
to being subjected to community notification, has pleaded guilty 4892  
to or been convicted of a sexually oriented offense or a 4893  
child-victim oriented offense; 4894

~~(e)~~(e) A sexual predator or child-victim predator who is not 4895  
adjudicated a sexually violent predator who, subsequent to being 4896  
subjected to community notification, has pleaded guilty to or been 4897  
convicted of a sexually oriented offense or child-victim oriented 4898  
offense. 4899

(I) If a person is convicted of or pleads guilty to, or has 4900  
been convicted of or pleaded guilty to, either a sexually oriented 4901  
offense that is not a registration-exempt sexually oriented 4902  
offense or a child-victim oriented offense, or a person is 4903  
adjudicated a delinquent child for committing either a sexually 4904  
oriented offense that is not a registration-exempt sexually 4905  
oriented offense or a child-victim oriented offense and is 4906  
classified a juvenile offender registrant or is an out-of-state 4907  
juvenile offender registrant based on that adjudication, and if 4908

the offender or delinquent child is not in any category specified 4909  
in division (F)(1)(a), (b), or (c) of this section, the sheriff 4910  
with whom the offender or delinquent child has most recently 4911  
registered under section 2950.04, 2950.041, or 2950.05 of the 4912  
Revised Code and the sheriff to whom the offender or delinquent 4913  
child most recently sent a notice of intent to reside under 4914  
section 2950.04 or 2950.041 of the Revised Code, within the period 4915  
of time specified in division (D) of this section, shall provide a 4916  
written notice containing the information set forth in division 4917  
(B) of this section to the executive director of the public 4918  
children services agency that has jurisdiction within the 4919  
specified geographical notification area and that is located 4920  
within the county served by the sheriff. 4921

**Sec. 2950.13.** (A) The attorney general shall do all of the 4922  
following: 4923

(1) No later than July 1, 1997, establish and maintain a 4924  
state registry of sex offenders and child-victim offenders that is 4925  
housed at the bureau of criminal identification and investigation 4926  
and that contains all of the registration, change of residence, 4927  
school, institution of higher education, or place of employment 4928  
address, and verification information the bureau receives pursuant 4929  
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4930  
Code regarding a person who is convicted of or pleads guilty to, 4931  
or has been convicted of or pleaded guilty to, either a sexually 4932  
oriented offense that is not a registration-exempt sexually 4933  
oriented offense or a child-victim oriented offense or a person 4934  
who is adjudicated a delinquent child for committing either a 4935  
sexually oriented offense that is not a registration-exempt 4936  
sexually oriented offense or a child-victim oriented offense and 4937  
is classified a juvenile offender registrant or is an out-of-state 4938  
juvenile offender registrant based on that adjudication, and all 4939

of the information the bureau receives pursuant to section 2950.14 4940  
of the Revised Code. For a person who was convicted of or pleaded 4941  
guilty to the sexually oriented offense or child-victim related 4942  
offense, the registry also shall indicate whether the person was 4943  
convicted of or pleaded guilty to the offense in a criminal 4944  
prosecution or in a serious youthful offender case. 4945

4946  
(2) In consultation with local law enforcement 4947  
representatives and no later than July 1, 1997, adopt rules that 4948  
contain guidelines necessary for the implementation of this 4949  
chapter; 4950

(3) In consultation with local law enforcement 4951  
representatives, adopt rules for the implementation and 4952  
administration of the provisions contained in section 2950.11 of 4953  
the Revised Code that pertain to the notification of neighbors of 4954  
an offender or a delinquent child who has committed a sexually 4955  
oriented offense that is not a registration-exempt sexually 4956  
oriented offense and has been adjudicated a sexual predator or 4957  
determined to be a habitual sex offender, an offender who has 4958  
committed an aggravated sexually oriented offense, or an offender 4959  
or delinquent child who has committed a child-victim oriented 4960  
offense and has been adjudicated a child-victim predator or 4961  
determined to be a habitual child-victim offender, and rules that 4962  
prescribe a manner in which victims of either a sexually oriented 4963  
offense that is not a registration-exempt sexually oriented 4964  
offense or a child-victim oriented offense committed by an 4965  
offender or a delinquent child who has been adjudicated a sexual 4966  
predator or determined to be a habitual sex offender, an offender 4967  
who has committed an aggravated sexually oriented offense, or an 4968  
offender or delinquent child who has committed a child-victim 4969  
oriented offense and has been adjudicated a child-victim predator 4970  
or determined to be a habitual child-victim offender may make a 4971



request that specifies that the victim would like to be provided 4972  
the notices described in divisions (A)(1) and (2) of section 4973  
2950.10 of the Revised Code; 4974

(4) In consultation with local law enforcement 4975  
representatives and through the bureau of criminal identification 4976  
and investigation, prescribe the forms to be used by judges and 4977  
officials pursuant to section 2950.03 of the Revised Code to 4978  
advise offenders and delinquent children of their duties of filing 4979  
a notice of intent to reside, registration, notification of a 4980  
change of residence, school, institution of higher education, or 4981  
place of employment address and registration of the new, school, 4982  
institution of higher education, or place of employment address, 4983  
as applicable, and address verification under sections 2950.04, 4984  
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 4985  
the forms to be used by sheriffs relative to those duties of 4986  
filing a notice of intent to reside, registration, change of 4987  
residence, school, institution of higher education, or place of 4988  
employment address notification, and address verification; 4989

(5) Make copies of the forms prescribed under division (A)(4) 4990  
of this section available to judges, officials, and sheriffs; 4991

(6) Through the bureau of criminal identification and 4992  
investigation, provide the notifications, the information, and the 4993  
documents that the bureau is required to provide to appropriate 4994  
law enforcement officials and to the federal bureau of 4995  
investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 4996  
2950.06 of the Revised Code; 4997

(7) Through the bureau of criminal identification and 4998  
investigation, maintain the verification forms returned under the 4999  
address verification mechanism set forth in section 2950.06 of the 5000  
Revised Code; 5001

(8) In consultation with representatives of the officials, 5002

judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

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

(10) In consultation with local law enforcement 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.

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

(13) Through the bureau of criminal identification and  
investigation, not later than January 1, 2004, establish and

operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The database shall enable local law enforcement representatives to obtain detailed information regarding each offender and delinquent child who is included in the registry, including, but not limited to the offender's or delinquent child's name, residence address, place of employment if applicable, motor vehicle license plate number if applicable, victim preference if available, date of most recent release from confinement if applicable, fingerprints, and other identification parameters the bureau considers appropriate. The database is not a public record open for inspection under section 149.43 of the Revised Code and shall be available only to law enforcement representatives as described in this division. Information obtained by local law enforcement representatives through use of this database is not open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code.

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

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

(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the

bureau of criminal identification and investigation, pursuant to 5099  
division (A)(13) of this section. 5100

(2) Permit any person to inspect any information obtained 5101  
through use of the database described in division (C)(1) of this 5102  
section, other than as permitted under that division. 5103

(D) As used in this section, "local law enforcement 5104  
representatives" means representatives of the sheriffs of this 5105  
state, representatives of the municipal chiefs of police and 5106  
marshals of this state, and representatives of the township 5107  
constables and chiefs of police of the township police departments 5108  
or police district police forces of this state. 5109

**Sec. 2950.14.** (A) Prior to releasing an offender who is under 5110  
the custody and control of the department of rehabilitation and 5111  
correction and who has been convicted of or pleaded guilty to 5112  
committing, either prior to, on, or after January 1, 1997, any 5113  
sexually oriented offense that is not a registration-exempt 5114  
sexually oriented offense or any child-victim oriented offense, 5115  
the department of rehabilitation and correction shall provide all 5116  
of the information described in division (B) of this section to 5117  
the bureau of criminal identification and investigation regarding 5118  
the offender and to the sheriff of the county in which the 5119  
offender's anticipated future residence is located. Prior to 5120  
releasing a delinquent child who is in the custody of the 5121  
department of youth services who has been adjudicated a delinquent 5122  
child for committing on or after January 1, 2002, any sexually 5123  
oriented offense that is not a registration-exempt sexually 5124  
oriented offense or any child-victim oriented offense, and who has 5125  
been classified a juvenile offender registrant based on that 5126  
adjudication, the department of youth services shall provide all 5127  
of the information described in division (B) of this section to 5128  
the bureau of criminal identification and investigation regarding 5129

the delinquent child. 5130

(B) The department of rehabilitation and correction and the 5131  
department of youth services shall provide all of the following 5132  
information to the bureau of criminal identification and 5133  
investigation regarding an offender or delinquent child described 5134  
in division (A) of this section: 5135

(1) The offender's or delinquent child's name and any aliases 5136  
used by the offender or delinquent child; 5137

(2) All identifying factors concerning the offender or 5138  
delinquent child; 5139

(3) The offender's or delinquent child's anticipated future 5140  
residence; 5141

(4) The offense and delinquency history of the offender or 5142  
delinquent child; 5143

(5) Whether the offender or delinquent child was treated for 5144  
a mental abnormality or personality disorder while under the 5145  
custody and control of the department; 5146

(6) Any other information that the bureau indicates is 5147  
relevant and that the department possesses. 5148

(C) Upon receipt of the information described in division (B) 5149  
of this section regarding an offender or delinquent child, the 5150  
bureau immediately shall enter the information into the state 5151  
registry of sex offenders and child-victim offenders that the 5152  
bureau maintains pursuant to section 2950.13 of the Revised Code 5153  
and into the records that the bureau maintains pursuant to 5154  
division (A) of section 109.57 of the Revised Code. Upon receipt 5155  
of that information regarding an offender, the bureau immediately 5156  
shall enter the information on the sex offender and child-victim 5157  
offender database it establishes and operates on the internet 5158  
pursuant to division (A)(11) of section 2950.13 of the Revised 5159

Code. 5160

(D) Upon receipt of the information described in division (B) 5161  
of this section regarding an offender, a sheriff who has 5162  
established on the internet a sex offender and child-victim 5163  
offender database for the public dissemination of information 5164  
regarding such offenders shall enter that information on the 5165  
database. 5166

**Sec. 2967.12.** (A) Except as provided in division (G) of this 5167  
section, at least three weeks before the adult parole authority 5168  
recommends any pardon or commutation of sentence, or grants any 5169  
parole, the authority shall send a notice of the pendency of the 5170  
pardon, commutation, or parole, setting forth the name of the 5171  
person on whose behalf it is made, the offense of which the person 5172  
was convicted or to which the person pleaded guilty, the time of 5173  
conviction or the guilty plea, and the term of the person's 5174  
sentence, to the prosecuting attorney and the judge of the court 5175  
of common pleas of the county in which the indictment against the 5176  
person was found. If there is more than one judge of that court of 5177  
common pleas, the authority shall send the notice to the presiding 5178  
judge. The department of rehabilitation and correction, at the 5179  
same time that it provides the notice to the prosecuting attorney 5180  
and judge under this division, also shall post on the database it 5181  
maintains pursuant to section 5120.66 of the Revised Code the 5182  
offender's name and all of the information specified in division 5183  
(A)(1)(c)(iii) of that section. 5184

(B) If a request for notification has been made pursuant to 5185  
section 2930.16 of the Revised Code, the adult parole authority 5186  
also shall give notice to the victim or the victim's 5187  
representative prior to recommending any pardon or commutation of 5188  
sentence for, or granting any parole to, the person. The authority 5189  
shall provide the notice at the same time as the notice required 5190

by division (A) of this section and shall include in the notice 5191  
the information required to be set forth in that notice. The 5192  
notice also shall inform the victim or the victim's representative 5193  
that the victim or representative may send a written statement 5194  
relative to the victimization and the pending action to the adult 5195  
parole authority and that, if the authority receives any written 5196  
statement prior to recommending a pardon or commutation or 5197  
granting a parole for a person, the authority will consider the 5198  
statement before it recommends a pardon or commutation or grants a 5199  
parole. If the person is being considered for parole, the notice 5200  
shall inform the victim or the victim's representative that a full 5201  
board hearing of the parole board may be held and that the victim 5202  
or victim's representative may contact the office of victims' 5203  
services for further information. If the person being considered 5204  
for parole was convicted of or pleaded guilty to violating section 5205  
2903.01 or 2903.02 of the Revised Code, the notice shall inform 5206  
the victim of that offense, the victim's representative, or a 5207  
member of the victim's immediate family that the victim, the 5208  
victim's representative, and the victim's immediate family have 5209  
the right to give testimony at a full board hearing of the parole 5210  
board and that the victim or victim's representative may contact 5211  
the office of victims' services for further information. As used 5212  
in this division, "the victim's immediate family" means the 5213  
mother, father, spouse, sibling, or child of the victim. 5214

(C) When notice of the pendency of any pardon, commutation of 5215  
sentence, or parole has been given to a judge or prosecutor or 5216  
posted on the database as provided in division (A) of this section 5217  
and a hearing on the pardon, commutation, or parole is continued 5218  
to a date certain, the authority shall provide notice of the 5219  
further consideration of the pardon, commutation, or parole at 5220  
least ten days before the further consideration. The notice of the 5221  
further consideration shall be provided to the proper judge and 5222



prosecuting attorney by mail at least ten days before the further  
consideration, and, if the initial notice was posted on the  
database as provided in division (A) of this section, the notice  
of the further consideration shall be posted on the database at  
least ten days before the further consideration. When notice of  
the pendency of any pardon, commutation, or parole has been given  
as provided in division (B) of this section and the hearing on it  
is continued to a date certain, the authority shall give notice of  
the further consideration to the victim or the victim's  
representative in accordance with section 2930.03 of the Revised  
Code.

