

As Reported by the Senate Judiciary--Criminal Justice Committee

126th General Assembly

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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**

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A B I L L

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

to supervision with an active global positioning 22
system device if released from a state 23
correctional institution; to increase the penalty 24
for importuning and establish a presumption for a 25
prison term if the victim is under 13; to require 26
a sheriff to notify the public children services 27
agency of registered sex offenders in the 28
jurisdiction; to provide for the consideration of 29
specified convictions of members of the household 30
of a parent in making child custody determinations 31
and to declare an emergency. 32

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

Section 1. That sections 109.42, 2743.191, 2907.02, 2907.07, 33
2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 34
2941.148, 2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 2971.03, 35
2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 5120.49, 5120.61, 36
5120.66, and 5149.10 be amended and section 2941.1418 of the 37
Revised Code be enacted to read as follows: 38

Sec. 109.42. (A) The attorney general shall prepare and have 39
printed a pamphlet that contains a compilation of all statutes 40
relative to victim's rights in which the attorney general lists 41
and explains the statutes in the form of a victim's bill of 42
rights. The attorney general shall distribute the pamphlet to all 43
sheriffs, marshals, municipal corporation and township police 44
departments, constables, and other law enforcement agencies, to 45
all prosecuting attorneys, city directors of law, village 46
solicitors, and other similar chief legal officers of municipal 47
corporations, and to organizations that represent or provide 48
services for victims of crime. The victim's bill of rights set 49
forth in the pamphlet shall contain a description of all of the 50

rights of victims that are provided for in Chapter 2930. or in any 51
other section of the Revised Code and shall include, but not be 52
limited to, all of the following: 53

(1) The right of a victim or a victim's representative to 54
attend a proceeding before a grand jury, in a juvenile case, or in 55
a criminal case pursuant to a subpoena without being discharged 56
from the victim's or representative's employment, having the 57
victim's or representative's employment terminated, having the 58
victim's or representative's pay decreased or withheld, or 59
otherwise being punished, penalized, or threatened as a result of 60
time lost from regular employment because of the victim's or 61
representative's attendance at the proceeding pursuant to the 62
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 63
2945.451 of the Revised Code; 64

(2) The potential availability pursuant to section 2151.359 65
or 2152.61 of the Revised Code of a forfeited recognizance to pay 66
damages caused by a child when the delinquency of the child or 67
child's violation of probation or community control is found to be 68
proximately caused by the failure of the child's parent or 69
guardian to subject the child to reasonable parental authority or 70
to faithfully discharge the conditions of probation or community 71
control; 72

(3) The availability of awards of reparations pursuant to 73
sections 2743.51 to 2743.72 of the Revised Code for injuries 74
caused by criminal offenses; 75

(4) The right of the victim in certain criminal or juvenile 76
cases or a victim's representative to receive, pursuant to section 77
2930.06 of the Revised Code, notice of the date, time, and place 78
of the trial or delinquency proceeding in the case or, if there 79
will not be a trial or delinquency proceeding, information from 80
the prosecutor, as defined in section 2930.01 of the Revised Code, 81

regarding the disposition of the case; 82

(5) The right of the victim in certain criminal or juvenile 83
cases or a victim's representative to receive, pursuant to section 84
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 85
name of the person charged with the violation, the case or docket 86
number assigned to the charge, and a telephone number or numbers 87
that can be called to obtain information about the disposition of 88
the case; 89

(6) The right of the victim in certain criminal or juvenile 90
cases or of the victim's representative pursuant to section 91
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 92
terms set by the court as authorized under section 2930.14 of the 93
Revised Code, to make a statement about the victimization and, if 94
applicable, a statement relative to the sentencing or disposition 95
of the offender; 96

(7) The opportunity to obtain a court order, pursuant to 97
section 2945.04 of the Revised Code, to prevent or stop the 98
commission of the offense of intimidation of a crime victim or 99
witness or an offense against the person or property of the 100
complainant, or of the complainant's ward or child; 101

(8) The right of the victim in certain criminal or juvenile 102
cases or a victim's representative pursuant to sections 2151.38, 103
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 104
receive notice of a pending motion for judicial release or early 105
release of the person who committed the offense against the 106
victim, to make an oral or written statement at the court hearing 107
on the motion, and to be notified of the court's decision on the 108
motion; 109

(9) The right of the victim in certain criminal or juvenile 110
cases or a victim's representative pursuant to section 2930.16, 111
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 112

of any pending commutation, pardon, parole, transitional control, 113
discharge, other form of authorized release, post-release control, 114
or supervised release for the person who committed the offense 115
against the victim or any application for release of that person 116
and to send a written statement relative to the victimization and 117
the pending action to the adult parole authority or the release 118
authority of the department of youth services; 119

(10) The right of the victim to bring a civil action pursuant 120
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 121
from the offender's profit fund; 122

(11) The right, pursuant to section 3109.09 of the Revised 123
Code, to maintain a civil action to recover compensatory damages 124
not exceeding ten thousand dollars and costs from the parent of a 125
minor who willfully damages property through the commission of an 126
act that would be a theft offense, as defined in section 2913.01 127
of the Revised Code, if committed by an adult; 128

(12) The right, pursuant to section 3109.10 of the Revised 129
Code, to maintain a civil action to recover compensatory damages 130
not exceeding ten thousand dollars and costs from the parent of a 131
minor who willfully and maliciously assaults a person; 132

(13) The possibility of receiving restitution from an 133
offender or a delinquent child pursuant to section 2152.20, 134
2929.18, or 2929.28 of the Revised Code; 135

(14) The right of the victim in certain criminal or juvenile 136
cases or a victim's representative, pursuant to section 2930.16 of 137
the Revised Code, to receive notice of the escape from confinement 138
or custody of the person who committed the offense, to receive 139
that notice from the custodial agency of the person at the 140
victim's last address or telephone number provided to the 141
custodial agency, and to receive notice that, if either the 142
victim's address or telephone number changes, it is in the 143

victim's interest to provide the new address or telephone number 144
to the custodial agency; 145

(15) The right of a victim of domestic violence to seek the 146
issuance of a civil protection order pursuant to section 3113.31 147
of the Revised Code, the right of a victim of a violation of 148
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 149
of the Revised Code, a violation of a substantially similar 150
municipal ordinance, or an offense of violence who is a family or 151
household member of the offender at the time of the offense to 152
seek the issuance of a temporary protection order pursuant to 153
section 2919.26 of the Revised Code, and the right of both types 154
of victims to be accompanied by a victim advocate during court 155
proceedings; 156

(16) The right of a victim of a sexually oriented offense 157
that is not a registration-exempt sexually oriented offense or of 158
a child-victim oriented offense that is committed by a person who 159
is convicted of or pleads guilty to an aggravated sexually 160
oriented offense, by a person who is adjudicated a sexual predator 161
or child-victim predator, or, in certain cases, by a person who is 162
determined to be a habitual sex offender or habitual child-victim 163
offender to receive, pursuant to section 2950.10 of the Revised 164
Code, notice that the person has registered with a sheriff under 165
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 166
notice of the person's name, the person's residence that is 167
registered, and the offender's school, institution of higher 168
education, or place of employment address or addresses that are 169
registered, the person's photograph, and a summary of the manner 170
in which the victim must make a request to receive the notice. As 171
used in this division, "sexually oriented offense," "adjudicated a 172
sexual predator," "habitual sex offender," "registration-exempt 173
sexually oriented offense," "aggravated sexually oriented 174
offense," "child-victim oriented offense," "adjudicated a 175

child-victim predator," and "habitual child-victim offender" have 176
the same meanings as in section 2950.01 of the Revised Code. 177

(17) The right of a victim of certain sexually violent 178
offenses committed by an offender who also is convicted of or 179
pleads guilty to a sexually violent predator specification and who 180
is sentenced to a prison term pursuant to division (A)(3) of 181
section 2971.03 of the Revised Code, of a victim of a violation of 182
division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 183
Code committed on or after the effective date of this amendment by 184
an offender who is sentenced for the violation pursuant to 185
division (B)(1) of section 2971.03 of the Revised Code, and of a 186
victim of an attempted rape committed on or after the effective 187
date of this amendment by an offender who also is convicted of or 188
pleads guilty to a specification of the type described in section 189
2941.1418 of the Revised Code and is sentenced for the violation 190
pursuant to division (B)(2) of section 2971.03, to receive, 191
pursuant to section 2930.16 of the Revised Code, notice of a 192
hearing to determine whether to modify the requirement that the 193
offender serve the entire prison term in a state correctional 194
facility, whether to continue, revise, or revoke any existing 195
modification of that requirement, or whether to terminate the 196
prison term. As used in this division, "sexually violent offense" 197
and "sexually violent predator specification" have the same 198
meanings as in section 2971.01 of the Revised Code. 199

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 200
prosecuting attorney, assistant prosecuting attorney, city 201
director of law, assistant city director of law, village 202
solicitor, assistant village solicitor, or similar chief legal 203
officer of a municipal corporation or an assistant of any of those 204
officers who prosecutes an offense committed in this state, upon 205
first contact with the victim of the offense, the victim's family, 206
or the victim's dependents, shall give the victim, the victim's 207

family, or the victim's dependents a copy of the pamphlet prepared 208
pursuant to division (A) of this section and explain, upon 209
request, the information in the pamphlet to the victim, the 210
victim's family, or the victim's dependents. 211

(b) Subject to division (B)(1)(c) of this section, a law 212
enforcement agency that investigates an offense or delinquent act 213
committed in this state shall give the victim of the offense or 214
delinquent act, the victim's family, or the victim's dependents a 215
copy of the pamphlet prepared pursuant to division (A) of this 216
section at one of the following times: 217

(i) Upon first contact with the victim, the victim's family, 218
or the victim's dependents; 219

(ii) If the offense or delinquent act is an offense of 220
violence, if the circumstances of the offense or delinquent act 221
and the condition of the victim, the victim's family, or the 222
victim's dependents indicate that the victim, the victim's family, 223
or the victim's dependents will not be able to understand the 224
significance of the pamphlet upon first contact with the agency, 225
and if the agency anticipates that it will have an additional 226
contact with the victim, the victim's family, or the victim's 227
dependents, upon the agency's second contact with the victim, the 228
victim's family, or the victim's dependents. 229

If the agency does not give the victim, the victim's family, 230
or the victim's dependents a copy of the pamphlet upon first 231
contact with them and does not have a second contact with the 232
victim, the victim's family, or the victim's dependents, the 233
agency shall mail a copy of the pamphlet to the victim, the 234
victim's family, or the victim's dependents at their last known 235
address. 236

(c) In complying on and after December 9, 1994, with the 237
duties imposed by division (B)(1)(a) or (b) of this section, an 238

official or a law enforcement agency shall use copies of the 239
pamphlet that are in the official's or agency's possession on 240
December 9, 1994, until the official or agency has distributed all 241
of those copies. After the official or agency has distributed all 242
of those copies, the official or agency shall use only copies of 243
the pamphlet that contain at least the information described in 244
divisions (A)(1) to (17) of this section. 245

(2) The failure of a law enforcement agency or of a 246
prosecuting attorney, assistant prosecuting attorney, city 247
director of law, assistant city director of law, village 248
solicitor, assistant village solicitor, or similar chief legal 249
officer of a municipal corporation or an assistant to any of those 250
officers to give, as required by division (B)(1) of this section, 251
the victim of an offense or delinquent act, the victim's family, 252
or the victim's dependents a copy of the pamphlet prepared 253
pursuant to division (A) of this section does not give the victim, 254
the victim's family, the victim's dependents, or a victim's 255
representative any rights under section 2743.51 to 2743.72, 256
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 257
Revised Code or under any other provision of the Revised Code and 258
does not affect any right under those sections. 259