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

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

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

(G) Divisions (A), (B), and (C) of this section do not apply 5254  
to any release of a person that is of the type described in 5255  
division (B)(2)(b) of section 5120.031 of the Revised Code. 5256

(H) In addition to and independent of the right of a victim 5257  
to make a statement as described in division (A) of this section 5258  
or pursuant to section 2930.17 of the Revised Code or to otherwise 5259  
make a statement, the authority for a judge or prosecuting 5260  
attorney to furnish statements and information, make 5261  
recommendations, and give testimony as described in division (A) 5262  
of this section, the right of a prosecuting attorney, judge, or 5263  
victim to give testimony or submit a statement at a full parole 5264  
board hearing pursuant to section 5149.101 of the Revised Code, 5265  
and any other right or duty of a person to present information or 5266  
make a statement, any person may send to the adult parole 5267  
authority at any time prior to the authority's recommending a 5268  
pardon or commutation or granting a parole for the offender a 5269  
written statement relative to the offense and the pending action. 5270

**Sec. 2967.121.** (A) Subject to division (C) of this section, 5271  
at least two weeks before any convict who is serving a sentence 5272  
for committing a felony of the first, second, or third degree is 5273  
released from confinement in any state correctional institution 5274  
pursuant to a pardon, commutation of sentence, parole, or 5275  
completed prison term, the adult parole authority shall send 5276  
notice of the release to the prosecuting attorney of the county in 5277  
which the indictment of the convict was found. 5278

(B) The notice required by division (A) of this section may 5279  
be contained in a weekly list of all felons of the first, second, 5280  
or third degree who are scheduled for release. The notice shall 5281  
contain all of the following: 5282

(1) The name of the convict being released; 5283

(2) The date of the convict's release;	5284
(3) The offense for the violation of which the convict was convicted and incarcerated;	5285 5286
(4) The date of the convict's conviction pursuant to which the convict was incarcerated;	5287 5288
(5) The sentence imposed for that conviction;	5289
(6) The length of any supervision that the convict will be under;	5290 5291
(7) The name, business address, and business phone number of the convict's supervising officer;	5292 5293
(8) The address at which the convict will reside.	5294
(C) Divisions (A) and (B) of this section do not apply to the release from confinement of an offender if the offender is serving a prison term imposed under division (A)(3), <u>(B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c)</u> of section 2971.03 of the Revised Code, if the court pursuant to section 2971.05 of the Revised Code modifies the requirement that the offender serve that entire term in a state correctional institution, and if the release from confinement is pursuant to that modification. In a case of that type, the court that modifies the requirement promptly shall provide written notice of the modification and the order that modifies the requirement or revises the modification to the offender, the department of rehabilitation and correction, the prosecuting attorney, and any state agency or political subdivision that is affected by the order.	5295 5296 5297 5298 5299 5300 5301 5302 5303 5304 5305 5306 5307 5308
<b>Sec. 2971.03.</b> (A) Notwithstanding divisions (A), (B), (C), and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or another section of the Revised Code, other than divisions (D) and (E) of section 2929.14 of the Revised Code, that authorizes or requires a specified prison term or a mandatory	5309 5310 5311 5312 5313

prison term for a person who is convicted of or pleads guilty to a 5314  
felony or that specifies the manner and place of service of a 5315  
prison term or term of imprisonment, the court shall impose a 5316  
sentence upon a person who is convicted of or pleads guilty to a 5317  
violent sex offense and who also is convicted of or pleads guilty 5318  
to a sexually violent predator specification that was included in 5319  
the indictment, count in the indictment, or information charging 5320  
that offense, and upon a person who is convicted of or pleads 5321  
guilty to a designated homicide, assault, or kidnapping offense 5322  
and also is convicted of or pleads guilty to both a sexual 5323  
motivation specification and a sexually violent predator 5324  
specification that were included in the indictment, count in the 5325  
indictment, or information charging that offense, as follows: 5326

(1) If the offense for which the sentence is being imposed is 5327  
aggravated murder and if the court does not impose upon the 5328  
offender a sentence of death, it shall impose upon the offender a 5329  
term of life imprisonment without parole. If the court sentences 5330  
the offender to death and the sentence of death is vacated, 5331  
overturned, or otherwise set aside, the court shall impose upon 5332  
the offender a term of life imprisonment without parole. 5333

(2) If the offense for which the sentence is being imposed is 5334  
murder; or if the offense is rape committed in violation of 5335  
division (A)(1)(b) of section 2907.02 of the Revised Code when the 5336  
offender purposely compelled the victim to submit by force or 5337  
threat of force, when the victim was less than ten years of age, 5338  
when the offender previously has been convicted of or pleaded 5339  
guilty to either rape committed in violation of that division or a 5340  
violation of an existing or former law of this state, another 5341  
state, or the United States that is substantially similar to 5342  
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 5343  
the offender during or immediately after the commission of the 5344  
rape caused serious physical harm to the victim; or if the offense 5345

is an offense other than aggravated murder or murder for which a 5346  
term of life imprisonment may be imposed, it shall impose upon the 5347  
offender a term of life imprisonment without parole. 5348

(3)(a) Except as otherwise provided in division (A)(3)(b), 5349  
(c), ~~or (d)~~, or (e) or (A)(4) of this section, if the offense for 5350  
which the sentence is being imposed is an offense other than 5351  
aggravated murder, murder, or rape and other than an offense for 5352  
which a term of life imprisonment may be imposed, it shall impose 5353  
an indefinite prison term consisting of a minimum term fixed by 5354  
the court from among the range of terms available as a definite 5355  
term for the offense, but not less than two years, and a maximum 5356  
term of life imprisonment. 5357

(b) Except as otherwise provided in division (A)(4) of this 5358  
section, if the offense for which the sentence is being imposed is 5359  
kidnapping that is a felony of the first degree, it shall impose 5360  
an indefinite prison term consisting of a minimum term fixed by 5361  
the court that is not less than ten years, and a maximum term of 5362  
life imprisonment. 5363

(c) Except as otherwise provided in division (A)(4) of this 5364  
section, if the offense for which the sentence is being imposed is 5365  
kidnapping that is a felony of the second degree, it shall impose 5366  
an indefinite prison term consisting of a minimum term fixed by 5367  
the court that is not less than eight years, and a maximum term of 5368  
life imprisonment. 5369

(d) Except as otherwise provided in division (A)(4) of this 5370  
section, if the offense for which the sentence is being imposed is 5371  
rape for which a term of life imprisonment is not imposed under 5372  
~~section 2907.02 of the Revised Code or~~ division (A)(2) of this 5373  
section or division (B) of section 2907.02 of the Revised Code, it 5374  
shall impose an indefinite prison term as follows: 5375

(i) If the rape is committed on or after the effective date 5376

of this amendment in violation of division (A)(1)(b) of section 5377  
2907.02 of the Revised Code, it shall impose an indefinite prison 5378  
term consisting of a minimum term of twenty-five years and a 5379  
maximum term of life imprisonment. 5380

(ii) If the rape is committed prior to the effective date of 5381  
this amendment or the rape is committed on or after the effective 5382  
date of this amendment other than in violation of division 5383  
(A)(1)(b) of section 2907.02 of the Revised Code, it shall impose 5384  
an indefinite prison term consisting of a minimum term fixed by 5385  
the court that is not less than ten years, and a maximum term of 5386  
life imprisonment. 5387

(e) Except as otherwise provided in division (A)(4) of this 5388  
section, if the offense for which sentence is being imposed is 5389  
attempted rape, it shall impose an indefinite prison term as 5390  
follows: 5391

(i) Except as otherwise provided in division (A)(3)(e)(ii), 5392  
(iii), or (iv) of this section, it shall impose an indefinite 5393  
prison term pursuant to division (A)(3)(a) of this section. 5394

(ii) If the attempted rape for which sentence is being 5395  
imposed was committed on or after the effective date of this 5396  
amendment, and if the offender also is convicted of or pleads 5397  
guilty to a specification of the type described in section 5398  
2941.1418 of the Revised Code, it shall impose an indefinite 5399  
prison term consisting of a minimum term of five years and a 5400  
maximum term of twenty-five years. 5401

(iii) If the attempted rape for which sentence is being 5402  
imposed was committed on or after the effective date of this 5403  
amendment, and if the offender also is convicted of or pleads 5404  
guilty to a specification of the type described in section 5405  
2941.1419 of the Revised Code, it shall impose an indefinite 5406  
prison term consisting of a minimum term of ten years and a 5407

maximum of life imprisonment.

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(iv) If the attempted rape for which sentence is being imposed was committed on or after the effective date of this amendment, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum of life imprisonment.

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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) and (E) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, if a person is convicted of or pleads guilty to a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment, if division (A) of this section does not apply regarding the person, and if the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section

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2907.02 of the Revised Code, the court shall impose upon the 5440  
person an indefinite prison term consisting of one of the 5441  
following: 5442

(a) Except as otherwise required in division (B)(1)(b) or (c) 5443  
of this section, a minimum term of ten years and a maximum term of 5444  
life imprisonment. 5445

(b) If the victim was less than ten years of age, a minimum 5446  
term of fifteen years and a maximum of life imprisonment. 5447

(c) If the offender purposely compels the victim to submit by 5448  
force or threat of force, or if the offender previously has been 5449  
convicted of or pleaded guilty to violating division (A)(1)(b) of 5450  
section 2907.02 of the Revised Code or to violating an existing or 5451  
former law of this state, another state, or the United States that 5452  
is substantially similar to division (A)(1)(b) of that section, or 5453  
if the offender during or immediately after the commission of the 5454  
offense caused serious physical harm to the victim, a minimum term 5455  
of twenty-five years and a maximum of life imprisonment. 5456

(2) Notwithstanding section 2929.13, division (A), (B), (C), 5457  
or (F) of section 2929.14, or another section of the Revised Code 5458  
other than divisions (D) and (E) of section 2929.14 of the Revised 5459  
Code that authorizes or requires a specified prison term or a 5460  
mandatory prison term for a person who is convicted of or pleads 5461  
guilty to a felony or that specifies the manner and place of 5462  
service of a prison term or term of imprisonment, if a person is 5463  
convicted of or pleads guilty to attempted rape committed on or 5464  
after the effective date of this amendment and if division (A) of 5465  
this section does not apply regarding the person, the court shall 5466  
impose upon the person an indefinite prison term consisting of one 5467  
of the following: 5468

(a) If the person also is convicted of or pleads guilty to a 5469  
specification of the type described in section 2941.1418 of the 5470



Revised Code, the court shall impose upon the person an indefinite 5471  
prison term consisting of a minimum term of five years and a 5472  
maximum term of twenty-five years. 5473

(b) If the person also is convicted of or pleads guilty to a 5474  
specification of the type described in section 2941.1419 of the 5475  
Revised Code, the court shall impose upon the person an indefinite 5476  
prison term consisting of a minimum term of ten years and a 5477  
maximum term of life imprisonment. 5478

(c) If the person also is convicted of or pleads guilty to a 5479  
specification of the type described in section 2941.1420 of the 5480  
Revised Code, the court shall impose upon the person an indefinite 5481  
prison term consisting of a minimum term of fifteen years and a 5482  
maximum term of life imprisonment. 5483

(C)(1) If the offender is sentenced to a prison term pursuant 5484  
to division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or 5485  
(c) of this section, the parole board shall have control over the 5486  
offender's service of the term during the entire term unless the 5487  
parole board terminates its control in accordance with section 5488  
2971.04 of the Revised Code. 5489

~~(C)(1)(2)~~ Except as provided in division (C)~~(2)(3)~~ of this 5490  
section, an offender sentenced to a prison term or term of life 5491  
imprisonment without parole pursuant to division (A) of this 5492  
section shall serve the entire prison term or term of life 5493  
imprisonment in a state correctional institution. The offender is 5494  
not eligible for judicial release under section 2929.20 of the 5495  
Revised Code. 5496

~~(2)(3)~~ For a prison term imposed pursuant to division (A)(3), 5497  
(B)(1)(a), (b), or (B)(2)(a), (b), or (c) of this section, the 5498  
court, in accordance with section 2971.05 of the Revised Code, may 5499  
terminate the prison term or modify the requirement that the 5500  
offender serve the entire term in a state correctional institution 5501

if all of the following apply: 5502

(a) The offender has served at least the minimum term imposed 5503  
as part of that prison term. 5504