(3) A law enforcement agency, a prosecuting attorney or 260
assistant prosecuting attorney, or a city director of law, 261
assistant city director of law, village solicitor, assistant 262
village solicitor, or similar chief legal officer of a municipal 263
corporation that distributes a copy of the pamphlet prepared 264
pursuant to division (A) of this section shall not be required to 265
distribute a copy of an information card or other printed material 266
provided by the clerk of the court of claims pursuant to section 267
2743.71 of the Revised Code. 268

(C) The cost of printing and distributing the pamphlet 269
prepared pursuant to division (A) of this section shall be paid 270

out of the reparations fund, created pursuant to section 2743.191	271
of the Revised Code, in accordance with division (D) of that	272
section.	273
(D) As used in this section:	274
(1) "Victim's representative" has the same meaning as in	275
section 2930.01 of the Revised Code;	276
(2) "Victim advocate" has the same meaning as in section	277
2919.26 of the Revised Code.	278
Sec. 2743.191. (A)(1) There is hereby created in the state	279
treasury the reparations fund, which shall be used only for the	280
following purposes:	281
(a) The payment of awards of reparations that are granted by	282
the attorney general;	283
(b) The compensation of any personnel needed by the attorney	284
general to administer sections 2743.51 to 2743.72 of the Revised	285
Code;	286
(c) The compensation of witnesses as provided in division (J)	287
of section 2743.65 of the Revised Code;	288
(d) Other administrative costs of hearing and determining	289
claims for an award of reparations by the attorney general;	290
(e) The costs of administering sections 2907.28 and 2969.01	291
to 2969.06 of the Revised Code;	292
(f) The costs of investigation and decision-making as	293
certified by the attorney general;	294
(g) The provision of state financial assistance to victim	295
assistance programs in accordance with sections 109.91 and 109.92	296
of the Revised Code;	297
(h) The costs of paying the expenses of sex offense-related	298

examinations and antibiotics pursuant to section 2907.28 of the Revised Code; 299
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(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code; 301
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(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; 304
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(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; 310
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(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and accountability of offenders, and the enhancing of services to crime victims. The amount of payments made pursuant to division (A)(1)(l) of this section during any given fiscal year shall not exceed five per cent of the balance of the reparations fund at the close of the immediately previous fiscal year; 316
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(m) The costs of administering the adult parole authority's supervision ~~of sexually violent predators with an active global positioning system device~~ pursuant to division (E) of section 2971.05 of the Revised Code of sexually violent predators who are sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, of offenders who are sentenced to a prison term pursuant to division (B)(1) of that section for a 323
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violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 330
the Revised Code, and of offenders who are sentenced to a prison 331
term pursuant to division (B)(2) of section 2971.03 of the Revised 332
Code for attempted rape and a specification of the type described 333
in section 2941.1418 of the Revised Code. 334

(2) All costs paid pursuant to section 2743.70 of the Revised 335
Code, the portions of license reinstatement fees mandated by 336
division (F)(2)(b) of section 4511.191 of the Revised Code to be 337
credited to the fund, the portions of the proceeds of the sale of 338
a forfeited vehicle specified in division (C)(2) of section 339
4503.234 of the Revised Code, payments collected by the department 340
of rehabilitation and correction from prisoners who voluntarily 341
participate in an approved work and training program pursuant to 342
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 343
all moneys collected by the state pursuant to its right of 344
subrogation provided in section 2743.72 of the Revised Code shall 345
be deposited in the fund. 346

(B) In making an award of reparations, the attorney general 347
shall render the award against the state. The award shall be 348
accomplished only through the following procedure, and the 349
following procedure may be enforced by writ of mandamus directed 350
to the appropriate official: 351

(1) The attorney general shall provide for payment of the 352
claimant or providers in the amount of the award only if the 353
amount of the award is fifty dollars or more. 354

(2) The expense shall be charged against all available 355
unencumbered moneys in the fund. 356

(3) If sufficient unencumbered moneys do not exist in the 357
fund, the attorney general shall make application for payment of 358
the award out of the emergency purposes account or any other 359
appropriation for emergencies or contingencies, and payment out of 360

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

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

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

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

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

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

terms prescribed for a felony of the first degree in section 423
2929.14 of the Revised Code that is not less than five years. ~~If~~ 424
~~the~~ Except as otherwise provided in this division, notwithstanding 425
sections 2929.11 to 2929.14 of the Revised Code, an offender under 426
division (A)(1)(b) or (A)(2) of this section ~~purposely compels the~~ 427
~~victim to submit by force or threat of force or if the victim~~ 428
~~under division (A)(1)(b) of this section is less than ten years of~~ 429
~~age, whoever violates division (A)(1)(b) of this section shall be~~ 430
~~imprisoned for life~~ shall be sentenced to a prison term or term of 431
life imprisonment pursuant to section 2971.03 of the Revised Code. 432
If ~~the~~ an offender under division (A)(1)(b) of this section 433
previously has been convicted of or pleaded guilty to violating 434
division (A)(1)(b) of this section or to violating a law of 435
another state or the United States that is substantially similar 436
to division (A)(1)(b) of this section or if the offender during or 437
immediately after the commission of the offense caused serious 438
physical harm to the victim, ~~whoever violates division (A)(1)(b)~~ 439
~~of this section shall be imprisoned for life or~~ in lieu of 440
sentencing the offender to a prison term or term of life 441
imprisonment pursuant to section 2971.03 of the Revised Code, the 442
court may impose upon the offender a term of life without parole. 443
If the court imposes a term of life without parole pursuant to 444
this division, division (F) of section 2971.03 of the Revised Code 445
applies and the offender automatically is classified a sexual 446
predator, as described in that division. 447

(C) A victim need not prove physical resistance to the 448
offender in prosecutions under this section. 449

(D) Evidence of specific instances of the victim's sexual 450
activity, opinion evidence of the victim's sexual activity, and 451
reputation evidence of the victim's sexual activity shall not be 452
admitted under this section unless it involves evidence of the 453
origin of semen, pregnancy, or disease, or the victim's past 454

sexual activity with the offender, and only to the extent that the
court finds that the evidence is material to a fact at issue in
the case and that its inflammatory or prejudicial nature does not
outweigh its probative value.

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

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

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

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

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Sec. 2907.07. (A) No person shall solicit a person who is

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less than thirteen years of age to engage in sexual activity with 485
the offender, whether or not the offender knows the age of such 486
person. 487

(B) No person shall solicit another, not the spouse of the 488
offender, to engage in sexual conduct with the offender, when the 489
offender is eighteen years of age or older and four or more years 490
older than the other person, and the other person is thirteen 491
years of age or older but less than sixteen years of age, whether 492
or not the offender knows the age of the other person. 493

(C) No person shall solicit another by means of a 494
telecommunications device, as defined in section 2913.01 of the 495
Revised Code, to engage in sexual activity with the offender when 496
the offender is eighteen years of age or older and either of the 497
following applies: 498

(1) The other person is less than thirteen years of age, and 499
the offender knows that the other person is less than thirteen 500
years of age or is reckless in that regard. 501

(2) The other person is a law enforcement officer posing as a 502
person who is less than thirteen years of age, and the offender 503
believes that the other person is less than thirteen years of age 504
or is reckless in that regard. 505

(D) No person shall solicit another by means of a 506
telecommunications device, as defined in section 2913.01 of the 507
Revised Code, to engage in sexual activity with the offender when 508
the offender is eighteen years of age or older and either of the 509
following applies: 510

(1) The other person is thirteen years of age or older but 511
less than sixteen years of age, the offender knows that the other 512
person is thirteen years of age or older but less than sixteen 513
years of age or is reckless in that regard, and the offender is 514

four or more years older than the other person. 515

(2) The other person is a law enforcement officer posing as a 516
person who is thirteen years of age or older but less than sixteen 517
years of age, the offender believes that the other person is 518
thirteen years of age or older but less than sixteen years of age 519
or is reckless in that regard, and the offender is four or more 520
years older than the age the law enforcement officer assumes in 521
posing as the person who is thirteen years of age or older but 522
less than sixteen years of age. 523

(E) Divisions (C) and (D) of this section apply to any 524
solicitation that is contained in a transmission via a 525
telecommunications device that either originates in this state or 526
is received in this state. 527

(F) Whoever violates this section is guilty of importuning. A 528
violation of division (A) or (C) of this section is a felony of 529
the ~~fourth~~ third degree on a first offense and a felony of the 530
~~third~~ second degree on each subsequent offense. Notwithstanding 531
division (C) of section 2929.13 of the Revised Code, there is a 532
presumption that a prison term shall be imposed for a violation of 533
division (A) or (C) of this section as described in division (D) 534
of section 2929.13 of the Revised Code. A violation of division 535
(B) or (D) of this section is a felony of the fifth degree on a 536
first offense and a felony of the fourth degree on each subsequent 537
offense. 538

Sec. 2921.34. (A)(1) No person, knowing the person is under 539
detention or being reckless in that regard, shall purposely break 540
or attempt to break the detention, or purposely fail to return to 541
detention, either following temporary leave granted for a specific 542
purpose or limited period, or at the time required when serving a 543
sentence in intermittent confinement. 544

(2) ~~No person~~ Division (A)(2) of this section applies to any person who is adjudicated a sexually violent predator and is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code for the sexually violent offense, to any person who is convicted of or pleads guilty to a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment and is sentenced to a prison term pursuant to division (B)(1) of section 2971.03 of the Revised Code for the violation, and to any person who is convicted of or pleads guilty to attempted rape committed on or after the effective date of this amendment and a specification of the type described in section 2941.1418 of the Revised Code and is sentenced to a prison term pursuant to division (B)(2) of section 2971.03 of the Revised Code for the attempted rape. No person to whom this division applies, for whom the requirement that the entire prison term imposed upon the person pursuant to division (A)(3) or (B) of section 2971.03 of the Revised Code be served in a state correctional institution has been modified pursuant to section 2971.05 of the Revised Code, and who, pursuant to that modification, is restricted to a geographic area, knowing that the person is under a geographic restriction or being reckless in that regard, shall purposely leave the geographic area to which the restriction applies or purposely fail to return to that geographic area following a temporary leave granted for a specific purpose or for a limited period of time. 545
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(B) Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority, is not a defense to a charge under this section if the detention is pursuant to judicial order or in a detention facility. In the case of any other detention, irregularity or lack of jurisdiction is an affirmative defense only if either of the following occurs: 570
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(1) The escape involved no substantial risk of harm to the 576

person or property of another. 577

(2) The detaining authority knew or should have known there 578
was no legal basis or authority for the detention. 579

(C) Whoever violates this section is guilty of escape. 580

(1) If the offender, at the time of the commission of the 581
offense, was under detention as an alleged or adjudicated 582
delinquent child or unruly child and if the act for which the 583
offender was under detention would not be a felony if committed by 584
an adult, escape is a misdemeanor of the first degree. 585

(2) If the offender, at the time of the commission of the 586
offense, was under detention in any other manner ~~or~~, the offender 587
is a person who was adjudicated a sexually violent predator for 588
whom the requirement that the entire prison term imposed upon the 589
person pursuant to division (A)(3) of section 2971.03 of the 590
Revised Code be served in a state correctional institution has 591
been modified pursuant to section 2971.05 of the Revised Code, the 592
offender is a person who was convicted of or pleaded guilty to 593
committing on or after the effective date of this amendment a 594
violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 595
the Revised Code for whom the requirement that the entire prison 596
term imposed upon the person pursuant to division (B)(1) of 597
section 2971.03 of the Revised Code be served in a state 598
correctional institution has been modified pursuant to section 599
2971.05 of the Revised Code, or the offender is a person who was 600
convicted of or pleaded guilty to committing on or after the 601
effective date of this amendment attempted rape, who also was 602
convicted of or pleaded guilty to a specification of the type 603
described in section 2941.1418 of the Revised Code, who was 604
sentenced pursuant to division (B)(2) of section 2971.03 of the 605
Revised Code, and for whom the requirement that the entire prison 606
term imposed pursuant to that division be served in a state 607

correctional institution has been modified pursuant to section 608
2971.05 of the Revised Code, escape is one of the following: 609

(a) A felony of the second degree, when the most serious 610
offense for which the person was under detention or ~~adjudicated a~~ 611
~~sexually violent predator for which the person had been sentenced~~ 612
to the prison term under division (A)(3), (B)(1), or (B)(2) of 613
section 2971.03 of the Revised Code is aggravated murder, murder, 614
or a felony of the first or second degree or, if the person was 615
under detention as an alleged or adjudicated delinquent child, 616
when the most serious act for which the person was under detention 617
would be aggravated murder, murder, or a felony of the first or 618
second degree if committed by an adult; 619

(b) A felony of the third degree, when the most serious 620
offense for which the person was under detention or ~~adjudicated a~~ 621
~~sexually violent predator for which the person had been sentenced~~ 622
to the prison term under division (A)(3), (B)(1), or (B)(2) of 623
section 2971.03 of the Revised Code is a felony of the third, 624
fourth, or fifth degree or an unclassified felony or, if the 625
person was under detention as an alleged or adjudicated delinquent 626
child, when the most serious act for which the person was under 627
detention would be a felony of the third, fourth, or fifth degree 628
or an unclassified felony if committed by an adult; 629

(c) A felony of the fifth degree, when any of the following 630
applies: 631

(i) The most serious offense for which the person was under 632
detention is a misdemeanor. 633

(ii) The person was found not guilty by reason of insanity, 634
and the person's detention consisted of hospitalization, 635
institutionalization, or confinement in a facility under an order 636
made pursuant to or under authority of section 2945.40, 2945.401, 637
or 2945.402 of the Revised Code. 638

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

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

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

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

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

(D) It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances

manifesting a complete and voluntary renunciation of the actor's
criminal purpose.

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(E)(1) Whoever violates this section is guilty of an attempt
to commit an offense. An attempt to commit aggravated murder,
murder, or an offense for which the maximum penalty is
imprisonment for life is a felony of the first degree. An attempt
to commit a drug abuse offense for which the penalty is determined
by the amount or number of unit doses of the controlled substance
involved in the drug abuse offense is an offense of the same
degree as the drug abuse offense attempted would be if that drug
abuse offense had been committed and had involved an amount or
number of unit doses of the controlled substance that is within
the next lower range of controlled substance amounts than was
involved in the attempt. An attempt to commit any other offense is
an offense of the next lesser degree than the offense attempted.
In the case of an attempt to commit an offense other than a
violation of Chapter 3734. of the Revised Code that is not
specifically classified, an attempt is a misdemeanor of the first
degree if the offense attempted is a felony, and a misdemeanor of
the fourth degree if the offense attempted is a misdemeanor. In
the case of an attempt to commit a violation of any provision of
Chapter 3734. of the Revised Code, other than section 3734.18 of
the Revised Code, that relates to hazardous wastes, an attempt is
a felony punishable by a fine of not more than twenty-five
thousand dollars or imprisonment for not more than eighteen
months, or both. An attempt to commit a minor misdemeanor, or to
engage in conspiracy, is not an offense under this section.

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

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

Sec. 2929.01. As used in this chapter:

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

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

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

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

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

(C) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the

Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision. 731
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(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code. 733
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(E) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.56 of the Revised Code. 736
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(F) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004. 740
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(G) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code. 749
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(H) "Curfew" means a requirement that an offender during a specified period of time be at a designated place. 752
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(I) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center. 754
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(J) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 759
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(K) "Drug and alcohol use monitoring" means a program under 761
which an offender agrees to submit to random chemical analysis of 762
the offender's blood, breath, or urine to determine whether the 763
offender has ingested any alcohol or other drugs. 764

(L) "Drug treatment program" means any program under which a 765
person undergoes assessment and treatment designed to reduce or 766
completely eliminate the person's physical or emotional reliance 767
upon alcohol, another drug, or alcohol and another drug and under 768
which the person may be required to receive assessment and 769
treatment on an outpatient basis or may be required to reside at a 770
facility other than the person's home or residence while 771
undergoing assessment and treatment. 772

(M) "Economic loss" means any economic detriment suffered by 773
a victim as a direct and proximate result of the commission of an 774
offense and includes any loss of income due to lost time at work 775
because of any injury caused to the victim, and any property loss, 776
medical cost, or funeral expense incurred as a result of the 777
commission of the offense. "Economic loss" does not include 778
non-economic loss or any punitive or exemplary damages. 779

(N) "Education or training" includes study at, or in 780
conjunction with a program offered by, a university, college, or 781
technical college or vocational study and also includes the 782
completion of primary school, secondary school, and literacy 783
curricula or their equivalent. 784

(O) "Firearm" has the same meaning as in section 2923.11 of 785
the Revised Code. 786

(P) "Halfway house" means a facility licensed by the division 787
of parole and community services of the department of 788
rehabilitation and correction pursuant to section 2967.14 of the 789
Revised Code as a suitable facility for the care and treatment of 790
adult offenders. 791

(Q) "House arrest" means a period of confinement of an 792
offender that is in the offender's home or in other premises 793
specified by the sentencing court or by the parole board pursuant 794
to section 2967.28 of the Revised Code and during which all of the 795
following apply: 796

(1) The offender is required to remain in the offender's home 797
or other specified premises for the specified period of 798
confinement, except for periods of time during which the offender 799
is at the offender's place of employment or at other premises as 800
authorized by the sentencing court or by the parole board. 801

(2) The offender is required to report periodically to a 802
person designated by the court or parole board. 803

(3) The offender is subject to any other restrictions and 804
requirements that may be imposed by the sentencing court or by the 805
parole board. 806

(R) "Intensive probation supervision" means a requirement 807
that an offender maintain frequent contact with a person appointed 808
by the court, or by the parole board pursuant to section 2967.28 809
of the Revised Code, to supervise the offender while the offender 810
is seeking or maintaining necessary employment and participating 811
in training, education, and treatment programs as required in the 812
court's or parole board's order. "Intensive probation supervision" 813
includes intensive parole supervision and intensive post-release 814
control supervision. 815

(S) "Jail" means a jail, workhouse, minimum security jail, or 816
other residential facility used for the confinement of alleged or 817
convicted offenders that is operated by a political subdivision or 818
a combination of political subdivisions of this state. 819

(T) "Jail term" means the term in a jail that a sentencing 820
court imposes or is authorized to impose pursuant to section 821
2929.24 or 2929.25 of the Revised Code or pursuant to any other 822

provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction. 823
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(U) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code, division (E) of section 2929.24 of the Revised Code, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor conviction. 825
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(V) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 834
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(W) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended. 836
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(X) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to 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 847
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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) 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 885
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, or 886
pursuant to division (B)(2) of section 2971.03 of the Revised Code 887
for the offense of attempted rape committed on or after the 888
effective date of this amendment and a specification of the type 889
described in section 2941.1418 of the Revised Code and that term 890
as modified or terminated pursuant to section 2971.05 of the 891
Revised Code. 892

(Z) "Monitored time" means a period of time during which an 893
offender continues to be under the control of the sentencing court 894
or parole board, subject to no conditions other than leading a 895
law-abiding life. 896

(AA) "Offender" means a person who, in this state, is 897
convicted of or pleads guilty to a felony or a misdemeanor. 898

(BB) "Prison" means a residential facility used for the 899
confinement of convicted felony offenders that is under the 900
control of the department of rehabilitation and correction but 901
does not include a violation sanction center operated under 902
authority of section 2967.141 of the Revised Code. 903

(CC) "Prison term" includes any of the following sanctions 904
for an offender: 905

(1) A stated prison term; 906

(2) A term in a prison shortened by, or with the approval of, 907
the sentencing court pursuant to section 2929.20, 2967.26, 908
5120.031, 5120.032, or 5120.073 of the Revised Code; 909

(3) A term in prison extended by bad time imposed pursuant to 910
section 2967.11 of the Revised Code or imposed for a violation of 911
post-release control pursuant to section 2967.28 of the Revised 912
Code. 913

(DD) "Repeat violent offender" means a person about whom both 914

of the following apply:

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

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(2) Either of the following applies:

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

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

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

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

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services for that delinquent act.	946
(EE) "Sanction" means any penalty imposed upon an offender	947
who is convicted of or pleads guilty to an offense, as punishment	948
for the offense. "Sanction" includes any sanction imposed pursuant	949
to any provision of sections 2929.14 to 2929.18 or 2929.24 to	950
2929.28 of the Revised Code.	951
(FF) "Sentence" means the sanction or combination of	952
sanctions imposed by the sentencing court on an offender who is	953
convicted of or pleads guilty to an offense.	954
(GG) "Stated prison term" means the prison term, mandatory	955
prison term, or combination of all prison terms and mandatory	956
prison terms imposed by the sentencing court pursuant to section	957
2929.14 or 2971.03 of the Revised Code. "Stated prison term"	958
includes any credit received by the offender for time spent in	959
jail awaiting trial, sentencing, or transfer to prison for the	960
offense and any time spent under house arrest or house arrest with	961
electronic monitoring imposed after earning credits pursuant to	962
section 2967.193 of the Revised Code.	963
(HH) "Victim-offender mediation" means a reconciliation or	964
mediation program that involves an offender and the victim of the	965
offense committed by the offender and that includes a meeting in	966
which the offender and the victim may discuss the offense, discuss	967
restitution, and consider other sanctions for the offense.	968
(II) "Fourth degree felony OVI offense" means a violation of	969
division (A) of section 4511.19 of the Revised Code that, under	970
division (G) of that section, is a felony of the fourth degree.	971
(JJ) "Mandatory term of local incarceration" means the term	972
of sixty or one hundred twenty days in a jail, a community-based	973
correctional facility, a halfway house, or an alternative	974
residential facility that a sentencing court may impose upon a	975
person who is convicted of or pleads guilty to a fourth degree	976

felony OVI offense pursuant to division (G)(1) of section 2929.13	977
of the Revised Code and division (G)(1)(d) or (e) of section	978
4511.19 of the Revised Code.	979
(KK) "Designated homicide, assault, or kidnapping offense,"	980
"violent sex offense," "sexual motivation specification,"	981
"sexually violent offense," "sexually violent predator," and	982
"sexually violent predator specification" have the same meanings	983
as in section 2971.01 of the Revised Code.	984
(LL) "Habitual sex offender," "sexually oriented offense,"	985
"sexual predator," "registration-exempt sexually oriented	986
offense," "child-victim oriented offense," "habitual child-victim	987
offender," and "child-victim predator" have the same meanings as	988
in section 2950.01 of the Revised Code.	989
(MM) An offense is "committed in the vicinity of a child" if	990
the offender commits the offense within thirty feet of or within	991
the same residential unit as a child who is under eighteen years	992
of age, regardless of whether the offender knows the age of the	993
child or whether the offender knows the offense is being committed	994
within thirty feet of or within the same residential unit as the	995
child and regardless of whether the child actually views the	996
commission of the offense.	997
(NN) "Family or household member" has the same meaning as in	998
section 2919.25 of the Revised Code.	999
(OO) "Motor vehicle" and "manufactured home" have the same	1000
meanings as in section 4501.01 of the Revised Code.	1001
(PP) "Detention" and "detention facility" have the same	1002
meanings as in section 2921.01 of the Revised Code.	1003
(QQ) "Third degree felony OVI offense" means a violation of	1004
division (A) of section 4511.19 of the Revised Code that, under	1005
division (G) of that section, is a felony of the third degree.	1006