(b) The parole board, pursuant to section 2971.04 of the 5505  
Revised Code, has terminated its control over the offender's 5506  
service of that prison term. 5507

(c) The court has held a hearing and found, by clear and 5508  
convincing evidence, one of the following: 5509

(i) In the case of termination of the prison term, that the 5510  
offender is unlikely to commit a sexually violent offense in the 5511  
future; 5512

(ii) In the case of modification of the requirement, that the 5513  
offender does not represent a substantial risk of physical harm to 5514  
others. 5515

~~(3)~~(4) An offender who has been sentenced to a term of life 5516  
imprisonment without parole pursuant to division (A)(1), (2), or 5517  
(4) of this section shall not be released from the term of life 5518  
imprisonment or be permitted to serve a portion of it in a place 5519  
other than a state correctional institution. 5520

(D) If a court sentences an offender to a prison term or term 5521  
of life imprisonment without parole pursuant to division (A) of 5522  
this section and the court also imposes on the offender one or 5523  
more additional prison terms pursuant to division (D) of section 5524  
2929.14 of the Revised Code, all of the additional prison terms 5525  
shall be served consecutively with, and prior to, the prison term 5526  
or term of life imprisonment without parole imposed upon the 5527  
offender pursuant to division (A) of this section. 5528

(E) If the offender is convicted of or pleads guilty to two 5529  
or more offenses for which a prison term or term of life 5530  
imprisonment without parole is required to be imposed pursuant to 5531

division (A) of this section, divisions (A) to (D) of this section 5532  
shall be applied for each offense. All minimum terms imposed upon 5533  
the offender pursuant to division (A)(3) or (B) of this section 5534  
for those offenses shall be aggregated and served consecutively, 5535  
as if they were a single minimum term imposed under that division. 5536

(F) If an offender is convicted of or pleads guilty to a 5537  
violent sex offense and also is convicted of or pleads guilty to a 5538  
sexually violent predator specification that was included in the 5539  
indictment, count in the indictment, or information charging that 5540  
offense, or is convicted of or pleads guilty to a designated 5541  
homicide, assault, or kidnapping offense and also is convicted of 5542  
or pleads guilty to both a sexual motivation specification and a 5543  
sexually violent predator specification that were included in the 5544  
indictment, count in the indictment, or information charging that 5545  
offense, the conviction of or plea of guilty to the offense and 5546  
the sexually violent predator specification automatically 5547  
classifies the offender as a sexual predator for purposes of 5548  
Chapter 2950. of the Revised Code. If an offender is convicted of 5549  
or pleads guilty to committing on or after the effective date of 5550  
this amendment a violation of division (A)(1)(b) of section 5551  
2907.02 of the Revised Code, the conviction of or plea of guilty 5552  
to the offense automatically classifies the offender as a sexual 5553  
predator for purposes of Chapter 2950. of the Revised Code. If a 5554  
person is convicted of or pleads guilty to committing on or after 5555  
the effective date of this amendment attempted rape and also is 5556  
convicted of or pleads guilty to a specification of the type 5557  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 5558  
Revised Code, the conviction of or plea of guilty to the offense 5559  
and the specification automatically classify the offender as a 5560  
sexual predator for purposes of this chapter. The classification 5561  
pursuant to this division of the an offender as a sexual predator 5562  
for purposes of ~~that chapter~~ Chapter 2950. of the Revised Code is 5563

permanent and continues until the offender's death as described in 5564  
division (D)(2) of section 2950.09 of the Revised Code. 5565

**Sec. 2971.04.** (A) If an offender is serving a prison term 5566  
imposed under division (A)(3), (B)(1)(a), (b), or (c), or 5567  
(B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, at 5568  
any time after the offender has served the minimum term imposed 5569  
under that sentence, the parole board may terminate its control 5570  
over the offender's service of the prison term. The parole board 5571  
initially shall determine whether to terminate its control over 5572  
the offender's service of the prison term upon the completion of 5573  
the offender's service of the minimum term under the sentence and 5574  
shall make subsequent determinations at least once every two years 5575  
after that first determination. The parole board shall not 5576  
terminate its control over the offender's service of the prison 5577  
term unless it finds at a hearing that the offender does not 5578  
represent a substantial risk of physical harm to others. Prior to 5579  
determining whether to terminate its control over the offender's 5580  
service of the prison term, the parole board shall request the 5581  
department of rehabilitation and correction to prepare pursuant to 5582  
section 5120.61 of the Revised Code an update of the most recent 5583  
risk assessment and report relative to the offender. The offender 5584  
has the right to be present at any hearing held under this 5585  
section. At the hearing, the offender and the prosecuting attorney 5586  
may make a statement and present evidence as to whether the parole 5587  
board should terminate its control over the offender's service of 5588  
the prison term. In making its determination as to whether to 5589  
terminate its control over the offender's service of the prison 5590  
term, the parole board may follow the standards and guidelines 5591  
adopted by the department of rehabilitation and correction under 5592  
section 5120.49 of the Revised Code and shall consider the updated 5593  
risk assessment and report relating to the offender prepared by 5594  
the department pursuant to section 5120.61 of the Revised Code in 5595

response to the request made under this division and any 5596  
statements or evidence submitted by the offender or the 5597  
prosecuting attorney. If the parole board terminates its control 5598  
over an offender's service of a prison term imposed under division 5599  
(A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of 5600  
section 2971.03 of the Revised Code, it shall recommend to the 5601  
court modifications to the requirement that the offender serve the 5602  
entire term in a state correctional institution. The court is not 5603  
bound by the recommendations submitted by the parole board. 5604

(B) If the parole board terminates its control over an 5605  
offender's service of a prison term imposed pursuant to division 5606  
(A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of 5607  
section 2971.03 of the Revised Code, the parole board immediately 5608  
shall provide written notice of its termination of control to the 5609  
department of rehabilitation and correction, the court, and the 5610  
prosecuting attorney, and, after the board's termination of its 5611  
control, the court shall have control over the offender's service 5612  
of that prison term. 5613

After the transfer, the court shall have control over the 5614  
offender's service of that prison term for the offender's entire 5615  
life, subject to the court's termination of the term pursuant to 5616  
section 2971.05 of the Revised Code. 5617

(C) If control over the offender's service of the prison term 5618  
is transferred to the court, all of the following apply: 5619

(1) The offender shall not be released solely as a result of 5620  
the transfer of control over the service of that prison term. 5621

(2) The offender shall not be permitted solely as a result of 5622  
the transfer to serve a portion of that term in a place other than 5623  
a state correctional institution. 5624

(3) The offender shall continue serving that term in a state 5625  
correctional institution, subject to the following: 5626

(a) A release pursuant to a pardon, commutation, or reprieve;	5627
(b) A modification or termination of the term by the court pursuant to this chapter.	5628 5629
<b>Sec. 2971.05.</b> (A)(1) After control over an offender's service of a prison term imposed pursuant to division (A)(3), <u>(B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c)</u> 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:	5630 5631 5632 5633 5634 5635 5636 5637 5638 5639
(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;	5640 5641 5642
(b) Two years elapse after the most recent prior hearing held pursuant to division (A)(1) or (2) of this section;	5643 5644
(c) The prosecuting attorney, the department of rehabilitation and correction, or the adult parole authority requests the hearing, and recommends that the requirement be modified or that the offender's prison term be terminated.	5645 5646 5647 5648
(2) After control over the offender's service of a prison term has been transferred pursuant to section 2971.04 of the Revised Code to the court, the court, within thirty days of either of the following, shall conduct 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, whether to continue, revise, or revoke an existing modification of that requirement, or whether to terminate the term	5649 5650 5651 5652 5653 5654 5655 5656

in accordance with division (D) of this section: 5657

(a) The requirement that the offender serve the entire prison 5658  
term in a state correctional institution has been modified, and 5659  
the offender is taken into custody for any reason. 5660

(b) The department of rehabilitation and correction or the 5661  
prosecuting attorney notifies the court pursuant to section 5662  
2971.06 of the Revised Code regarding a known or suspected 5663  
violation of a term or condition of the modification or a belief 5664  
that there is a substantial likelihood that the offender has 5665  
committed or is about to commit a sexually violent offense. 5666

(3) After control over the offender's service of a prison 5667  
term has been transferred pursuant to section 2971.04 of the 5668  
Revised Code to the court, the court, in any of the following 5669  
circumstances, may conduct a hearing within thirty days to 5670  
determine whether to modify in accordance with division (C) of 5671  
this section the requirement that the offender serve the entire 5672  
prison term in a state correctional institution, whether to 5673  
continue, revise, or revoke an existing modification of that 5674  
requirement, or whether to terminate the sentence in accordance 5675  
with division (D) of this section: 5676

(a) The offender requests the hearing; 5677

(b) Upon the court's own motion; 5678

(c) One or more examiners who have conducted a psychological 5679  
examination and assessment of the offender file a statement that 5680  
states that there no longer is a likelihood that the offender will 5681  
engage in the future in a sexually violent offense. 5682

(B)(1) Before a court holds a hearing pursuant to division 5683  
(A) of this section, the court shall provide notice of the date, 5684  
time, place, and purpose of the hearing to the offender, the 5685  
prosecuting attorney, the department of rehabilitation and 5686

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

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

(3) At the conclusion of the hearing held pursuant to  
division (A) of this section, the court may order that the  
requirement that the offender serve the entire prison term in a  
state correctional institution be continued, that the requirement  
be modified pursuant to division (C) of this section, that an  
existing modification be continued, revised, or revoked pursuant  
to division (C) of this section, or that the prison term be  
terminated pursuant to division (D) of this section.

(C)(1) If, at the conclusion of a hearing held pursuant to  
division (A) of this section, the court determines by clear and  
convincing evidence that the offender will not represent a  
substantial risk of physical harm to others, the court may modify  
the requirement that the offender serve the entire prison term  
imposed under division (A)(3), (B)(1)(a), (b), or (c), or  
(B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code in a



state correctional institution in a manner that the court 5719  
considers appropriate. If the court modifies the requirement, ~~the~~ 5720  
~~offender is subject to~~ for an offender whose prison term was 5721  
imposed pursuant to division (A)(3) of section 2971.03 of the 5722  
Revised Code, the court shall order the adult parole authority to 5723  
supervise the offender and shall require that the authority's 5724  
supervision under of the offender be pursuant to division (E) of 5725  
this section. If the court modifies the requirement for an 5726  
offender whose prison term was imposed pursuant to division 5727  
(B)(1)(a), (b), or (c) or (2)(a), (b), or (c) of section 2971.03 5728  
of the Revised Code, the court shall order the adult parole 5729  
authority to supervise the offender and may require that the 5730  
authority's supervision of the offender be pursuant to division 5731  
(E) of this section. 5732

(2) The modification of the requirement does not terminate 5733  
the prison term but serves only to suspend the requirement that 5734  
the offender serve the entire term in a state correctional 5735  
institution. The prison term shall remain in effect for the 5736  
offender's entire life unless the court terminates the prison term 5737  
pursuant to division (D) of this section. The offender shall 5738  
remain under the jurisdiction of the court for the offender's 5739  
entire life unless the court so terminates the prison term. The 5740  
modification of the requirement does not terminate the 5741  
classification of the offender, as described in division (F) of 5742  
section 2971.03 of the Revised Code, as a sexual predator for 5743  
purposes of Chapter 2950. of the Revised Code, and the offender is 5744  
subject to supervision, including supervision under division (E) 5745  
of this section if the court required the supervision of the 5746  
offender to be pursuant to that division. 5747

(3) If the court revokes the modification under 5748  
consideration, the court shall order that the offender be returned 5749  
to the custody of the department of rehabilitation and correction 5750

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)(a), (b), or (c), or (B)(2)(a), (b), or (c) 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  
supervision of the offender be pursuant to division (E) of this  
section. If the court terminates the prison term for an offender  
whose prison term was imposed pursuant to division (B)(1)(a), (b),  
or (c) or (2)(a), (b), or (c) of section 2971.03 of the Revised  
Code, the court may require that the authority's supervision of  
the offender be pursuant to division (E) of this section. Upon  
receipt of a notice from a court pursuant to this division, the  
adult parole authority shall supervise the offender who is the

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subject of the notice during the five-year period of conditional 5783  
release, periodically notify the court of the offender's 5784  
activities during that five-year period of conditional release, 5785  
and file with the court no later than thirty days prior to the 5786  
expiration of the five-year period of conditional release a 5787  
written recommendation as to whether the termination of the 5788  
offender's prison term should be finalized, whether the period of 5789  
conditional release should be extended, or whether another type of 5790  
action authorized pursuant to this chapter should be taken. 5791