(RR) "Random drug testing" has the same meaning as in section 1007
5120.63 of the Revised Code. 1008

(SS) "Felony sex offense" has the same meaning as in section 1009
2967.28 of the Revised Code. 1010

(TT) "Body armor" has the same meaning as in section 1011
2941.1411 of the Revised Code. 1012

(UU) "Electronic monitoring" means monitoring through the use 1013
of an electronic monitoring device. 1014

(VV) "Electronic monitoring device" means any of the 1015
following: 1016

(1) Any device that can be operated by electrical or battery 1017
power and that conforms with all of the following: 1018

(a) The device has a transmitter that can be attached to a 1019
person, that will transmit a specified signal to a receiver of the 1020
type described in division (VV)(1)(b) of this section if the 1021
transmitter is removed from the person, turned off, or altered in 1022
any manner without prior court approval in relation to electronic 1023
monitoring or without prior approval of the department of 1024
rehabilitation and correction in relation to the use of an 1025
electronic monitoring device for an inmate on transitional control 1026
or otherwise is tampered with, that can transmit continuously and 1027
periodically a signal to that receiver when the person is within a 1028
specified distance from the receiver, and that can transmit an 1029
appropriate signal to that receiver if the person to whom it is 1030
attached travels a specified distance from that receiver. 1031

(b) The device has a receiver that can receive continuously 1032
the signals transmitted by a transmitter of the type described in 1033
division (VV)(1)(a) of this section, can transmit continuously 1034
those signals by telephone to a central monitoring computer of the 1035
type described in division (VV)(1)(c) of this section, and can 1036

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
(VV)(1)(a) of this section is attached.

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

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

(b) The device includes a transmitter and receiver that can
determine at any time, or at a designated point in time, through
the use of a central monitoring computer or other electronic means
the fact that the transmitter is turned off or altered in any
manner without prior approval of the court in relation to the
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.

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

(WW) "Non-economic loss" means nonpecuniary harm suffered by

a victim of an offense as a result of or related to the commission 1068
of the offense, including, but not limited to, pain and suffering; 1069
loss of society, consortium, companionship, care, assistance, 1070
attention, protection, advice, guidance, counsel, instruction, 1071
training, or education; mental anguish; and any other intangible 1072
loss. 1073

(XX) "Prosecutor" has the same meaning as in section 2935.01 1074
of the Revised Code. 1075

(YY) "Continuous alcohol monitoring" means the ability to 1076
automatically test and periodically transmit alcohol consumption 1077
levels and tamper attempts at least every hour, regardless of the 1078
location of the person who is being monitored. 1079

(ZZ) A person is "adjudicated a sexually violent predator" if 1080
the person is convicted of or pleads guilty to a violent sex 1081
offense and also is convicted of or pleads guilty to a sexually 1082
violent predator specification that was included in the 1083
indictment, count in the indictment, or information charging that 1084
violent sex offense or if the person is convicted of or pleads 1085
guilty to a designated homicide, assault, or kidnapping offense 1086
and also is convicted of or pleads guilty to both a sexual 1087
motivation specification and a sexually violent predator 1088
specification that were included in the indictment, count in the 1089
indictment, or information charging that designated homicide, 1090
assault, or kidnapping offense. 1091

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1092
(G) of this section and unless a specific sanction is required to 1093
be imposed or is precluded from being imposed pursuant to law, a 1094
court that imposes a sentence upon an offender for a felony may 1095
impose any sanction or combination of sanctions on the offender 1096
that are provided in sections 2929.14 to 2929.18 of the Revised 1097
Code. The sentence shall not impose an unnecessary burden on state 1098

or local government resources. 1099

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also may impose a financial sanction pursuant to section 2929.18 of the Revised Code but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code. 1100
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If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable: 1112
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(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division. 1120
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(2) For a third or fourth degree felony OVI offense for which 1130

sentence is imposed under division (G)(2) of this section, an
additional prison term as described in division (D)(4) of section
2929.14 of the Revised Code or a community control sanction as
described in division (G)(2) of this section.

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

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

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

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

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

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

(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.

(g) The offender at the time of the offense was serving, or

the offender previously had served, a prison term. 1161

(h) The offender committed the offense while under a 1162
community control sanction, while on probation, or while released 1163
from custody on a bond or personal recognizance. 1164

(i) The offender committed the offense while in possession of 1165
a firearm. 1166

(2)(a) If the court makes a finding described in division 1167
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1168
section and if the court, after considering the factors set forth 1169
in section 2929.12 of the Revised Code, finds that a prison term 1170
is consistent with the purposes and principles of sentencing set 1171
forth in section 2929.11 of the Revised Code and finds that the 1172
offender is not amenable to an available community control 1173
sanction, the court shall impose a prison term upon the offender. 1174

(b) Except as provided in division (E), (F), or (G) of this 1175
section, if the court does not make a finding described in 1176
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1177
this section and if the court, after considering the factors set 1178
forth in section 2929.12 of the Revised Code, finds that a 1179
community control sanction or combination of community control 1180
sanctions is consistent with the purposes and principles of 1181
sentencing set forth in section 2929.11 of the Revised Code, the 1182
court shall impose a community control sanction or combination of 1183
community control sanctions upon the offender. 1184

(C) Except as provided in division (E), (F), or (G) of this 1185
section, in determining whether to impose a prison term as a 1186
sanction for a felony of the third degree or a felony drug offense 1187
that is a violation of a provision of Chapter 2925. of the Revised 1188
Code and that is specified as being subject to this division for 1189
purposes of sentencing, the sentencing court shall comply with the 1190
purposes and principles of sentencing under section 2929.11 of the 1191

Revised Code and with section 2929.12 of the Revised Code. 1192

(D) Except as provided in division (E) or (F) of this 1193
section, for a felony of the first or second degree and for a 1194
felony drug offense that is a violation of any provision of 1195
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1196
presumption in favor of a prison term is specified as being 1197
applicable, it is presumed that a prison term is necessary in 1198
order to comply with the purposes and principles of sentencing 1199
under section 2929.11 of the Revised Code. Notwithstanding the 1200
presumption established under this division, the sentencing court 1201
may impose a community control sanction or a combination of 1202
community control sanctions instead of a prison term on an 1203
offender for a felony of the first or second degree or for a 1204
felony drug offense that is a violation of any provision of 1205
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1206
presumption in favor of a prison term is specified as being 1207
applicable if it makes both of the following findings: 1208

(1) A community control sanction or a combination of 1209
community control sanctions would adequately punish the offender 1210
and protect the public from future crime, because the applicable 1211
factors under section 2929.12 of the Revised Code indicating a 1212
lesser likelihood of recidivism outweigh the applicable factors 1213
under that section indicating a greater likelihood of recidivism. 1214

(2) A community control sanction or a combination of 1215
community control sanctions would not demean the seriousness of 1216
the offense, because one or more factors under section 2929.12 of 1217
the Revised Code that indicate that the offender's conduct was 1218
less serious than conduct normally constituting the offense are 1219
applicable, and they outweigh the applicable factors under that 1220
section that indicate that the offender's conduct was more serious 1221
than conduct normally constituting the offense. 1222

(E)(1) Except as provided in division (F) of this section, 1223
for any drug offense that is a violation of any provision of 1224
Chapter 2925. of the Revised Code and that is a felony of the 1225
third, fourth, or fifth degree, the applicability of a presumption 1226
under division (D) of this section in favor of a prison term or of 1227
division (B) or (C) of this section in determining whether to 1228
impose a prison term for the offense shall be determined as 1229
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1230
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1231
Revised Code, whichever is applicable regarding the violation. 1232

(2) If an offender who was convicted of or pleaded guilty to 1233
a felony violates the conditions of a community control sanction 1234
imposed for the offense solely by reason of producing positive 1235
results on a drug test, the court, as punishment for the violation 1236
of the sanction, shall not order that the offender be imprisoned 1237
unless the court determines on the record either of the following: 1238

(a) The offender had been ordered as a sanction for the 1239
felony to participate in a drug treatment program, in a drug 1240
education program, or in narcotics anonymous or a similar program, 1241
and the offender continued to use illegal drugs after a reasonable 1242
period of participation in the program. 1243

(b) The imprisonment of the offender for the violation is 1244
consistent with the purposes and principles of sentencing set 1245
forth in section 2929.11 of the Revised Code. 1246

(F) Notwithstanding divisions (A) to (E) of this section, the 1247
court shall impose a prison term or terms under sections 2929.02 1248
to 2929.06, section 2929.14, or section 2971.03 of the Revised 1249
Code and except as specifically provided in section 2929.20 or 1250
2967.191 of the Revised Code or when parole is authorized for the 1251
offense under section 2967.13 of the Revised Code shall not reduce 1252
the terms pursuant to section 2929.20, section 2967.193, or any 1253

other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses: 1254
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(1) Aggravated murder when death is not imposed or murder; 1256

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been ~~subject to a sentence of life imprisonment or life imprisonment without parole for the rape~~ guilty of a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code; 1257
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(3) Gross sexual imposition or sexual battery, if the victim is under thirteen years of age, ~~if~~ the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and ~~if~~ the victim of the previous offense was under thirteen years of age; 1264
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(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, or 2903.13 of the Revised Code if the section requires the imposition of a prison term; 1270
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(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term; 1273
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(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses; 1278
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(7) Any offense that is a third degree felony and that is listed in division (DD)(1) of section 2929.01 of the Revised Code if the offender previously was convicted of or pleaded guilty to any offense that is listed in division (DD)(2)(a)(i) or (ii) of section 2929.01 of the Revised Code;

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

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

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

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

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

(13) A violation of division (A)(1) or (2) of section 2903.06 of the Revised Code if the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, with

respect to the portion of the sentence imposed pursuant to 1316
division (D)(5) of section 2929.14 of the Revised Code; 1317

(14) A violation of division (A)(1) or (2) of section 2903.06 1318
of the Revised Code if the offender has been convicted of or 1319
pleaded guilty to three or more violations of division (A) or (B) 1320
of section 4511.19 of the Revised Code or an equivalent offense, 1321
as defined in section 2941.1415 of the Revised Code, or three or 1322
more violations of any combination of those divisions and 1323
offenses, with respect to the portion of the sentence imposed 1324
pursuant to division (D)(6) of section 2929.14 of the Revised 1325
Code. 1326

(G) Notwithstanding divisions (A) to (E) of this section, if 1327
an offender is being sentenced for a fourth degree felony OVI 1328
offense or for a third degree felony OVI offense, the court shall 1329
impose upon the offender a mandatory term of local incarceration 1330
or a mandatory prison term in accordance with the following: 1331

(1) If the offender is being sentenced for a fourth degree 1332
felony OVI offense and if the offender has not been convicted of 1333
and has not pleaded guilty to a specification of the type 1334
described in section 2941.1413 of the Revised Code, the court may 1335
impose upon the offender a mandatory term of local incarceration 1336
of sixty days or one hundred twenty days as specified in division 1337
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1338
not reduce the term pursuant to section 2929.20, 2967.193, or any 1339
other provision of the Revised Code. The court that imposes a 1340
mandatory term of local incarceration under this division shall 1341
specify whether the term is to be served in a jail, a 1342
community-based correctional facility, a halfway house, or an 1343
alternative residential facility, and the offender shall serve the 1344
term in the type of facility specified by the court. A mandatory 1345
term of local incarceration imposed under division (G)(1) of this 1346
section is not subject to extension under section 2967.11 of the 1347

Revised Code, to a period of post-release control under section 1348
2967.28 of the Revised Code, or to any other Revised Code 1349
provision that pertains to a prison term except as provided in 1350
division (A)(1) of this section. 1351

(2) If the offender is being sentenced for a third degree 1352
felony OVI offense, or if the offender is being sentenced for a 1353
fourth degree felony OVI offense and the court does not impose a 1354
mandatory term of local incarceration under division (G)(1) of 1355
this section, the court shall impose upon the offender a mandatory 1356
prison term of one, two, three, four, or five years if the 1357
offender also is convicted of or also pleads guilty to a 1358
specification of the type described in section 2941.1413 of the 1359
Revised Code or shall impose upon the offender a mandatory prison 1360
term of sixty days or one hundred twenty days as specified in 1361
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1362
if the offender has not been convicted of and has not pleaded 1363
guilty to a specification of that type. The court shall not reduce 1364
the term pursuant to section 2929.20, 2967.193, or any other 1365
provision of the Revised Code. The offender shall serve the one-, 1366
two-, three-, four-, or five-year mandatory prison term 1367
consecutively to and prior to the prison term imposed for the 1368
underlying offense and consecutively to any other mandatory prison 1369
term imposed in relation to the offense. In no case shall an 1370
offender who once has been sentenced to a mandatory term of local 1371
incarceration pursuant to division (G)(1) of this section for a 1372
fourth degree felony OVI offense be sentenced to another mandatory 1373
term of local incarceration under that division for any violation 1374
of division (A) of section 4511.19 of the Revised Code. In 1375
addition to the mandatory prison term described in division (G)(2) 1376
of this section, the court may sentence the offender to a 1377
community control sanction under section 2929.16 or 2929.17 of the 1378
Revised Code, but the offender shall serve the prison term prior 1379

to serving the community control sanction. The department of 1380
rehabilitation and correction may place an offender sentenced to a 1381
mandatory prison term under this division in an intensive program 1382
prison established pursuant to section 5120.033 of the Revised 1383
Code if the department gave the sentencing judge prior notice of 1384
its intent to place the offender in an intensive program prison 1385
established under that section and if the judge did not notify the 1386
department that the judge disapproved the placement. Upon the 1387
establishment of the initial intensive program prison pursuant to 1388
section 5120.033 of the Revised Code that is privately operated 1389
and managed by a contractor pursuant to a contract entered into 1390
under section 9.06 of the Revised Code, both of the following 1391
apply: 1392

(a) The department of rehabilitation and correction shall 1393
make a reasonable effort to ensure that a sufficient number of 1394
offenders sentenced to a mandatory prison term under this division 1395
are placed in the privately operated and managed prison so that 1396
the privately operated and managed prison has full occupancy. 1397

(b) Unless the privately operated and managed prison has full 1398
occupancy, the department of rehabilitation and correction shall 1399
not place any offender sentenced to a mandatory prison term under 1400
this division in any intensive program prison established pursuant 1401
to section 5120.033 of the Revised Code other than the privately 1402
operated and managed prison. 1403

(H) If an offender is being sentenced for a sexually oriented 1404
offense committed on or after January 1, 1997, the judge shall 1405
require the offender to submit to a DNA specimen collection 1406
procedure pursuant to section 2901.07 of the Revised Code if 1407
~~either~~ any of the following applies: 1408

(1) The offense was a violent sex offense or a designated 1409
homicide, assault, or kidnapping offense and, in relation to that 1410

offense, the offender was adjudicated a sexually violent predator. 1411

(2) The offense was a violation of division (A)(1)(b) or 1412
(A)(2) of section 2907.02 of the Revised Code committed on or 1413
after the effective date of this amendment. 1414

(3) The offense was attempted rape committed on or after the 1415
effective date of this amendment, and the offender also was 1416
convicted of or pleaded guilty to a specification of the type 1417
described in section 2941.1418 of the Revised Code. 1418

(4) The judge imposing sentence for the sexually oriented 1419
offense determines pursuant to division (B) of section 2950.09 of 1420
the Revised Code that the offender is a sexual predator. 1421

(I) If an offender is being sentenced for a sexually oriented 1422
offense that is not a registration-exempt sexually oriented 1423
offense or for a child-victim oriented offense committed on or 1424
after January 1, 1997, the judge shall include in the sentence a 1425
summary of the offender's duties imposed under sections 2950.04, 1426
2950.041, 2950.05, and 2950.06 of the Revised Code and the 1427
duration of the duties. The judge shall inform the offender, at 1428
the time of sentencing, of those duties and of their duration and, 1429
if required under division (A)(2) of section 2950.03 of the 1430
Revised Code, shall perform the duties specified in that section. 1431

(J)(1) Except as provided in division (J)(2) of this section, 1432
when considering sentencing factors under this section in relation 1433
to an offender who is convicted of or pleads guilty to an attempt 1434
to commit an offense in violation of section 2923.02 of the 1435
Revised Code, the sentencing court shall consider the factors 1436
applicable to the felony category of the violation of section 1437
2923.02 of the Revised Code instead of the factors applicable to 1438
the felony category of the offense attempted. 1439

(2) When considering sentencing factors under this section in 1440
relation to an offender who is convicted of or pleads guilty to an 1441

attempt to commit a drug abuse offense for which the penalty is 1442
determined by the amount or number of unit doses of the controlled 1443
substance involved in the drug abuse offense, the sentencing court 1444
shall consider the factors applicable to the felony category that 1445
the drug abuse offense attempted would be if that drug abuse 1446
offense had been committed and had involved an amount or number of 1447
unit doses of the controlled substance that is within the next 1448
lower range of controlled substance amounts than was involved in 1449
the attempt. 1450

(K) As used in this section, "drug abuse offense" has the 1451
same meaning as in section 2925.01 of the Revised Code. 1452

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 1453
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), or (G) of this section and 1454
except in relation to an offense for which a sentence of death or 1455
life imprisonment is to be imposed, if the court imposing a 1456
sentence upon an offender for a felony elects or is required to 1457
impose a prison term on the offender pursuant to this chapter, the 1458
court shall impose a definite prison term that shall be one of the 1459
following: 1460

(1) For a felony of the first degree, the prison term shall 1461
be three, four, five, six, seven, eight, nine, or ten years. 1462

(2) For a felony of the second degree, the prison term shall 1463
be two, three, four, five, six, seven, or eight years. 1464

(3) For a felony of the third degree, the prison term shall 1465
be one, two, three, four, or five years. 1466

(4) For a felony of the fourth degree, the prison term shall 1467
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1468
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1469

(5) For a felony of the fifth degree, the prison term shall 1470
be six, seven, eight, nine, ten, eleven, or twelve months. 1471

(B) Except as provided in division (C), (D)(1), (D)(2), 1472
(D)(3), (D)(5), (D)(6), or (G) of this section, in section 2907.02 1473
of the Revised Code, or in Chapter 2925. of the Revised Code, if 1474
the court imposing a sentence upon an offender for a felony elects 1475
or is required to impose a prison term on the offender, the court 1476
shall impose the shortest prison term authorized for the offense 1477
pursuant to division (A) of this section, unless one or more of 1478
the following applies: 1479

(1) The offender was serving a prison term at the time of the 1480
offense, or the offender previously had served a prison term. 1481

(2) The court finds on the record that the shortest prison 1482
term will demean the seriousness of the offender's conduct or will 1483
not adequately protect the public from future crime by the 1484
offender or others. 1485

(C) Except as provided in division (G) of this section or in 1486
Chapter 2925. of the Revised Code, the court imposing a sentence 1487
upon an offender for a felony may impose the longest prison term 1488
authorized for the offense pursuant to division (A) of this 1489
section only upon offenders who committed the worst forms of the 1490
offense, upon offenders who pose the greatest likelihood of 1491
committing future crimes, upon certain major drug offenders under 1492
division (D)(3) of this section, and upon certain repeat violent 1493
offenders in accordance with division (D)(2) of this section. 1494

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1495
section, if an offender who is convicted of or pleads guilty to a 1496
felony also is convicted of or pleads guilty to a specification of 1497
the type described in section 2941.141, 2941.144, or 2941.145 of 1498
the Revised Code, the court shall impose on the offender one of 1499
the following prison terms: 1500

(i) A prison term of six years if the specification is of the 1501
type described in section 2941.144 of the Revised Code that 1502

charges the offender with having a firearm that is an automatic 1503
firearm or that was equipped with a firearm muffler or silencer on 1504
or about the offender's person or under the offender's control 1505
while committing the felony; 1506

(ii) A prison term of three years if the specification is of 1507
the type described in section 2941.145 of the Revised Code that 1508
charges the offender with having a firearm on or about the 1509
offender's person or under the offender's control while committing 1510
the offense and displaying the firearm, brandishing the firearm, 1511
indicating that the offender possessed the firearm, or using it to 1512
facilitate the offense; 1513

(iii) A prison term of one year if the specification is of 1514
the type described in section 2941.141 of the Revised Code that 1515
charges the offender with having a firearm on or about the 1516
offender's person or under the offender's control while committing 1517
the felony. 1518

(b) If a court imposes a prison term on an offender under 1519
division (D)(1)(a) of this section, the prison term shall not be 1520
reduced pursuant to section 2929.20, section 2967.193, or any 1521
other provision of Chapter 2967. or Chapter 5120. of the Revised 1522
Code. A court shall not impose more than one prison term on an 1523
offender under division (D)(1)(a) of this section for felonies 1524
committed as part of the same act or transaction. 1525

(c) Except as provided in division (D)(1)(e) of this section, 1526
if an offender who is convicted of or pleads guilty to a violation 1527
of section 2923.161 of the Revised Code or to a felony that 1528
includes, as an essential element, purposely or knowingly causing 1529
or attempting to cause the death of or physical harm to another, 1530
also is convicted of or pleads guilty to a specification of the 1531
type described in section 2941.146 of the Revised Code that 1532
charges the offender with committing the offense by discharging a 1533

firearm from a motor vehicle other than a manufactured home, the
court, after imposing a prison term on the offender for the
violation of section 2923.161 of the Revised Code or for the other
felony offense under division (A), (D)(2), or (D)(3) of this
section, shall impose an additional prison term of five years upon
the offender that shall not be reduced pursuant to section
2929.20, section 2967.193, or any other provision of Chapter 2967.
or Chapter 5120. of the Revised Code. A court shall not impose
more than one additional prison term on an offender under division
(D)(1)(c) of this section for felonies committed as part of the
same act or transaction. If a court imposes an additional prison
term on an offender under division (D)(1)(c) of this section
relative to an offense, the court also shall impose a prison term
under division (D)(1)(a) of this section relative to the same
offense, provided the criteria specified in that division for
imposing an additional prison term are satisfied relative to the
offender and the offense.