(2) Upon receipt of a recommendation of the adult parole 5792  
authority filed pursuant to ~~this~~ division (D)(1) of this section, 5793  
the court shall hold a hearing to determine whether to finalize 5794  
the termination of the offender's prison term, to extend the 5795  
period of conditional release, or to take another type of action 5796  
authorized pursuant to this chapter. The court shall hold the 5797  
hearing no later than the date on which the five-year period of 5798  
conditional release terminates and shall provide notice of the 5799  
date, time, place, and purpose of the hearing to the offender and 5800  
to the prosecuting attorney. At the hearing, the offender, the 5801  
prosecuting attorney, and the adult parole authority employee who 5802  
supervised the offender during the period of conditional release 5803  
may make a statement and present evidence. 5804

~~(2)~~ If the court determines at the hearing to extend an 5805  
offender's period of conditional release, it may do so for 5806  
additional periods of one year in the same manner as the original 5807  
period of conditional release, and, except as otherwise described 5808  
in this division, all procedures and requirements that applied to 5809  
the original period of conditional release apply to the additional 5810  
period of extended conditional release unless the court modifies a 5811  
procedure or requirement. If an offender's period of conditional 5812  
release is extended as described in this division, all references 5813  
to a five-year period of conditional release that are contained in 5814

division (D)(1) of this section shall be construed, in applying 5815  
the provisions of that division to the extension, as being 5816  
references to the one-year period of the extension of the 5817  
conditional release. 5818

If the court determines at the hearing to take another type 5819  
of action authorized pursuant to this chapter, it may do so in the 5820  
same manner as if the action had been taken at any other stage of 5821  
the proceedings under this chapter. As used in this division, 5822  
"another type of action" includes the revocation of the 5823  
conditional release and the return of the offender to a state 5824  
correctional institution to continue to serve the prison term. 5825

If the court determines at the hearing to finalize the 5826  
termination of the offender's prison term, it shall notify the 5827  
department of rehabilitation and correction, the department shall 5828  
enter into its records a final release and issue to the offender a 5829  
certificate of final release, and the prison term thereafter shall 5830  
be considered completed and terminated in every way. 5831

(3) The termination of the an offender's prison term pursuant 5832  
to division (D)(1) or (2) of this section does not affect the 5833  
classification of the offender, as described in division (F) of 5834  
section 2971.03 of the Revised Code, as a sexual predator for 5835  
purposes of Chapter 2950. of the Revised Code, ~~and~~ does not 5836  
terminate the adult parole authority's supervision of ~~a sexually~~ 5837  
~~violent predator~~ the offender, and, if the court had required the 5838  
supervision of the offender to be pursuant to division (E) of this 5839  
section, does not terminate the supervision of the offender with 5840  
an active global positioning system device, pursuant to that 5841  
division ~~(E) of this section~~. The classification of the offender 5842  
as a sexual predator is permanent and continues until the 5843  
offender's death as described in division (D)(2) of section 5844  
2950.09 of the Revised Code. 5845

~~(E) The adult parole authority shall supervise~~ If a prison 5846

term imposed upon an offender whose prison term pursuant to 5847  
division (A)(3) of section 2971.03 of the Revised Code is modified 5848  
as provided in division (C) of this section or ~~whose prison term~~ 5849  
~~is~~ terminated as provided in division (D) of this section, the 5850  
adult parole authority shall supervise the offender with an active 5851  
global positioning system device during any time period in which 5852  
the offender is not incarcerated in a state correctional 5853  
institution. ~~Unless~~ If a prison term imposed upon an offender 5854  
pursuant to division (B)(1)(a), (b), or (c) or (2)(a), (b), or (c) 5855  
of section 2971.03 of the Revised Code is modified as provided in 5856  
division (C) of this section or terminated as provided in division 5857  
(D) of this section, and if the court requires that the adult 5858  
parole authority's supervision of the offender be pursuant to this 5859  
division, the authority shall supervise the offender with an 5860  
active global positioning system device during any time period in 5861  
which the offender is not incarcerated in a state correctional 5862  
institution. If the adult parole authority is required to 5863  
supervise the offender with an active global positioning system 5864  
device as described in this division, unless the court removes the 5865  
offender's classification as a sexually violent predator, ~~an~~ 5866  
regarding an offender whose prison term was imposed under division 5867  
(A)(3) of section 2971.03 of the Revised Code or terminates the 5868  
requirement that supervision of the offender be pursuant to this 5869  
division regarding an offender whose prison term was imposed under 5870  
division (B)(1)(a), (b), or (c) or (2)(a), (b), or (c) of section 5871  
2971.03 of the Revised Code, the offender is subject to 5872  
supervision with an active global positioning system pursuant to 5873  
this division for the offender's entire life. The costs of 5874  
administering the supervision of ~~sexually violent~~ offenders with 5875  
an active global positioning system device pursuant to this 5876  
division shall be paid out of funds from the reparations fund, 5877  
created pursuant to section 2743.191 of the Revised Code. This 5878  
division shall only apply to a sexually violent predator sentenced 5879

pursuant to division (A)(3) of section 2971.03 of the Revised Code 5880  
who is released from the custody of the department of 5881  
rehabilitation and correction on or after ~~the effective date of~~ 5882  
~~this amendment~~ September 29, 2005 or an offender sentenced 5883  
pursuant to division (B)(1) or (2) of section 2971.03 of the 5884  
Revised Code on or after the effective date of this amendment. 5885

**Sec. 2971.06.** If an offender is serving a prison term imposed 5886  
under division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), 5887  
or (c) of section 2971.03 of the Revised Code, if, pursuant to 5888  
section 2971.05 of the Revised Code, the court modifies the 5889  
requirement that the offender serve the entire prison term in a 5890  
state correctional institution or places the offender on 5891  
conditional release, and if, at any time after the offender has 5892  
been released from serving the term in an institution, the 5893  
department of rehabilitation and correction or the prosecuting 5894  
attorney learns or obtains information indicating that the 5895  
offender has violated a term or condition of the modification or 5896  
conditional release or believes there is a substantial likelihood 5897  
that the offender has committed or is about to commit a sexually 5898  
violent offense, all of the following apply: 5899

(A) The department or the prosecuting attorney may contact a 5900  
peace officer, parole officer, or probation officer and request 5901  
the officer to take the offender into custody. If the department 5902  
contacts a peace officer, parole officer, or probation officer and 5903  
requests that the offender be taken into custody, the department 5904  
shall notify the prosecuting attorney that it made the request and 5905  
shall provide the reasons for which it made the request. Upon 5906  
receipt of a request that an offender be taken into custody, a 5907  
peace officer, parole officer, or probation officer shall take the 5908  
offender in question into custody and promptly shall notify the 5909  
department and the prosecuting attorney, in writing, that the 5910  
offender was taken into custody. After the offender has been taken 5911

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.

5944

**Sec. 2971.07.** (A) This chapter does not apply to any offender 5945  
unless the offender is convicted of or pleads guilty to a violent 5946  
sex offense and also is convicted of or pleads guilty to a 5947  
sexually violent predator specification that was included in the 5948  
indictment, count in the indictment, or information charging that 5949  
offense ~~or~~, unless the offender is convicted of or pleads guilty 5950  
to a designated homicide, assault, or kidnapping offense and also 5951  
is convicted of or pleads guilty to both a sexual motivation 5952  
specification and a sexually violent predator specification that 5953  
were included in the indictment, count in the indictment, or 5954  
information charging that offense, unless the offender is 5955  
convicted of or pleads guilty to a violation of division (A)(1)(b) 5956  
of section 2907.02 of the Revised Code committed on or after the 5957  
effective date of this amendment, and the court does not sentence 5958  
the offender to a term of life without parole pursuant to division 5959  
(B) of section 2907.02 of the Revised Code, or unless the offender 5960  
is convicted of or pleads guilty to attempted rape committed on or 5961  
after the effective date of this amendment and also is convicted 5962  
of or pleads guilty to a specification of the type described in 5963  
section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 5964

(B) This chapter does not limit or affect a court that 5965  
sentences an offender who is convicted of or pleads guilty to a 5966  
violent sex offense and also is convicted of or pleads guilty to a 5967  
sexually violent predator specification ~~or~~, a court that sentences 5968  
an offender who is convicted of or pleads guilty to a designated 5969  
homicide, assault, or kidnapping offense and also is convicted of 5970  
or pleads guilty to both a sexual motivation specification and a 5971  
sexually violent predator specification, a court that sentences an 5972  
offender who is convicted of or pleads guilty to a violation of 5973  
division (A)(1)(b) of section 2907.02 of the Revised Code 5974



committed on or after the effective date of this amendment, or a 5975  
court that sentences an offender who is convicted of or pleads 5976  
guilty to attempted rape committed on or after the effective date 5977  
of this amendment and also is convicted of or pleads guilty to a 5978  
specification of the type described in section 2941.1418, 5979  
2941.1419, or 2941.1420 of the Revised Code in imposing upon the 5980  
offender any financial sanction under section 2929.18 or any other 5981  
section of the Revised Code, or, except as specifically provided 5982  
in this chapter, any other sanction that is authorized or required 5983  
for the offense or violation by any other provision of law. 5984

(C) If an offender is sentenced to a prison term under 5985  
division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) 5986  
of section 2971.03 of the Revised Code and if, pursuant to section 5987  
2971.05 of the Revised Code, the court modifies the requirement 5988  
that the offender serve the entire prison term in a state 5989  
correctional institution or places the offender on conditional 5990  
release that involves the placement of the offender under the 5991  
supervision of the adult parole authority, authorized field 5992  
officers of the authority who are engaged within the scope of 5993  
their supervisory duties or responsibilities may search, with or 5994  
without a warrant, the person of the offender, the place of 5995  
residence of the offender, and a motor vehicle, another item of 5996  
tangible or intangible personal property, or any other real 5997  
property in which the offender has the express or implied 5998  
permission of a person with a right, title, or interest to use, 5999  
occupy, or possess if the field officer has reasonable grounds to 6000  
believe that the offender is not abiding by the law or otherwise 6001  
is not complying with the terms and conditions of the offender's 6002  
modification or release. The authority shall provide each offender 6003  
with a written notice that informs the offender that authorized 6004  
field officers of the authority who are engaged within the scope 6005  
of their supervisory duties or responsibilities may conduct those 6006  
types of searches during the period of the modification or release 6007

if they have reasonable grounds to believe that the offender is 6008  
not abiding by the law or otherwise is not complying with the 6009  
terms and conditions of the offender's modification or release. 6010

**Sec. 3109.04.** (A) In any divorce, legal separation, or 6011  
annulment proceeding and in any proceeding pertaining to the 6012  
allocation of parental rights and responsibilities for the care of 6013  
a child, upon hearing the testimony of either or both parents and 6014  
considering any mediation report filed pursuant to section 6015  
3109.052 of the Revised Code and in accordance with sections 6016  
3127.01 to 3127.53 of the Revised Code, the court shall allocate 6017  
the parental rights and responsibilities for the care of the minor 6018  
children of the marriage. Subject to division (D)(2) of this 6019  
section, the court may allocate the parental rights and 6020  
responsibilities for the care of the children in either of the 6021  
following ways: 6022

(1) If neither parent files a pleading or motion in 6023  
accordance with division (G) of this section, if at least one 6024  
parent files a pleading or motion under that division but no 6025  
parent who filed a pleading or motion under that division also 6026  
files a plan for shared parenting, or if at least one parent files 6027  
both a pleading or motion and a shared parenting plan under that 6028  
division but no plan for shared parenting is in the best interest 6029  
of the children, the court, in a manner consistent with the best 6030  
interest of the children, shall allocate the parental rights and 6031  
responsibilities for the care of the children primarily to one of 6032  
the parents, designate that parent as the residential parent and 6033  
the legal custodian of the child, and divide between the parents 6034  
the other rights and responsibilities for the care of the 6035  
children, including, but not limited to, the responsibility to 6036  
provide support for the children and the right of the parent who 6037  
is not the residential parent to have continuing contact with the 6038  
children. 6039

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

(B)(1) When making the allocation of the parental rights and responsibilities for the care of the children under this section in an original proceeding or in any proceeding for modification of a prior order of the court making the allocation, the court shall take into account that which would be in the best interest of the children. In determining the child's best interest for purposes of making its allocation of the parental rights and responsibilities for the care of the child and for purposes of resolving any issues related to the making of that allocation, the court, in its discretion, may and, upon the request of either party, shall interview in chambers any or all of the involved children regarding their wishes and concerns with respect to the allocation.

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

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

(b) The court first shall determine the reasoning ability of the child. If the court determines that the child does not have sufficient reasoning ability to express the child's wishes and concern with respect to the allocation of parental rights and responsibilities for the care of the child, it shall not determine the child's wishes and concerns with respect to the allocation. If the court determines that the child has sufficient reasoning ability to express the child's wishes or concerns with respect to the allocation, it then shall determine whether, because of special circumstances, it would not be in the best interest of the child to determine the child's wishes and concerns with respect to the allocation. If the court determines that, because of special circumstances, it would not be in the best interest of the child to determine the child's wishes and concerns with respect to the allocation, it shall not determine the child's wishes and concerns with respect to the allocation and shall enter its written findings of fact and opinion in the journal. If the court determines that it would be in the best interests of the child to determine the child's wishes and concerns with respect to the allocation, it shall proceed to make that determination.

(c) The interview shall be conducted in chambers, and no person other than the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview.

(3) No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parental rights and responsibilities concerning the child. No court, in determining the child's best interest for purposes of making its

allocation of the parental rights and responsibilities for the care of the child or for purposes of resolving any issues related to the making of that allocation, shall accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes and concerns regarding those matters.

(C) Prior to trial, the court may cause an investigation to 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 resulting in a child being a neglected child, the court shall consider that fact against naming that parent the residential parent and against granting a shared parenting decree. When the court allocates parental rights and responsibilities for the care of children or determines whether to grant shared parenting in any proceeding, it shall consider whether either parent or any member of the household of either parent 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 6136  
the commission of the offense was a member of the family or 6137  
household that is the subject of the proceeding, has been 6138  
convicted of or pleaded guilty to any sexually oriented offense or 6139  
other offense involving a victim who at the time of the commission 6140  
of the offense was a member of the family or household that is the 6141  
subject of the proceeding and caused physical harm to the victim 6142  
in the commission of the offense, or has been determined to be the 6143  
perpetrator of the abusive act that is the basis of an 6144  
adjudication that a child is an abused child. If the court 6145  
determines that either parent has been convicted of or pleaded 6146  
guilty to a violation of section 2919.25 of the Revised Code or a 6147  
sexually oriented offense involving a victim who at the time of 6148  
the commission of the offense was a member of the family or 6149  
household that is the subject of the proceeding, has been 6150  
convicted of or pleaded guilty to any sexually oriented offense or 6151  
other offense involving a victim who at the time of the commission 6152  
of the offense was a member of the family or household that is the 6153  
subject of the proceeding and caused physical harm to the victim 6154  
in the commission of the offense, or has been determined to be the 6155  
perpetrator of the abusive act that is the basis of an 6156  
adjudication that a child is an abused child, it may designate 6157  
that parent as the residential parent and may issue a shared 6158  
parenting decree or order only if it determines that it is in the 6159  
best interest of the child to name that parent the residential 6160  
parent or to issue a shared parenting decree or order and it makes 6161  
specific written findings of fact to support its determination. 6162

(D)(1)(a) Upon the filing of a pleading or motion by either 6163  
parent or both parents, in accordance with division (G) of this 6164  
section, requesting shared parenting and the filing of a shared 6165  
parenting plan in accordance with that division, the court shall 6166  
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 6167  
whichever is applicable: 6168

(i) If both parents jointly make the request in their pleadings or jointly file the motion and also jointly file the plan, the court shall review the parents' plan to determine if it is in the best interest of the children. If the court determines that the plan is in the best interest of the children, the court shall approve it. If the court determines that the plan or any part of the plan is not in the best interest of the children, the court shall require the parents to make appropriate changes to the plan to meet the court's objections to it. If changes to the plan are made to meet the court's objections, and if the new plan is in the best interest of the children, the court shall approve the plan. If changes to the plan are not made to meet the court's objections, or if the parents attempt to make changes to the plan to meet the court's objections, but the court determines that the new plan or any part of the new plan still is not in the best interest of the children, the court may reject the portion of the parents' pleadings or deny their motion requesting shared parenting of the children and proceed as if the request in the pleadings or the motion had not been made. The court shall not approve a plan under this division unless it determines that the plan is in the best interest of the children.

(ii) If each parent makes a request in the parent's pleadings or files a motion and each also files a separate plan, the court shall review each plan filed to determine if either is in the best interest of the children. If the court determines that one of the filed plans is in the best interest of the children, the court may approve the plan. If the court determines that neither filed plan is in the best interest of the children, the court may order each parent to submit appropriate changes to the parent's plan or both of the filed plans to meet the court's objections, or may select one of the filed plans and order each parent to submit appropriate changes to the selected plan to meet the court's objections. If

changes to the plan or plans are submitted to meet the court's 6201  
objections, and if any of the filed plans with the changes is in 6202  
the best interest of the children, the court may approve the plan 6203  
with the changes. If changes to the plan or plans are not 6204  
submitted to meet the court's objections, or if the parents submit 6205  
changes to the plan or plans to meet the court's objections but 6206  
the court determines that none of the filed plans with the 6207  
submitted changes is in the best interest of the children, the 6208  
court may reject the portion of the parents' pleadings or deny 6209  
their motions requesting shared parenting of the children and 6210  
proceed as if the requests in the pleadings or the motions had not 6211  
been made. If the court approves a plan under this division, 6212  
either as originally filed or with submitted changes, or if the 6213  
court rejects the portion of the parents' pleadings or denies 6214  
their motions requesting shared parenting under this division and 6215  
proceeds as if the requests in the pleadings or the motions had 6216  
not been made, the court shall enter in the record of the case 6217  
findings of fact and conclusions of law as to the reasons for the 6218  
approval or the rejection or denial. Division (D)(1)(b) of this 6219  
section applies in relation to the approval or disapproval of a 6220  
plan under this division. 6221

(iii) If each parent makes a request in the parent's 6222  
pleadings or files a motion but only one parent files a plan, or 6223  
if only one parent makes a request in the parent's pleadings or 6224  
files a motion and also files a plan, the court in the best 6225  
interest of the children may order the other parent to file a plan 6226  
for shared parenting in accordance with division (G) of this 6227  
section. The court shall review each plan filed to determine if 6228  
any plan is in the best interest of the children. If the court 6229  
determines that one of the filed plans is in the best interest of 6230  
the children, the court may approve the plan. If the court 6231  
determines that no filed plan is in the best interest of the 6232



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 filed plan 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 the parents' motion or reject the portion of the  
parents' pleadings or deny their motions requesting shared  
parenting of the children and proceed as if the request or  
requests or the motion or motions had not been made. If the court  
approves a plan under this division, either as originally filed or  
with submitted changes, or if the court rejects the portion of the  
pleadings or denies the motion or motions requesting shared  
parenting under this division and proceeds as if the request or  
requests or the motion or motions had not been made, the court  
shall enter in the record of the case findings of fact and  
conclusions of law as to the reasons for the approval or the  
rejection or denial. Division (D)(1)(b) of this section applies in  
relation to the approval or disapproval of a plan under this  
division.

(b) The approval of a plan under division (D)(1)(a)(ii) or  
(iii) of this section is discretionary with the court. The court  
shall not approve more than one plan under either division and  
shall not approve a plan under either division unless it  
determines that the plan is in the best interest of the children.

If the court, under either division, does not determine that any  
filed plan or any filed plan with submitted changes is in the best  
interest of the children, the court shall not approve any plan.

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

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

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

(2) If the court finds, with respect to any child under  
eighteen years of age, that it is in the best interest of the  
child for neither parent to be designated the residential parent  
and legal custodian of the child, it may commit the child to a  
relative of the child or certify a copy of its findings, together  
with as much of the record and the further information, in  
narrative form or otherwise, that it considers necessary or as the

juvenile court requests, to the juvenile court for further  
proceedings, and, upon the certification, the juvenile court has  
exclusive jurisdiction.

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

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

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

(iii) The harm likely to be caused by a change of environment  
is outweighed by the advantages of the change of environment to  
the child.

(b) One or both of the parents under a prior decree  
allocating parental rights and responsibilities for the care of  
children that is not a shared parenting decree may file a motion  
requesting that the prior decree be modified to give both parents  
shared rights and responsibilities for the care of the children.  
The motion shall include both a request for modification of the

prior decree and a request for a shared parenting order that 6327  
complies with division (G) of this section. Upon the filing of the 6328  
motion, if the court determines that a modification of the prior 6329  
decree is authorized under division (E)(1)(a) of this section, the 6330  
court may modify the prior decree to grant a shared parenting 6331  
order, provided that the court shall not modify the prior decree 6332  
to grant a shared parenting order unless the court complies with 6333  
divisions (A) and (D)(1) of this section and, in accordance with 6334  
those divisions, approves the submitted shared parenting plan and 6335  
determines that shared parenting would be in the best interest of 6336  
the children. 6337

(2) In addition to a modification authorized under division 6338  
(E)(1) of this section: 6339

(a) Both parents under a shared parenting decree jointly may 6340  
modify the terms of the plan for shared parenting approved by the 6341  
court and incorporated by it into the shared parenting decree. 6342  
Modifications under this division may be made at any time. The 6343  
modifications to the plan shall be filed jointly by both parents 6344  
with the court, and the court shall include them in the plan, 6345  
unless they are not in the best interest of the children. If the 6346  
modifications are not in the best interests of the children, the 6347  
court, in its discretion, may reject the modifications or make 6348  
modifications to the proposed modifications or the plan that are 6349  
in the best interest of the children. Modifications jointly 6350  
submitted by both parents under a shared parenting decree shall be 6351  
effective, either as originally filed or as modified by the court, 6352  
upon their inclusion by the court in the plan. Modifications to 6353  
the plan made by the court shall be effective upon their inclusion 6354  
by the court in the plan. 6355

(b) The court may modify the terms of the plan for shared 6356  
parenting approved by the court and incorporated by it into the 6357  
shared parenting decree upon its own motion at any time if the 6358

court determines that the modifications are in the best interest  
of the children or upon the request of one or both of the parents  
under the decree. Modifications under this division may be made at  
any time. The court shall not make any modification to the plan  
under this division, unless the modification is in the best  
interest of the children.

(c) The court may terminate a prior final shared parenting  
decree that includes a shared parenting plan approved under  
division (D)(1)(a)(i) of this section upon the request of one or  
both of the parents or whenever it determines that shared  
parenting is not in the best interest of the children. The court  
may terminate a prior final shared parenting decree that includes  
a shared parenting plan approved under division (D)(1)(a)(ii) or  
(iii) of this section if it determines, upon its own motion or  
upon the request of one or both parents, that shared parenting is  
not in the best interest of the children. If modification of the  
terms of the plan for shared parenting approved by the court and  
incorporated by it into the final shared parenting decree is  
attempted under division (E)(2)(a) of this section and the court  
rejects the modifications, it may terminate the final shared  
parenting decree if it determines that shared parenting is not in  
the best interest of the children.

(d) Upon the termination of a prior final shared parenting  
decree under division (E)(2)(c) of this section, the court shall  
proceed and issue a modified decree for the allocation of parental  
rights and responsibilities for the care of the children under the  
standards applicable under divisions (A), (B), and (C) of this  
section as if no decree for shared parenting had been granted and  
as if no request for shared parenting ever had been made.

(F)(1) In determining the best interest of a child pursuant  
to this section, whether on an original decree allocating parental  
rights and responsibilities for the care of children or a

modification of a decree allocating those rights and 6391  
responsibilities, the court shall consider all relevant factors, 6392  
including, but not limited to: 6393

(a) The wishes of the child's parents regarding the child's 6394  
care; 6395

(b) If the court has interviewed the child in chambers 6396  
pursuant to division (B) of this section regarding the child's 6397  
wishes and concerns as to the allocation of parental rights and 6398  
responsibilities concerning the child, the wishes and concerns of 6399  
the child, as expressed to the court; 6400

(c) The child's interaction and interrelationship with the 6401  
child's parents, siblings, and any other person who may 6402  
significantly affect the child's best interest; 6403

(d) The child's adjustment to the child's home, school, and 6404  
community; 6405

(e) The mental and physical health of all persons involved in 6406  
the situation; 6407

(f) The parent more likely to honor and facilitate 6408  
court-approved parenting time rights or visitation and 6409  
companionship rights; 6410

(g) Whether either parent has failed to make all child 6411  
support payments, including all arrearages, that are required of 6412  
that parent pursuant to a child support order under which that 6413  
parent is an obligor; 6414

(h) Whether either parent or any member of the household of 6415  
either parent previously has been convicted of or pleaded guilty 6416  
to any criminal offense involving any act that resulted in a child 6417  
being an abused child or a neglected child; whether either parent, 6418  
in a case in which a child has been adjudicated an abused child or 6419  
a neglected child, previously has been determined to be the 6420

perpetrator of the abusive or neglectful act that is the basis of 6421  
an adjudication; whether either parent or any member of the 6422  
household of either parent previously has been convicted of or 6423  
pleaded guilty to a violation of section 2919.25 of the Revised 6424  
Code or a sexually oriented offense involving a victim who at the 6425  
time of the commission of the offense was a member of the family 6426  
or household that is the subject of the current proceeding; 6427  
whether either parent or any member of the household of either 6428  
parent previously has been convicted of or pleaded guilty to any 6429  
offense involving a victim who at the time of the commission of 6430  
the offense was a member of the family or household that is the 6431  
subject of the current proceeding and caused physical harm to the 6432  
victim in the commission of the offense; and whether there is 6433  
reason to believe that either parent has acted in a manner 6434  
resulting in a child being an abused child or a neglected child; 6435

(i) Whether the residential parent or one of the parents 6436  
subject to a shared parenting decree has continuously and 6437  
willfully denied the other parent's right to parenting time in 6438  
accordance with an order of the court; 6439