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

(e) The court shall not impose any of the prison terms 1566
described in division (D)(1)(a) of this section or any of the 1567
additional prison terms described in division (D)(1)(c) of this 1568
section upon an offender for a violation of section 2923.12 or 1569
2923.123 of the Revised Code. The court shall not impose any of 1570
the prison terms described in division (D)(1)(a) of this section 1571
or any of the additional prison terms described in division 1572
(D)(1)(c) of this section upon an offender for a violation of 1573
section 2923.13 of the Revised Code unless all of the following 1574
apply: 1575

(i) The offender previously has been convicted of aggravated 1576
murder, murder, or any felony of the first or second degree. 1577

(ii) Less than five years have passed since the offender was 1578
released from prison or post-release control, whichever is later, 1579
for the prior offense. 1580

(f) If an offender is convicted of or pleads guilty to a 1581
felony that includes, as an essential element, causing or 1582
attempting to cause the death of or physical harm to another and 1583
also is convicted of or pleads guilty to a specification of the 1584
type described in section 2941.1412 of the Revised Code that 1585
charges the offender with committing the offense by discharging a 1586
firearm at a peace officer as defined in section 2935.01 of the 1587
Revised Code or a corrections officer as defined in section 1588
2941.1412 of the Revised Code, the court, after imposing a prison 1589
term on the offender for the felony offense under division (A), 1590
(D)(2), or (D)(3) of this section, shall impose an additional 1591
prison term of seven years upon the offender that shall not be 1592
reduced pursuant to section 2929.20, section 2967.193, or any 1593
other provision of Chapter 2967. or Chapter 5120. of the Revised 1594
Code. A court shall not impose more than one additional prison 1595
term on an offender under division (D)(1)(f) of this section for 1596
felonies committed as part of the same act or transaction. If a 1597

court imposes an additional prison term on an offender under 1598
division (D)(1)(f) of this section relative to an offense, the 1599
court shall not impose a prison term under division (D)(1)(a) or 1600
(c) of this section relative to the same offense. 1601

(2)(a) If an offender who is convicted of or pleads guilty to 1602
a felony also is convicted of or pleads guilty to a specification 1603
of the type described in section 2941.149 of the Revised Code that 1604
the offender is a repeat violent offender, the court shall impose 1605
a prison term from the range of terms authorized for the offense 1606
under division (A) of this section that may be the longest term in 1607
the range and that shall not be reduced pursuant to section 1608
2929.20, section 2967.193, or any other provision of Chapter 2967. 1609
or Chapter 5120. of the Revised Code. If the court finds that the 1610
repeat violent offender, in committing the offense, caused any 1611
physical harm that carried a substantial risk of death to a person 1612
or that involved substantial permanent incapacity or substantial 1613
permanent disfigurement of a person, the court shall impose the 1614
longest prison term from the range of terms authorized for the 1615
offense under division (A) of this section. 1616

(b) If the court imposing a prison term on a repeat violent 1617
offender imposes the longest prison term from the range of terms 1618
authorized for the offense under division (A) of this section, the 1619
court may impose on the offender an additional definite prison 1620
term of one, two, three, four, five, six, seven, eight, nine, or 1621
ten years if the court finds that both of the following apply with 1622
respect to the prison terms imposed on the offender pursuant to 1623
division (D)(2)(a) of this section and, if applicable, divisions 1624
(D)(1) and (3) of this section: 1625

(i) The terms so imposed are inadequate to punish the 1626
offender and protect the public from future crime, because the 1627
applicable factors under section 2929.12 of the Revised Code 1628
indicating a greater likelihood of recidivism outweigh the 1629

applicable factors under that section indicating a lesser
likelihood of recidivism.

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

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

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

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

of the authorized prison terms specified in division (A)(3) of 1694
this section for a third degree felony OVI offense. If the court 1695
imposes an additional prison term under division (D)(4) of this 1696
section, the offender shall serve the additional prison term after 1697
the offender has served the mandatory prison term required for the 1698
offense. In addition to the mandatory prison term or mandatory and 1699
additional prison term imposed as described in division (D)(4) of 1700
this section, the court also may sentence the offender to a 1701
community control sanction under section 2929.16 or 2929.17 of the 1702
Revised Code, but the offender shall serve all of the prison terms 1703
so imposed prior to serving the community control sanction. 1704

If the offender is being sentenced for a fourth degree felony 1705
OVI offense under division (G)(1) of section 2929.13 of the 1706
Revised Code and the court imposes a mandatory term of local 1707
incarceration, the court may impose a prison term as described in 1708
division (A)(1) of that section. 1709

(5) If an offender is convicted of or pleads guilty to a 1710
violation of division (A)(1) or (2) of section 2903.06 of the 1711
Revised Code and also is convicted of or pleads guilty to a 1712
specification of the type described in section 2941.1414 of the 1713
Revised Code that charges that the victim of the offense is a 1714
peace officer, as defined in section 2935.01 of the Revised Code, 1715
the court shall impose on the offender a prison term of five 1716
years. If a court imposes a prison term on an offender under 1717
division (D)(5) of this section, the prison term shall not be 1718
reduced pursuant to section 2929.20, section 2967.193, or any 1719
other provision of Chapter 2967. or Chapter 5120. of the Revised 1720
Code. A court shall not impose more than one prison term on an 1721
offender under division (D)(5) of this section for felonies 1722
committed as part of the same act. 1723

(6) If an offender is convicted of or pleads guilty to a 1724
violation of division (A)(1) or (2) of section 2903.06 of the 1725

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 1758
pursuant to division (D)(1)(d) of this section for wearing or 1759
carrying body armor while committing an offense of violence that 1760
is a felony, the offender shall serve the mandatory term so 1761
imposed consecutively to any other mandatory prison term imposed 1762
under that division or under division (D)(1)(a) or (c) of this 1763
section, consecutively to and prior to any prison term imposed for 1764
the underlying felony under division (A), (D)(2), or (D)(3) of 1765
this section or any other section of the Revised Code, and 1766
consecutively to any other prison term or mandatory prison term 1767
previously or subsequently imposed upon the offender. 1768

(c) If a mandatory prison term is imposed upon an offender 1769
pursuant to division (D)(1)(f) of this section, the offender shall 1770
serve the mandatory prison term so imposed consecutively to and 1771
prior to any prison term imposed for the underlying felony under 1772
division (A), (D)(2), or (D)(3) of this section or any other 1773
section of the Revised Code, and consecutively to any other prison 1774
term or mandatory prison term previously or subsequently imposed 1775
upon the offender. 1776

(2) If an offender who is an inmate in a jail, prison, or 1777
other residential detention facility violates section 2917.02, 1778
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 1779
who is under detention at a detention facility commits a felony 1780
violation of section 2923.131 of the Revised Code, or if an 1781
offender who is an inmate in a jail, prison, or other residential 1782
detention facility or is under detention at a detention facility 1783
commits another felony while the offender is an escapee in 1784
violation of section 2921.34 of the Revised Code, any prison term 1785
imposed upon the offender for one of those violations shall be 1786
served by the offender consecutively to the prison term or term of 1787
imprisonment the offender was serving when the offender committed 1788
that offense and to any other prison term previously or 1789

subsequently imposed upon the offender. 1790

(3) If a prison term is imposed for a violation of division 1791
(B) of section 2911.01 of the Revised Code, a violation of 1792
division (A) of section 2913.02 of the Revised Code in which the 1793
stolen property is a firearm or dangerous ordnance, or a felony 1794
violation of division (B) of section 2921.331 of the Revised Code, 1795
the offender shall serve that prison term consecutively to any 1796
other prison term or mandatory prison term previously or 1797
subsequently imposed upon the offender. 1798

(4) If multiple prison terms are imposed on an offender for 1799
convictions of multiple offenses, the court may require the 1800
offender to serve the prison terms consecutively if the court 1801
finds that the consecutive service is necessary to protect the 1802
public from future crime or to punish the offender and that 1803
consecutive sentences are not disproportionate to the seriousness 1804
of the offender's conduct and to the danger the offender poses to 1805
the public, and if the court also finds any of the following: 1806

(a) The offender committed one or more of the multiple 1807
offenses while the offender was awaiting trial or sentencing, was 1808
under a sanction imposed pursuant to section 2929.16, 2929.17, or 1809
2929.18 of the Revised Code, or was under post-release control for 1810
a prior offense. 1811

(b) At least two of the multiple offenses were committed as 1812
part of one or more courses of conduct, and the harm caused by two 1813
or more of the multiple offenses so committed was so great or 1814
unusual that no single prison term for any of the offenses 1815
committed as part of any of the courses of conduct adequately 1816
reflects the seriousness of the offender's conduct. 1817

(c) The offender's history of criminal conduct demonstrates 1818
that consecutive sentences are necessary to protect the public 1819
from future crime by the offender. 1820

(5) If a mandatory prison term is imposed upon an offender 1821
pursuant to division (D)(5) or (6) of this section, the offender 1822
shall serve the mandatory prison term consecutively to and prior 1823
to any prison term imposed for the underlying violation of 1824
division (A)(1) or (2) of section 2903.06 of the Revised Code 1825
pursuant to division (A) of this section. If a mandatory prison 1826
term is imposed upon an offender pursuant to division (D)(5) of 1827
this section, and if a mandatory prison term also is imposed upon 1828
the offender pursuant to division (D)(6) of this section in 1829
relation to the same violation, the offender shall serve the 1830
mandatory prison term imposed pursuant to division (D)(5) of this 1831
section consecutively to and prior to the mandatory prison term 1832
imposed pursuant to division (D)(6) of this section and 1833
consecutively to and prior to any prison term imposed for the 1834
underlying violation of division (A)(1) or (2) of section 2903.06 1835
of the Revised Code pursuant to division (A) of this section. 1836

(6) When consecutive prison terms are imposed pursuant to 1837
division (E)(1), (2), (3), (4), or (5) of this section, the term 1838
to be served is the aggregate of all of the terms so imposed. 1839

(F) If a court imposes a prison term of a type described in 1840
division (B) of section 2967.28 of the Revised Code, it shall 1841
include in the sentence a requirement that the offender be subject 1842
to a period of post-release control after the offender's release 1843
from imprisonment, in accordance with that division. If a court 1844
imposes a prison term of a type described in division (C) of that 1845
section, it shall include in the sentence a requirement that the 1846
offender be subject to a period of post-release control after the 1847
offender's release from imprisonment, in accordance with that 1848
division, if the parole board determines that a period of 1849
post-release control is necessary. 1850

(G) If a person is convicted of or pleads guilty to a violent 1851
sex offense or a designated homicide, assault, or kidnapping 1852

offense and, in relation to that offense, the offender is 1853
adjudicated a sexually violent predator, if a person is convicted 1854
of or pleads guilty to a violation of division (A)(1)(b) or (A)(2) 1855
of section 2907.02 of the Revised Code committed on or after the 1856
effective date of this amendment and the court does not impose a 1857
sentence of life without parole when authorized pursuant to 1858
division (B) of section 2907.02 of the Revised Code, or if a 1859
person is convicted of or pleads guilty to attempted rape 1860
committed on or after the effective date of this amendment and a 1861
specification of the type described in section 2941.1418 of the 1862
Revised Code, the court shall impose sentence upon the offender in 1863
accordance with section 2971.03 of the Revised Code, and Chapter 1864
2971. of the Revised Code applies regarding the prison term or 1865
term of life imprisonment without parole imposed upon the offender 1866
and the service of that term of imprisonment. 1867

(H) If a person who has been convicted of or pleaded guilty 1868
to a felony is sentenced to a prison term or term of imprisonment 1869
under this section, sections 2929.02 to 2929.06 of the Revised 1870
Code, section 2971.03 of the Revised Code, or any other provision 1871
of law, section 5120.163 of the Revised Code applies regarding the 1872
person while the person is confined in a state correctional 1873
institution. 1874