(j) Whether either parent has established a residence, or is 6440  
planning to establish a residence, outside this state. 6441

(2) In determining whether shared parenting is in the best 6442  
interest of the children, the court shall consider all relevant 6443  
factors, including, but not limited to, the factors enumerated in 6444  
division (F)(1) of this section, the factors enumerated in section 6445  
3119.23 of the Revised Code, and all of the following factors: 6446

(a) The ability of the parents to cooperate and make 6447  
decisions jointly, with respect to the children; 6448

(b) The ability of each parent to encourage the sharing of 6449  
love, affection, and contact between the child and the other 6450  
parent; 6451

(c) Any history of, or potential for, child abuse, spouse 6452  
abuse, other domestic violence, or parental kidnapping by either 6453  
parent; 6454

(d) The geographic proximity of the parents to each other, as 6455  
the proximity relates to the practical considerations of shared 6456  
parenting; 6457

(e) The recommendation of the guardian ad litem of the child, 6458  
if the child has a guardian ad litem. 6459

(3) When allocating parental rights and responsibilities for 6460  
the care of children, the court shall not give preference to a 6461  
parent because of that parent's financial status or condition. 6462

(G) Either parent or both parents of any children may file a 6463  
pleading or motion with the court requesting the court to grant 6464  
both parents shared parental rights and responsibilities for the 6465  
care of the children in a proceeding held pursuant to division (A) 6466  
of this section. If a pleading or motion requesting shared 6467  
parenting is filed, the parent or parents filing the pleading or 6468  
motion also shall file with the court a plan for the exercise of 6469  
shared parenting by both parents. If each parent files a pleading 6470  
or motion requesting shared parenting but only one parent files a 6471  
plan or if only one parent files a pleading or motion requesting 6472  
shared parenting and also files a plan, the other parent as 6473  
ordered by the court shall file with the court a plan for the 6474  
exercise of shared parenting by both parents. The plan for shared 6475  
parenting shall be filed with the petition for dissolution of 6476  
marriage, if the question of parental rights and responsibilities 6477  
for the care of the children arises out of an action for 6478  
dissolution of marriage, or, in other cases, at a time at least 6479  
thirty days prior to the hearing on the issue of the parental 6480  
rights and responsibilities for the care of the children. A plan 6481  
for shared parenting shall include provisions covering all factors 6482



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:

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

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

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

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

(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. 3113.31.** (A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(d) Committing a sexually oriented offense.

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.

(3) "Family or household member" means any of the following:

(a) Any of the following who is residing with or has resided with the respondent:

(i) A spouse, a person living as a spouse, or a former spouse of the respondent;

(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

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

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

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence, ~~or committed a sexually oriented offense against the petitioner or the victim if other than the petitioner;~~

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence ~~or to protect the petitioner or victim from a sexually oriented offense.~~ Immediate and present danger of domestic violence to the family or household member ~~or of a sexually oriented offense to the petitioner or victim~~ constitutes good cause for purposes of this section.

Immediate and present danger includes, but is not limited to, 6634  
situations in which the respondent has threatened the family or 6635  
household member with bodily harm, in which the respondent has 6636  
threatened the ~~petitioner or victim~~ family or household member 6637  
with a sexually oriented offense, or in which the respondent 6638  
previously has been convicted of or pleaded guilty to an offense 6639  
that constitutes domestic violence against the family or household 6640  
member ~~or a sexually oriented offense against the petitioner or~~ 6641  
~~victim.~~ 6642

(2)(a) If the court, after an ex parte hearing, issues an 6643  
order described in division (E)(1)(b) or (c) of this section, the 6644  
court shall schedule a full hearing for a date that is within 6645  
seven court days after the ex parte hearing. If any other type of 6646  
protection order that is authorized under division (E) of this 6647  
section is issued by the court after an ex parte hearing, the 6648  
court shall schedule a full hearing for a date that is within ten 6649  
court days after the ex parte hearing. The court shall give the 6650  
respondent notice of, and an opportunity to be heard at, the full 6651  
hearing. The court shall hold the full hearing on the date 6652  
scheduled under this division unless the court grants a 6653  
continuance of the hearing in accordance with this division. Under 6654  
any of the following circumstances or for any of the following 6655  
reasons, the court may grant a continuance of the full hearing to 6656  
a reasonable time determined by the court: 6657

(i) Prior to the date scheduled for the full hearing under 6658  
this division, the respondent has not been served with the 6659  
petition filed pursuant to this section and notice of the full 6660  
hearing. 6661

(ii) The parties consent to the continuance. 6662

(iii) The continuance is needed to allow a party to obtain 6663  
counsel. 6664

(iv) The continuance is needed for other good cause. 6665

(b) An ex parte order issued under this section does not 6666  
expire because of a failure to serve notice of the full hearing 6667  
upon the respondent before the date set for the full hearing under 6668  
division (D)(2)(a) of this section or because the court grants a 6669  
continuance under that division. 6670

(3) If a person who files a petition pursuant to this section 6671  
does not request an ex parte order, or if a person requests an ex 6672  
parte order but the court does not issue an ex parte order after 6673  
an ex parte hearing, the court shall proceed as in a normal civil 6674  
action and grant a full hearing on the matter. 6675

(E)(1) After an ex parte or full hearing, the court may grant 6676  
any protection order, with or without bond, or approve any consent 6677  
agreement to bring about a cessation of domestic violence against 6678  
the family or household members. The order or agreement may: 6679

(a) Direct the respondent to refrain from abusing or from 6680  
committing sexually oriented offenses against the family or 6681  
~~household members, or from committing sexually oriented offenses~~ 6682  
~~against the petitioner or victim;~~ 6683

(b) Grant possession of the residence or household to the 6684  
petitioner or other family or household member, to the exclusion 6685  
of the respondent, by evicting the respondent, when the residence 6686  
or household is owned or leased solely by the petitioner or other 6687  
family or household member, or by ordering the respondent to 6688  
vacate the premises, when the residence or household is jointly 6689  
owned or leased by the respondent, and the petitioner or other 6690  
family or household member; 6691

(c) When the respondent has a duty to support the petitioner 6692  
or other family or household member living in the residence or 6693  
household and the respondent is the sole owner or lessee of the 6694  
residence or household, grant possession of the residence or 6695

household to the petitioner or other family or household member, 6696  
to the exclusion of the respondent, by ordering the respondent to 6697  
vacate the premises, or, in the case of a consent agreement, allow 6698  
the respondent to provide suitable, alternative housing; 6699

(d) Temporarily allocate parental rights and responsibilities 6700  
for the care of, or establish temporary parenting time rights with 6701  
regard to, minor children, if no other court has determined, or is 6702  
determining, the allocation of parental rights and 6703  
responsibilities for the minor children or parenting time rights; 6704

(e) Require the respondent to maintain support, if the 6705  
respondent customarily provides for or contributes to the support 6706  
of the family or household member, or if the respondent has a duty 6707  
to support the petitioner or family or household member; 6708

(f) Require the respondent, petitioner, victim of domestic 6709  
violence, or any combination of those persons, to seek counseling; 6710

(g) Require the respondent to refrain from entering the 6711  
residence, school, business, or place of employment of the 6712  
petitioner or family or household member; 6713

(h) Grant other relief that the court considers equitable and 6714  
fair, including, but not limited to, ordering the respondent to 6715  
permit the use of a motor vehicle by the petitioner or other 6716  
family or household member and the apportionment of household and 6717  
family personal property. 6718

(2) If a protection order has been issued pursuant to this 6719  
section in a prior action involving the respondent and the 6720  
petitioner or one or more of the family or household members or 6721  
victims, the court may include in a protection order that it 6722  
issues a prohibition against the respondent returning to the 6723  
residence or household. If it includes a prohibition against the 6724  
respondent returning to the residence or household in the order, 6725  
it also shall include in the order provisions of the type 6726



described in division (E)(7) of this section. This division does  
not preclude the court from including in a protection order or  
consent agreement, in circumstances other than those described in  
this division, a requirement that the respondent be evicted from  
or vacate the residence or household or refrain from entering the  
residence, school, business, or place of employment of the  
petitioner or a family or household member, and, if the court  
includes any requirement of that type in an order or agreement,  
the court also shall include in the order provisions of the type  
described in division (E)(7) of this section.

(3)(a) Any protection order issued or consent agreement  
approved under this section shall be valid until a date certain,  
but not later than five years from the date of its issuance or  
approval unless modified or terminated as provided in division  
(E)(8) of this section.

(b) Subject to the limitation on the duration of an order or  
agreement set forth in division (E)(3)(a) of this section, any  
order under division (E)(1)(d) of this section shall terminate on  
the date that a court in an action for divorce, dissolution of  
marriage, or legal separation brought by the petitioner or  
respondent issues an order allocating parental rights and  
responsibilities for the care of children or on the date that a  
juvenile court in an action brought by the petitioner or  
respondent issues an order awarding legal custody of minor  
children. Subject to the limitation on the duration of an order or  
agreement set forth in division (E)(3)(a) of this section, any  
order under division (E)(1)(e) of this section shall terminate on  
the date that a court in an action for divorce, dissolution of  
marriage, or legal separation brought by the petitioner or  
respondent issues a support order or on the date that a juvenile  
court in an action brought by the petitioner or respondent issues  
a support order.

(c) Any protection order issued or consent agreement approved 6759  
pursuant to this section may be renewed in the same manner as the 6760  
original order or agreement was issued or approved. 6761

(4) A court may not issue a protection order that requires a 6762  
petitioner to do or to refrain from doing an act that the court 6763  
may require a respondent to do or to refrain from doing under 6764  
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 6765  
section unless all of the following apply: 6766

(a) The respondent files a separate petition for a protection 6767  
order in accordance with this section. 6768

(b) The petitioner is served notice of the respondent's 6769  
petition at least forty-eight hours before the court holds a 6770  
hearing with respect to the respondent's petition, or the 6771  
petitioner waives the right to receive this notice. 6772

(c) If the petitioner has requested an ex parte order 6773  
pursuant to division (D) of this section, the court does not delay 6774  
any hearing required by that division beyond the time specified in 6775  
that division in order to consolidate the hearing with a hearing 6776  
on the petition filed by the respondent. 6777

(d) After a full hearing at which the respondent presents 6778  
evidence in support of the request for a protection order and the 6779  
petitioner is afforded an opportunity to defend against that 6780  
evidence, the court determines that the petitioner has committed 6781  
an act of domestic violence or has violated a temporary protection 6782  
order issued pursuant to section 2919.26 of the Revised Code, that 6783  
both the petitioner and the respondent acted primarily as 6784  
aggressors, and that neither the petitioner nor the respondent 6785  
acted primarily in self-defense. 6786

(5) No protection order issued or consent agreement approved 6787  
under this section shall in any manner affect title to any real 6788  
property. 6789

(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the

respondent's entry into one of those places otherwise upon the  
consent of the petitioner or other family or household member.

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(b) Division (E)(7)(a) of this section does not limit any  
discretion of a court to determine that a respondent charged with  
a violation of section 2919.27 of the Revised Code, with a  
violation of a municipal ordinance substantially equivalent to  
that section, or with contempt of court, which charge is based on  
an alleged violation of a protection order issued or consent  
agreement approved under this section, did not commit the  
violation or was not in contempt of court.

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(8)(a) The court may modify or terminate as provided in  
division (E)(8) of this section a protection order or consent  
agreement that was issued after a full hearing under this section.  
The court that issued the protection order or approved the consent  
agreement shall hear a motion for modification or termination of  
the protection order or consent agreement pursuant to division  
(E)(8) of this section.

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(b) Either the petitioner or the respondent of the original  
protection order or consent agreement may bring a motion for  
modification or termination of a protection order or consent  
agreement that was issued or approved after a full hearing. The  
court shall require notice of the motion to be made as provided by  
the Rules of Civil Procedure. If the petitioner for the original  
protection order or consent agreement has requested that the  
petitioner's address be kept confidential, the court shall not  
disclose the address to the respondent of the original protection  
order or consent agreement or any other person, except as  
otherwise required by law. The moving party has the burden of  
proof to show, by a preponderance of the evidence, that  
modification or termination of the protection order or consent  
agreement is appropriate because either the protection order or  
consent agreement is no longer needed or because the terms of the

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original protection order or consent agreement are no longer 6853  
appropriate. 6854

(c) In considering whether to modify or terminate a 6855  
protection order or consent agreement issued or approved under 6856  
this section, the court shall consider all relevant factors, 6857  
including, but not limited to, the following: 6858

(i) Whether the petitioner consents to modification or 6859  
termination of the protection order or consent agreement; 6860

(ii) Whether the petitioner fears the respondent; 6861

(iii) The current nature of the relationship between the 6862  
petitioner and the respondent; 6863

(iv) The circumstances of the petitioner and respondent, 6864  
including the relative proximity of the petitioner's and 6865  
respondent's workplaces and residences and whether the petitioner 6866  
and respondent have minor children together; 6867

(v) Whether the respondent has complied with the terms and 6868  
conditions of the original protection order or consent agreement; 6869

(vi) Whether the respondent has a continuing involvement with 6870  
illegal drugs or alcohol; 6871

(vii) Whether the respondent has been convicted of or pleaded 6872  
guilty to an offense of violence since the issuance of the 6873  
protection order or approval of the consent agreement; 6874

(viii) Whether any other protection orders, consent 6875  
agreements, restraining orders, or no contact orders have been 6876  
issued against the respondent pursuant to this section, section 6877  
2919.26 of the Revised Code, any other provision of state law, or 6878  
the law of any other state; 6879

(ix) Whether the respondent has participated in any domestic 6880  
violence treatment, intervention program, or other counseling 6881  
addressing domestic violence and whether the respondent has 6882

completed the treatment, program, or counseling; 6883

(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved; 6884  
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(xi) The age and health of the respondent; 6886

(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties. 6887  
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(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section. 6891  
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(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section, the court may assess costs against the respondent for the filing of the motion. 6900  
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(F)(1) A copy of any protection order, or consent agreement, that is issued ~~or~~, approved, modified, or terminated under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered. 6904  
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(2) All law enforcement agencies shall establish and maintain an index for the protection orders and the approved consent 6911  
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agreements delivered to the agencies pursuant to division (F)(1) 6913  
of this section. With respect to each order and consent agreement 6914  
delivered, each agency shall note on the index the date and time 6915  
that it received the order or consent agreement. 6916

(3) Regardless of whether the petitioner has registered the 6917  
order or agreement in the county in which the officer's agency has 6918  
jurisdiction pursuant to division (N) of this section, any officer 6919  
of a law enforcement agency shall enforce a protection order 6920  
issued or consent agreement approved by any court in this state in 6921  
accordance with the provisions of the order or agreement, 6922  
including removing the respondent from the premises, if 6923  
appropriate. 6924

(G) Any proceeding under this section shall be conducted in 6925  
accordance with the Rules of Civil Procedure, except that an order 6926  
under this section may be obtained with or without bond. An order 6927  
issued under this section, other than an ex parte order, that 6928  
grants a protection order or approves a consent agreement, ~~or~~ that 6929  
refuses to grant a protection order or approve a consent agreement 6930  
that modifies or terminates a protection order or consent 6931  
agreement, or that refuses to modify or terminate a protection 6932  
order or consent agreement, is a final, appealable order. The 6933  
remedies and procedures provided in this section are in addition 6934  
to, and not in lieu of, any other available civil or criminal 6935  
remedies. 6936

(H) The filing of proceedings under this section does not 6937  
excuse a person from filing any report or giving any notice 6938  
required by section 2151.421 of the Revised Code or by any other 6939  
law. When a petition under this section alleges domestic violence 6940  
against minor children, the court shall report the fact, or cause 6941  
reports to be made, to a county, township, or municipal peace 6942  
officer under section 2151.421 of the Revised Code. 6943

(I) Any law enforcement agency that investigates a domestic 6944  
dispute shall provide information to the family or household 6945  
members involved regarding the relief available under this section 6946  
and section 2919.26 of the Revised Code. 6947

(J) Notwithstanding any provision of law to the contrary and 6948  
regardless of whether a protection order is issued or a consent 6949  
agreement is approved by a court of another county or a court of 6950  
another state, no court or unit of state or local government shall 6951  
charge any fee, cost, deposit, or money in connection with the 6952  
filing of a petition pursuant to this section or in connection 6953  
with the filing, issuance, registration, or service of a 6954  
protection order or consent agreement, or for obtaining a 6955  
certified copy of a protection order or consent agreement. 6956

(K)(1) The court shall comply with Chapters 3119., 3121., 6957  
3123., and 3125. of the Revised Code when it makes or modifies an 6958  
order for child support under this section. 6959

(2) If any person required to pay child support under an 6960  
order made under this section on or after April 15, 1985, or 6961  
modified under this section on or after December 31, 1986, is 6962  
found in contempt of court for failure to make support payments 6963  
under the order, the court that makes the finding, in addition to 6964  
any other penalty or remedy imposed, shall assess all court costs 6965  
arising out of the contempt proceeding against the person and 6966  
require the person to pay any reasonable attorney's fees of any 6967  
adverse party, as determined by the court, that arose in relation 6968  
to the act of contempt. 6969

(L)(1) A person who violates a protection order issued or a 6970  
consent agreement approved under this section is subject to the 6971  
following sanctions: 6972

(a) Criminal prosecution for a violation of section 2919.27 6973  
of the Revised Code, if the violation of the protection order or 6974



consent agreement constitutes a violation of that section; 6975

(b) Punishment for contempt of court. 6976

(2) The punishment of a person for contempt of court for 6977  
violation of a protection order issued or a consent agreement 6978  
approved under this section does not bar criminal prosecution of 6979  
the person for a violation of section 2919.27 of the Revised Code. 6980  
However, a person punished for contempt of court is entitled to 6981  
credit for the punishment imposed upon conviction of a violation 6982  
of that section, and a person convicted of a violation of that 6983  
section shall not subsequently be punished for contempt of court 6984  
arising out of the same activity. 6985

(M) In all stages of a proceeding under this section, a 6986  
petitioner may be accompanied by a victim advocate. 6987

(N)(1) A petitioner who obtains a protection order or consent 6988  
agreement under this section or a temporary protection order under 6989  
section 2919.26 of the Revised Code may provide notice of the 6990  
issuance or approval of the order or agreement to the judicial and 6991  
law enforcement officials in any county other than the county in 6992  
which the order is issued or the agreement is approved by 6993  
registering that order or agreement in the other county pursuant 6994  
to division (N)(2) of this section and filing a copy of the 6995  
registered order or registered agreement with a law enforcement 6996  
agency in the other county in accordance with that division. A 6997  
person who obtains a protection order issued by a court of another 6998  
state may provide notice of the issuance of the order to the 6999  
judicial and law enforcement officials in any county of this state 7000  
by registering the order in that county pursuant to section 7001  
2919.272 of the Revised Code and filing a copy of the registered 7002  
order with a law enforcement agency in that county. 7003

(2) A petitioner may register a temporary protection order, 7004  
protection order, or consent agreement in a county other than the 7005

county in which the court that issued the order or approved the  
agreement is located in the following manner:

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

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(b) Upon accepting the certified copy of the order or  
agreement for registration, the clerk of the court of common  
pleas, municipal court, or county court shall place an endorsement  
of registration on the order or agreement and give the petitioner  
a copy of the order or agreement that bears that proof of  
registration.

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(3) The clerk of each court of common pleas, the clerk of  
each municipal court, and the clerk of each county court shall  
maintain a registry of certified copies of temporary protection  
orders, protection orders, or consent agreements that have been  
issued or approved by courts in other counties and that have been  
registered with the clerk.

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**Sec. 5120.49.** The department of rehabilitation and  
correction, by rule adopted under Chapter 119. of the Revised  
Code, shall prescribe standards and guidelines to be used by the  
parole board in determining, pursuant to section 2971.04 of the  
Revised Code, whether it should terminate its control over an  
offender's service of a prison term imposed upon the offender  
under division (A)(3) of section 2971.03 of the Revised Code for  
conviction of or a plea of guilty to a violent sex offense and a  
sexually violent predator specification or for conviction of or a  
plea of guilty to a designated homicide, assault, or kidnapping  
offense and both a sexual motivation specification and a sexually

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violent predator specification, imposed upon the offender under 7037  
division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised 7038  
Code for conviction of or a plea of guilty to a violation of 7039  
division (A)(1)(b) of section 2907.02 of the Revised Code 7040  
committed on or after the effective date of this amendment, or 7041  
imposed upon the offender under division (B)(2)(a), (b), or (c) of 7042  
section 2971.03 of the Revised Code for conviction of or a plea of 7043  
guilty to attempted rape committed on or after the effective date 7044  
of this amendment and a conviction of or plea of guilty to a 7045  
specification of the type described in section 2941.1418, 7046  
2941.1419, or 2941.1420 of the Revised Code. The rules shall 7047  
include provisions that specify that the parole board may not 7048  
terminate its control over an offender's service of a prison term 7049  
imposed upon the offender under ~~that division~~ either of the 7050  
specified divisions until after the offender has served the 7051  
minimum term imposed as part of that prison term and until the 7052  
parole board has determined that the offender does not represent a 7053  
substantial risk of physical harm to others. 7054

**Sec. 5120.61.** (A)(1) Not later than ninety days after ~~the~~ 7055  
~~effective date of this section~~ January 1, 1997, the department of 7056  
rehabilitation and correction shall adopt standards that it will 7057  
use under this section to assess a criminal offender who is 7058  
convicted of or pleads guilty to a violent sex offense or 7059  
designated homicide, assault, or kidnapping offense and is 7060  
adjudicated a sexually violent predator in relation to that 7061  
offense, who is convicted of or pleads guilty to a violation of 7062  
division (A)(1)(b) of section 2907.02 of the Revised Code 7063  
committed on or after the effective date of this amendment, or who 7064  
is convicted of or pleads guilty to attempted rape committed on or 7065  
after the effective date of this amendment and a specification of 7066  
the type described in section 2941.1418, 2941.1419, or 2941.1420 7067  
of the Revised Code. The department may periodically revise the 7068

standards. 7069

(2) When the department is requested by the parole board or 7070  
the court to provide a risk assessment report of the offender 7071  
under section 2971.04 or 2971.05 of the Revised Code, it shall 7072  
assess the offender and complete the assessment as soon as 7073  
possible after the offender has commenced serving the prison term 7074  
or term of life imprisonment without parole imposed under division 7075  
(A), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of section 7076  
2971.03 of the Revised Code. Thereafter, the department shall 7077  
update a risk assessment report pertaining to an offender as 7078  
follows: 7079

(a) Periodically, in the discretion of the department, 7080  
provided that each report shall be updated no later than two years 7081  
after its initial preparation or most recent update; 7082

(b) Upon the request of the parole board for use in 7083  
determining pursuant to section 2971.04 of the Revised Code 7084  
whether it should terminate its control over an offender's service 7085  
of a prison term imposed upon the offender under division (A)(3), 7086  
(B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) of section 7087  
2971.03 of the Revised Code; 7088

(c) Upon the request of the court. 7089

(3) After the department of rehabilitation and correction 7090  
assesses an offender pursuant to division (A)(2) of this section, 7091  
it shall prepare a report that contains its risk assessment for 7092  
the offender or, if a risk assessment report previously has been 7093  
prepared, it shall update the risk assessment report. 7094

(4) The department of rehabilitation and correction shall 7095  
provide each risk assessment report that it prepares or updates 7096  
pursuant to this section regarding an offender to all of the 7097  
following: 7098

(a) The parole board for its use in determining pursuant to 7099

section 2971.04 of the Revised Code whether it should terminate  
its control over an offender's service of a prison term imposed  
upon the offender under division (A)(3), (B)(1)(a), (b), or (c),  
or (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code,  
if the parole board has not terminated its control over the  
offender;

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

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

(d) The offender.