(I) If an offender who is convicted of or pleads guilty to a 1875
felony that is an offense of violence also is convicted of or 1876
pleads guilty to a specification of the type described in section 1877
2941.142 of the Revised Code that charges the offender with having 1878
committed the felony while participating in a criminal gang, the 1879
court shall impose upon the offender an additional prison term of 1880
one, two, or three years. 1881

(J) If an offender who is convicted of or pleads guilty to 1882
aggravated murder, murder, or a felony of the first, second, or 1883
third degree that is an offense of violence also is convicted of 1884

or pleads guilty to a specification of the type described in 1885
section 2941.143 of the Revised Code that charges the offender 1886
with having committed the offense in a school safety zone or 1887
towards a person in a school safety zone, the court shall impose 1888
upon the offender an additional prison term of two years. The 1889
offender shall serve the additional two years consecutively to and 1890
prior to the prison term imposed for the underlying offense. 1891

(K) At the time of sentencing, the court may recommend the 1892
offender for placement in a program of shock incarceration under 1893
section 5120.031 of the Revised Code or for placement in an 1894
intensive program prison under section 5120.032 of the Revised 1895
Code, disapprove placement of the offender in a program of shock 1896
incarceration or an intensive program prison of that nature, or 1897
make no recommendation on placement of the offender. In no case 1898
shall the department of rehabilitation and correction place the 1899
offender in a program or prison of that nature unless the 1900
department determines as specified in section 5120.031 or 5120.032 1901
of the Revised Code, whichever is applicable, that the offender is 1902
eligible for the placement. 1903

If the court disapproves placement of the offender in a 1904
program or prison of that nature, the department of rehabilitation 1905
and correction shall not place the offender in any program of 1906
shock incarceration or intensive program prison. 1907

If the court recommends placement of the offender in a 1908
program of shock incarceration or in an intensive program prison, 1909
and if the offender is subsequently placed in the recommended 1910
program or prison, the department shall notify the court of the 1911
placement and shall include with the notice a brief description of 1912
the placement. 1913

If the court recommends placement of the offender in a 1914
program of shock incarceration or in an intensive program prison 1915

and the department does not subsequently place the offender in the
recommended program or prison, the department shall send a notice
to the court indicating why the offender was not placed in the
recommended program or prison.

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

Sec. 2929.19. (A)(1) The court shall hold a sentencing
hearing before imposing a sentence under this chapter upon an
offender who was convicted of or pleaded guilty to a felony and
before resentencing an offender who was convicted of or pleaded
guilty to a felony and whose case was remanded pursuant to section
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 1947
imposed upon the offender. 1948

(2) Except as otherwise provided in this division, before 1949
imposing sentence on an offender who is being sentenced on or 1950
after January 1, 1997, for a sexually oriented offense that is not 1951
a registration-exempt sexually oriented offense and who is in any 1952
category of offender described in division (B)(1)(a)(i), (ii), or 1953
(iii) of section 2950.09 of the Revised Code, the court shall 1954
conduct a hearing in accordance with division (B) of section 1955
2950.09 of the Revised Code to determine whether the offender is a 1956
sexual predator. The court shall not conduct a hearing under that 1957
division if the offender is being sentenced for a violent sex 1958
offense or a designated homicide, assault, or kidnapping offense 1959
and, in relation to that offense, the offender was adjudicated a 1960
sexually violent predator, if the offender is being sentenced for 1961
a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 1962
the Revised Code committed on or after the effective date of this 1963
amendment, or if the offender is being sentenced for attempted 1964
rape committed on or after the effective date of this amendment 1965
and a specification of the type described in section 2941.1418 of 1966
the Revised Code. Before imposing sentence on an offender who is 1967
being sentenced for a sexually oriented offense that is not a 1968
registration-exempt sexually oriented offense, the court also 1969
shall comply with division (E) of section 2950.09 of the Revised 1970
Code. 1971

Before imposing sentence on or after July 31, 2003, on an 1972
offender who is being sentenced for a child-victim oriented 1973
offense, regardless of when the offense was committed, the court 1974
shall conduct a hearing in accordance with division (B) of section 1975
2950.091 of the Revised Code to determine whether the offender is 1976
a child-victim predator. Before imposing sentence on an offender 1977
who is being sentenced for a child-victim oriented offense, the 1978

court also shall comply with division (E) of section 2950.091 of
the Revised Code. 1979
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(B)(1) At the sentencing hearing, the court, before imposing
sentence, shall consider the record, any information presented at
the hearing by any person pursuant to division (A) of this
section, and, if one was prepared, the presentence investigation
report made pursuant to section 2951.03 of the Revised Code or
Criminal Rule 32.2, and any victim impact statement made pursuant
to section 2947.051 of the Revised Code. 1981
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(2) The court shall impose a sentence and shall make a
finding that gives its reasons for selecting the sentence imposed
in any of the following circumstances: 1988
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(a) Unless the offense is a violent sex offense or designated
homicide, assault, or kidnapping offense for which the court is
required to impose sentence pursuant to division (G) of section
2929.14 of the Revised Code, if it imposes a prison term for a
felony of the fourth or fifth degree or for a felony drug offense
that is a violation of a provision of Chapter 2925. of the Revised
Code and that is specified as being subject to division (B) of
section 2929.13 of the Revised Code for purposes of sentencing,
its reasons for imposing the prison term, based upon the
overriding purposes and principles of felony sentencing set forth
in section 2929.11 of the Revised Code, and any factors listed in
divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code
that it found to apply relative to the offender. 1991
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(b) If it does not impose a prison term for a felony of the
first or second degree or for a felony drug offense that is a
violation of a provision of Chapter 2925. of the Revised Code and
for which a presumption in favor of a prison term is specified as
being applicable, its reasons for not imposing the prison term and
for overriding the presumption, based upon the overriding purposes 2004
2005
2006
2007
2008
2009

and principles of felony sentencing set forth in section 2929.11 2010
of the Revised Code, and the basis of the findings it made under 2011
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 2012

(c) If it imposes consecutive sentences under section 2929.14 2013
of the Revised Code, its reasons for imposing the consecutive 2014
sentences; 2015

(d) If the sentence is for one offense and it imposes a 2016
prison term for the offense that is the maximum prison term 2017
allowed for that offense by division (A) of section 2929.14 of the 2018
Revised Code, its reasons for imposing the maximum prison term; 2019

(e) If the sentence is for two or more offenses arising out 2020
of a single incident and it imposes a prison term for those 2021
offenses that is the maximum prison term allowed for the offense 2022
of the highest degree by division (A) of section 2929.14 of the 2023
Revised Code, its reasons for imposing the maximum prison term. 2024

(3) Subject to division (B)(4) of this section, if the 2025
sentencing court determines at the sentencing hearing that a 2026
prison term is necessary or required, the court shall do all of 2027
the following: 2028

(a) Impose a stated prison term; 2029

(b) Notify the offender that, as part of the sentence, the 2030
parole board may extend the stated prison term for certain 2031
violations of prison rules for up to one-half of the stated prison 2032
term; 2033

(c) Notify the offender that the offender will be supervised 2034
under section 2967.28 of the Revised Code after the offender 2035
leaves prison if the offender is being sentenced for a felony of 2036
the first degree or second degree, for a felony sex offense, or 2037
for a felony of the third degree in the commission of which the 2038
offender caused or threatened to cause physical harm to a person; 2039

(d) Notify the offender that the offender may be supervised 2040
under section 2967.28 of the Revised Code after the offender 2041
leaves prison if the offender is being sentenced for a felony of 2042
the third, fourth, or fifth degree that is not subject to division 2043
(B)(3)(c) of this section; 2044

(e) Notify the offender that, if a period of supervision is 2045
imposed following the offender's release from prison, as described 2046
in division (B)(3)(c) or (d) of this section, and if the offender 2047
violates that supervision or a condition of post-release control 2048
imposed under division (B) of section 2967.131 of the Revised 2049
Code, the parole board may impose a prison term, as part of the 2050
sentence, of up to one-half of the stated prison term originally 2051
imposed upon the offender; 2052

(f) Require that the offender not ingest or be injected with 2053
a drug of abuse and submit to random drug testing as provided in 2054
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 2055
is applicable to the offender who is serving a prison term, and 2056
require that the results of the drug test administered under any 2057
of those sections indicate that the offender did not ingest or was 2058
not injected with a drug of abuse. 2059

(4) If the offender is being sentenced for a violent sex 2060
offense or designated homicide, assault, or kidnapping offense 2061
that the offender committed on or after January 1, 1997, and the 2062
offender is adjudicated a sexually violent predator in relation to 2063
that offense, if the offender is being sentenced for a sexually 2064
oriented offense that is not a registration-exempt sexually 2065
oriented offense and that the offender committed on or after 2066
January 1, 1997, and the court imposing the sentence has 2067
determined pursuant to division (B) of section 2950.09 of the 2068
Revised Code that the offender is a sexual predator, if the 2069
offender is being sentenced on or after July 31, 2003, for a 2070
child-victim oriented offense and the court imposing the sentence 2071

has determined pursuant to division (B) of section 2950.091 of the Revised Code that the offender is a child-victim predator, ~~or~~ if the offender is being sentenced for an aggravated sexually oriented offense as defined in section 2950.01 of the Revised Code, if the offender is being sentenced for a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment, or if the offender is being sentenced for attempted rape committed on or after the effective date of this amendment and a specification of the type described in section 2941.1418 of the Revised Code, the court shall include in the offender's sentence a statement that the offender has been adjudicated a sexual predator, has been adjudicated a child victim predator, or has been convicted of or pleaded guilty to an aggravated sexually oriented offense, whichever is applicable, and shall comply with the requirements of section 2950.03 of the Revised Code. Additionally, in the circumstances described in division (G) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

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

of the Revised Code. 2104

(6) Before imposing a financial sanction under section 2105
2929.18 of the Revised Code or a fine under section 2929.32 of the 2106
Revised Code, the court shall consider the offender's present and 2107
future ability to pay the amount of the sanction or fine. 2108

(7) If the sentencing court sentences the offender to a 2109
sanction of confinement pursuant to section 2929.14 or 2929.16 of 2110
the Revised Code that is to be served in a local detention 2111
facility, as defined in section 2929.36 of the Revised Code, and 2112
if the local detention facility is covered by a policy adopted 2113
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2114
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2115
and section 2929.37 of the Revised Code, both of the following 2116
apply: 2117

(a) The court shall specify both of the following as part of 2118
the sentence: 2119

(i) If the offender is presented with an itemized bill 2120
pursuant to section 2929.37 of the Revised Code for payment of the 2121
costs of confinement, the offender is required to pay the bill in 2122
accordance with that section. 2123

(ii) If the offender does not dispute the bill described in 2124
division (B)(7)(a)(i) of this section and does not pay the bill by 2125
the times specified in section 2929.37 of the Revised Code, the 2126
clerk of the court may issue a certificate of judgment against the 2127
offender as described in that section. 2128

(b) The sentence automatically includes any certificate of 2129
judgment issued as described in division (B)(7)(a)(ii) of this 2130
section. 2131

(C)(1) If the offender is being sentenced for a fourth degree 2132
felony OVI offense under division (G)(1) of section 2929.13 of the 2133

Revised Code, the court shall impose the mandatory term of local
incarceration in accordance with that division, shall impose a
mandatory fine in accordance with division (B)(3) of section
2929.18 of the Revised Code, and, in addition, may impose
additional sanctions as specified in sections 2929.15, 2929.16,
2929.17, and 2929.18 of the Revised Code. The court shall not
impose a prison term on the offender except that the court may
impose a prison term upon the offender as provided in division
(A)(1) of section 2929.13 of the Revised Code.