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

(C) As used in this section:

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

(2) "Designated homicide, assault, or kidnapping offense" and 7130  
"violent sex offense" have the same meanings as in section 2971.01 7131  
of the Revised Code. 7132

**Sec. 5120.66.** (A) Within ninety days after ~~the effective date~~ 7133  
~~of this section~~ November 23, 2005, but not before January 1, 2006, 7134  
the department of rehabilitation and correction shall establish 7135  
and operate on the internet a database that contains all of the 7136  
following: 7137

(1) For each inmate in the custody of the department under a 7138  
sentence imposed for a conviction of or plea of guilty to any 7139  
offense, all of the following information: 7140

(a) The inmate's name; 7141

(b) For each offense for which the inmate was sentenced to a 7142  
prison term or term of imprisonment and is in the department's 7143  
custody, the name of the offense, the Revised Code section of 7144  
which the offense is a violation, the gender of each victim of the 7145  
offense if those facts are known, whether each victim of the 7146  
offense was an adult or child if those facts are known, the range 7147  
of the possible prison terms or term of imprisonment that could 7148  
have been imposed for the offense, the actual prison term or term 7149  
of imprisonment imposed for the offense, the county in which the 7150  
offense was committed, the date on which the inmate began serving 7151  
the prison term or term of imprisonment imposed for the offense, 7152  
and either the date on which the inmate will be eligible for 7153  
parole relative to the offense if the prison term or term of 7154  
imprisonment is an indefinite term or life term or the date on 7155  
which the term ends if the prison term is a definite term; 7156

(c) All of the following information that is applicable 7157  
regarding the inmate: 7158

(i) If known to the department prior to the conduct of any 7159

hearing for judicial release of the defendant pursuant to section 7160  
2929.20 of the Revised Code in relation to any prison term or term 7161  
of imprisonment the inmate is serving for any offense, notice of 7162  
the fact that the inmate will be having a hearing regarding a 7163  
possible grant of judicial release, the date of the hearing, and 7164  
the right of any person pursuant to division (J) of that section 7165  
to submit to the court a written statement regarding the possible 7166  
judicial release; 7167

(ii) If the inmate is serving a prison term pursuant to 7168  
division (A)(3) of section 2971.03 of the Revised Code as a 7169  
sexually violent predator who committed a sexually violent 7170  
offense, a prison term pursuant to division (B)(1)(a), (b), or (c) 7171  
of section 2971.03 of the Revised Code imposed for a violation of 7172  
division (A)(1)(b) of section 2907.02 of the Revised Code 7173  
committed on or after the effective date of this amendment, a 7174  
prison term pursuant to division (B)(2)(a) of section 2971.03 of 7175  
the Revised Code imposed for attempted rape committed on or after 7176  
the effective date of this amendment and a specification of the 7177  
type described in section 2941.1418 of the Revised Code, a prison 7178  
term pursuant to division (B)(2)(b) of section 2971.03 of the 7179  
Revised Code imposed for attempted rape committed on or after the 7180  
effective date of this amendment and a specification of the type 7181  
described in section 2941.1419 of the Revised Code, or a prison 7182  
term pursuant to division (B)(2)(c) of section 2971.03 of the 7183  
Revised Code imposed for attempted rape committed on or after the 7184  
effective date of this amendment and a specification of the type 7185  
described in section 2941.1420 of the Revised Code, prior to the 7186  
conduct of any hearing pursuant to section 2971.05 of the Revised 7187  
Code to determine whether to modify the requirement that the 7188  
inmate serve the entire prison term in a state correctional 7189  
facility in accordance with division (C) of that section, whether 7190  
to continue, revise, or revoke any existing modification of that 7191

requirement, or whether to terminate the prison term in accordance 7192  
with division (D) of that section, notice of the fact that the 7193  
inmate will be having a hearing regarding those determinations and 7194  
of the date of the hearing; 7195

(iii) At least three weeks before the adult parole authority 7196  
recommends a pardon or commutation of sentence for the inmate or 7197  
at least three weeks prior to a hearing before the adult parole 7198  
authority regarding a grant of parole to the inmate in relation to 7199  
any prison term or term of imprisonment the inmate is serving for 7200  
any offense, notice of the fact that the inmate might be under 7201  
consideration for a pardon or commutation of sentence or will be 7202  
having a hearing regarding a possible grant of parole, of the date 7203  
of any hearing regarding a possible grant of parole, and of the 7204  
right of any person to submit a written statement regarding the 7205  
pending action; 7206

(iv) At least three weeks before the inmate has a hearing 7207  
regarding a transfer to transitional control under section 2967.26 7208  
of the Revised Code in relation to any prison term or term of 7209  
imprisonment the inmate is serving for any offense, notice of the 7210  
pendency of the transfer, of the date of the possible transfer, 7211  
and of the right of any person to submit a statement regarding the 7212  
possible transfer; 7213

(v) Prompt notice of the inmate's escape from any facility in 7214  
which the inmate was incarcerated and of the capture of the inmate 7215  
after an escape; 7216

(vi) Notice of the inmate's death while in confinement; 7217

(vii) Prior to the release of the inmate from confinement, 7218  
notice of the fact that the inmate will be released, of the date 7219  
of the release, and, if applicable, of the standard terms and 7220  
conditions of the release; 7221

(viii) Notice of the inmate's judicial release. 7222



(2) Information as to where a person can send written 7223  
statements of the types referred to in divisions (A)(1)(c)(i), 7224  
(iii), and (iv) of this section. 7225

(B)(1) The department shall update the database required 7226  
under division (A) of this section every twenty-four hours to 7227  
ensure that the information it contains is accurate and current. 7228

(2) The database required under division (A) of this section 7229  
is a public record open for inspection under section 149.43 of the 7230  
Revised Code. The department shall make the database searchable by 7231  
inmate name and by the county and zip code where the offender 7232  
intends to reside after release from a state correctional 7233  
institution if this information is known to the department. 7234

(3) The database required under division (A) of this section 7235  
may contain information regarding inmates who are listed in the 7236  
database in addition to the information described in that 7237  
division. 7238

(4) No information included on the database required under 7239  
division (A) of this section shall identify or enable the 7240  
identification of any victim of any offense committed by an 7241  
inmate. 7242

(C) The failure of the department to comply with the 7243  
requirements of division (A) or (B) of this section does not give 7244  
any rights or any grounds for appeal or post-conviction relief to 7245  
any inmate. 7246

(D) This section, and the related provisions of sections 7247  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 7248  
in the act in which this section was enacted, shall be known as 7249  
"Laura's Law." 7250

**Sec. 5149.10.** (A) The parole board shall consist of up to 7251  
twelve members, one of whom shall be designated as chairperson by 7252

the director of the department of rehabilitation and correction 7253  
and who shall continue as chairperson until a successor is 7254  
designated, and any other personnel that are necessary for the 7255  
orderly performance of the duties of the board. In addition to the 7256  
rules authorized by section 5149.02 of the Revised Code, the chief 7257  
of the adult parole authority, subject to the approval of the 7258  
chief of the division of parole and community services and subject 7259  
to this section, shall adopt rules governing the proceedings of 7260  
the parole board. The rules shall provide for the convening of 7261  
full board hearings, the procedures to be followed in full board 7262  
hearings, and general procedures to be followed in other hearings 7263  
of the board and by the board's hearing officers. The rules also 7264  
shall require agreement by a majority of all the board members to 7265  
any recommendation of clemency transmitted to the governor. 7266

When the board members sit as a full board, the chairperson 7267  
shall preside. The chairperson shall also allocate the work of the 7268  
parole board among the board members. The full board shall meet at 7269  
least once each month. In the case of a tie vote on the full 7270  
board, the chief of the adult parole authority shall cast the 7271  
deciding vote. The chairperson may designate a person to serve in 7272  
the chairperson's place. 7273

Except as otherwise provided in division (B) of this section, 7274  
no person shall be appointed a member of the board who is not 7275  
qualified by education or experience in correctional work, 7276  
including law enforcement, prosecution of offenses, advocating for 7277  
the rights of victims of crime, probation, or parole, in law, in 7278  
social work, or in a combination of the three categories. 7279

(B) The director of rehabilitation and correction, in 7280  
consultation with the governor, shall appoint one member of the 7281  
board, who shall be a person who has been a victim of crime or who 7282  
is a member of a victim's family or who represents an organization 7283  
that advocates for the rights of victims of crime. After 7284

appointment, this member shall be an unclassified employee of the 7285  
department of rehabilitation and correction. 7286

The initial appointment shall be for a term ending four years 7287  
after the effective date of this amendment. Thereafter, the term 7288  
of office of the member appointed under this division shall be for 7289  
four years, with each term ending on the same day of the same 7290  
month as did the term that it succeeds. The member shall hold 7291  
office from the date of appointment until the end of the term for 7292  
which the member was appointed and may be reappointed. Vacancies 7293  
shall be filled in the manner provided for original appointments. 7294  
Any member appointed under this division to fill a vacancy 7295  
occurring prior to the expiration date of the term for which the 7296  
member's predecessor was appointed shall hold office as a member 7297  
for the remainder of that term. The member appointed under this 7298  
division shall continue in office subsequent to the expiration 7299  
date of the member's term until the member's successor takes 7300  
office or until a period of sixty days has elapsed, whichever 7301  
occurs first. 7302

The member appointed under this division shall be compensated 7303  
in the same manner as other board members and shall be reimbursed 7304  
for actual and necessary expenses incurred in the performance of 7305  
the members' duties. The member may vote on all cases heard by the 7306  
full board under section 5149.101 of the Revised Code, has such 7307  
duties as are assigned by the chairperson of the board, and shall 7308  
coordinate the member's activities with the office of victims' 7309  
services created under section 5120.60 of the Revised Code. 7310

As used in this division, "crime," "member of the victim's 7311  
family," and "victim" have the meanings given in section 2930.01 7312  
of the Revised Code. 7313

(C) The chairperson shall submit all recommendations for or 7314  
against clemency directly to the governor. 7315

(D) The chairperson shall transmit to the chief of the adult 7316  
parole authority all determinations for or against parole made by 7317  
the board. Parole determinations are final and are not subject to 7318  
review or change by the chief. 7319

(E) In addition to its duties pertaining to parole and 7320  
clemency, if an offender is sentenced to a prison term pursuant to 7321  
division (A)(3), (B)(1)(a), (b), or (c), or (B)(2)(a), (b), or (c) 7322  
of section 2971.03 of the Revised Code, the parole board shall 7323  
have control over the offender's service of the prison term during 7324  
the entire term unless the board terminates its control in 7325  
accordance with section 2971.04 of the Revised Code. The parole 7326  
board may terminate its control over the offender's service of the 7327  
prison term only in accordance with section 2971.04 of the Revised 7328  
Code. 7329

**Section 2.** That existing sections 109.42, 2743.191, 2903.212, 7330  
2903.213, 2903.214, 2907.02, 2907.07, 2919.26, 2921.34, 2923.02, 7331  
2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 7332  
2950.09, 2950.11, 2950.13, 2950.14, 2967.12, 2967.121, 2971.03, 7333  
2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 3113.31, 5120.49, 7334  
5120.61, 5120.66, and 5149.10 of the Revised Code are hereby 7335  
repealed. 7336

**Section 3.** (A) Section 2930.16 of the Revised Code is 7337  
presented in this act as a composite of the section as amended by 7338  
both Am. Sub. H.B. 375 and Am. Sub. H.B. 473 of the 125th General 7339  
Assembly. The General Assembly, applying the principle stated in 7340  
division (B) of section 1.52 of the Revised Code that amendments 7341  
are to be harmonized if reasonably capable of simultaneous 7342  
operation, finds that the composite is the resulting version of 7343  
the section in effect prior to the effective date of the section 7344  
as presented in this act. 7345

(B) Section 2929.01 of the Revised Code is presented in this 7346  
act as a composite of the section as amended by both Am. Sub. H.B. 7347  
95 and Am. Sub. H.B. 162 of the 126th General Assembly. The 7348  
General Assembly, applying the principle stated in division (B) of 7349  
section 1.52 of the Revised Code that amendments are to be 7350  
harmonized if reasonably capable of simultaneous operation, finds 7351  
that the composite is the resulting version of the section in 7352  
effect prior to the effective date of the section as presented in 7353  
this act. 7354

**Section 4.** It is the intent of the General Assembly that the 7355  
offense of child rape described in division (A)(1)(b) of section 7356  
2907.02 of the Revised Code, as enacted by this act, prevails over 7357  
the offense of sexual battery committed against a person who is 7358  
under the age of thirteen as described in section 2907.03 of the 7359  
Revised Code in circumstances when a person violates the 7360  
prohibitions of both offenses. 7361

**Section 5.** (A) There is hereby created the Adam Walsh study 7362  
committee which shall submit recommendations to the General 7363  
Assembly regarding the legislative changes that are needed to 7364  
conform Ohio law to the federal Sex Offender Registration and 7365  
Notification Act, Pub. L. No. 109-249 (the "Adam Walsh Act"). 7366

(B) The committee shall be comprised of the following persons 7367  
who shall serve without compensation: 7368

(1) Two members of the House of Representatives who are from 7369  
the majority party, selected by the Speaker of the House of 7370  
Representatives, one of whom is to be designated as a co-chair of 7371  
the committee; 7372

(2) One member of the House of Representatives who is from 7373  
the minority party, selected by the Speaker of the House of 7374  
Representatives; 7375

(3) Two members of the Senate who are from the majority party, selected by the President of the Senate, one of whom is to be designated as a co-chair of the committee;	7376 7377 7378
(4) One member of the Senate who is from the minority party, selected by the President of the Senate;	7379 7380
(5) A representative of the Ohio Prosecuting Attorneys Association;	7381 7382
(6) A representative of the Attorney General's Office;	7383
(7) A representative of the Ohio Department of Rehabilitation and Correction;	7384 7385
(8) A representative of the Ohio Department of Youth Services;	7386 7387
(9) A representative of the Office of the Ohio Public Defender;	7388 7389
(10) A representative of the Ohio Judicial Conference;	7390
(11) A representative of the Ohio Office of Criminal Justice Services.	7391 7392
(C) The committee shall submit recommendations to the General Assembly by March 30, 2007, regarding legislative changes that are needed to qualify for the federal Sex Offender Management Assistance Program authorized by the federal Sex Offender Notification and Registration Act. Any other recommendations of the committee shall be submitted to the General Assembly by December 31, 2007. Upon submission of the final recommendations, the committee shall cease to exist.	7393 7394 7395 7396 7397 7398 7399 7400
<b>Section 6.</b> This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the penalty provisions of this act are crucially needed to increase protection for the children of this state from being	7401 7402 7403 7404 7405

victimized by serious, violent sex offenses involving sexual  
conduct. Therefore, this act shall go into immediate effect.

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