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

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

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in

a case who has requested to receive notice under this section 2165
shall be given notice of the incarceration of the defendant. If an 2166
alleged juvenile offender is committed to the temporary custody of 2167
a school, camp, institution, or other facility operated for the 2168
care of delinquent children or to the legal custody of the 2169
department of youth services, a victim in a case who has requested 2170
to receive notice under this section shall be given notice of the 2171
commitment. Promptly after sentence is imposed upon the defendant 2172
or the commitment of the alleged juvenile offender is ordered, the 2173
prosecutor in the case shall notify the victim of the date on 2174
which the defendant will be released from confinement or the 2175
prosecutor's reasonable estimate of that date or the date on which 2176
the alleged juvenile offender will have served the minimum period 2177
of commitment or the prosecutor's reasonable estimate of that 2178
date. The prosecutor also shall notify the victim of the name of 2179
the custodial agency of the defendant or alleged juvenile offender 2180
and tell the victim how to contact that custodial agency. If the 2181
custodial agency is the department of rehabilitation and 2182
correction, the prosecutor shall notify the victim of the services 2183
offered by the office of victims' services pursuant to section 2184
5120.60 of the Revised Code. If the custodial agency is the 2185
department of youth services, the prosecutor shall notify the 2186
victim of the services provided by the office of victims' services 2187
within the release authority of the department pursuant to section 2188
5139.55 of the Revised Code and the victim's right pursuant to 2189
section 5139.56 of the Revised Code to submit a written request to 2190
the release authority to be notified of actions the release 2191
authority takes with respect to the alleged juvenile offender. The 2192
victim shall keep the custodial agency informed of the victim's 2193
current address and telephone number. 2194

(B)(1) Upon the victim's request, the prosecutor promptly 2195
shall notify the victim of any hearing for judicial release of the 2196
defendant pursuant to section 2929.20 of the Revised Code or of 2197

any hearing for judicial release or early release of the alleged 2198
juvenile offender pursuant to section 2151.38 of the Revised Code 2199
and of the victim's right to make a statement under those 2200
sections. The court shall notify the victim of its ruling in each 2201
of those hearings and on each of those applications. 2202

(2) If an offender is convicted of or pleads guilty to a 2203
violent sex offense or designated homicide, assault, or kidnapping 2204
offense, ~~if~~ the offender is adjudicated a sexually violent 2205
predator in relation to that crime, and ~~if~~ the offender is 2206
sentenced to a prison term for that crime pursuant to division 2207
(A)(3) of section 2971.03 of the Revised Code, if an offender is 2208
convicted of or pleads guilty to a violation of division (A)(1)(b) 2209
or (A)(2) of section 2907.02 of the Revised Code committed on or 2210
after the effective date of this amendment, and the offender is 2211
sentenced to a prison term for that offense pursuant to division 2212
(B)(1) of section 2971.03 of the Revised Code, or if an offender 2213
is convicted of or pleads guilty to attempted rape committed on or 2214
after the effective date of this amendment, the offender also is 2215
convicted of or pleads guilty to a specification of the type 2216
described in section 2941.1418 of the Revised Code, and the 2217
offender is sentenced to a prison term for that offense pursuant 2218
to division (B)(2) of section 2971.03 of the Revised Code, upon 2219
the request of the victim of the crime, the prosecutor promptly 2220
shall notify the victim of any hearing to be conducted pursuant to 2221
section 2971.05 of the Revised Code to determine whether to modify 2222
the requirement that the offender serve the entire prison term in 2223
a state correctional facility in accordance with division (C) of 2224
that section, whether to continue, revise, or revoke any existing 2225
modification of that requirement, or whether to terminate the 2226
prison term in accordance with division (D) of that section. The 2227
court shall notify the victim of any order issued at the 2228
conclusion of the hearing. As used in this division: 2229

(a) "Adjudicated a sexually violent predator" has the same 2230
meaning as in section 2929.01 of the Revised Code and a person is 2231
"adjudicated a sexually violent predator" in the same manner and 2232
the same circumstances as are described in that section. 2233

(b) "Designated homicide, assault, or kidnapping offense" and 2234
"violent sex offense" have the same meanings as in section 2971.01 2235
of the Revised Code. 2236

(C) Upon the victim's request made at any time before the 2237
particular notice would be due, the custodial agency of a 2238
defendant or alleged juvenile offender shall give the victim any 2239
of the following notices that is applicable: 2240

(1) At least three weeks before the adult parole authority 2241
recommends a pardon or commutation of sentence for the defendant 2242
or at least three weeks prior to a hearing before the adult parole 2243
authority regarding a grant of parole to the defendant, notice of 2244
the victim's right to submit a statement regarding the impact of 2245
the defendant's release in accordance with section 2967.12 of the 2246
Revised Code and, if applicable, of the victim's right to appear 2247
at a full board hearing of the parole board to give testimony as 2248
authorized by section 5149.101 of the Revised Code; 2249

(2) At least three weeks before the defendant is transferred 2250
to transitional control under section 2967.26 of the Revised Code, 2251
notice of the pendency of the transfer and of the victim's right 2252
under that section to submit a statement regarding the impact of 2253
the transfer; 2254

(3) At least thirty days before the release authority of the 2255
department of youth services holds a release review, release 2256
hearing, or discharge review for the alleged juvenile offender, 2257
notice of the pendency of the review or hearing, of the victim's 2258
right to make an oral or written statement regarding the impact of 2259
the crime upon the victim or regarding the possible release or 2260

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
information charging the designated homicide, assault, or
kidnapping offense also includes both a specification of the type
described in section 2941.147 of the Revised Code and a
specification that the offender is a sexually violent predator.
The

(b) The offender is convicted of or pleads guilty to a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment. 2291
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(c) The offender is convicted of or pleads guilty to attempted rape committed on or after the effective date of this amendment and to a specification of the type described in section 2941.1418 of the Revised Code. 2295
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(2) A specification required under division (A)(1)(a) of this section that the an offender is a sexually violent predator shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 2299
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2301
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"Specification (or, specification to the first count). The grand jury (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that the offender is a sexually violent predator." 2304
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(B) In determining for purposes of this section whether a person is a sexually violent predator, all of the factors set forth in divisions (H)(1) to (6) of section 2971.01 of the Revised Code that apply regarding the person may be considered as evidence tending to indicate that it is likely that the person will engage in the future in one or more sexually violent offenses. 2308
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(C) As used in this section, "designated homicide, assault, or kidnapping offense," "violent sex offense," and "sexually violent predator" have the same meanings as in section 2971.01 of the Revised Code. 2314
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Sec. 2941.1418. Imposition of a mandatory indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment upon an offender pursuant to division 2318
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(A)(3)(e)(ii) or (B)(2) of section 2971.03 of the Revised Code, is 2321
precluded unless the offender is convicted of or pleads guilty to 2322
attempted rape and unless the indictment, count in the indictment, 2323
or information charging the offense specifies that, had the 2324
offender completed the rape that was attempted, the offender would 2325
have been guilty of rape in violation of division (A)(1)(b) of 2326
section 2907.02 of the Revised Code. The specification shall be 2327
stated at the end of the body of the indictment, count, or 2328
information and shall be stated in substantially the following 2329
form: 2330

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2331
Grand Jurors (or insert the person's or the prosecuting attorney's 2332
name when appropriate) further find and specify that (set forth 2333
that, had the offender completed the rape that was attempted, the 2334
offender would have been guilty of a violation of division 2335
(A)(1)(b) of section 2907.02 of the Revised Code)." 2336

Sec. 2950.01. As used in this chapter, unless the context 2337
clearly requires otherwise: 2338

(A) "Confinement" includes, but is not limited to, a 2339
community residential sanction imposed pursuant to section 2929.16 2340
or 2929.26 of the Revised Code. 2341

(B) "Habitual sex offender" means, except when a juvenile 2342
judge removes this classification pursuant to division (A)(2) of 2343
section 2152.84 or division (C)(2) of section 2152.85 of the 2344
Revised Code, a person to whom both of the following apply: 2345

(1) The person is convicted of or pleads guilty to a sexually 2346
oriented offense that is not a registration-exempt sexually 2347
oriented offense, or the person is adjudicated a delinquent child 2348
for committing on or after January 1, 2002, a sexually oriented 2349
offense that is not a registration-exempt sexually oriented 2350

offense, was fourteen years of age or older at the time of 2351
committing the offense, and is classified a juvenile sex offender 2352
registrant based on that adjudication. 2353

(2) One of the following applies to the person: 2354

(a) Regarding a person who is an offender, the person 2355
previously was convicted of or pleaded guilty to one or more 2356
sexually oriented offenses or child-victim oriented offenses or 2357
previously was adjudicated a delinquent child for committing one 2358
or more sexually oriented offenses or child-victim oriented 2359
offenses and was classified a juvenile offender registrant or 2360
out-of-state juvenile offender registrant based on one or more of 2361
those adjudications, regardless of when the offense was committed 2362
and regardless of the person's age at the time of committing the 2363
offense. 2364

(b) Regarding a delinquent child, the person previously was 2365
convicted of, pleaded guilty to, or was adjudicated a delinquent 2366
child for committing one or more sexually oriented offenses or 2367
child-victim oriented offenses, regardless of when the offense was 2368
committed and regardless of the person's age at the time of 2369
committing the offense. 2370

(C) "Prosecutor" has the same meaning as in section 2935.01 2371
of the Revised Code. 2372

(D) "Sexually oriented offense" means any of the following: 2373

(1) Any of the following violations or offenses committed by 2374
a person eighteen years of age or older: 2375

(a) Regardless of the age of the victim of the offense, a 2376
violation of section 2907.02, 2907.03, 2907.05, or 2907.07 of the 2377
Revised Code; 2378

(b) Any of the following offenses involving a minor, in the 2379
circumstances specified: 2380

(i) A violation of division (A)(4) of section 2905.01 or	2381
section 2907.04, 2907.06, or 2907.08 of the Revised Code, when the	2382
victim of the offense is under eighteen years of age;	2383
(ii) A violation of section 2907.21 of the Revised Code when	2384
the person who is compelled, induced, procured, encouraged,	2385
solicited, requested, or facilitated to engage in, paid or agreed	2386
to be paid for, or allowed to engage in the sexual activity in	2387
question is under eighteen years of age;	2388
(iii) A violation of division (A)(1) or (3) of section	2389
2907.321 or 2907.322 of the Revised Code;	2390
(iv) A violation of division (A)(1) or (2) of section	2391
2907.323 of the Revised Code;	2392
(v) A violation of division (B)(5) of section 2919.22 of the	2393
Revised Code when the child who is involved in the offense is	2394
under eighteen years of age;	2395
(vi) A violation of division (A)(1), (2), (3), or (5) of	2396
section 2905.01, of section 2903.211, 2905.02, 2905.03, or	2397
2905.05, or of former section 2905.04 of the Revised Code, when	2398
the victim of the offense is under eighteen years of age and the	2399
offense is committed with a sexual motivation.	2400
(c) Regardless of the age of the victim of the offense, a	2401
violation of section 2903.01, 2903.02, 2903.11, or 2905.01 of the	2402
Revised Code, or of division (A) of section 2903.04 of the Revised	2403
Code, that is committed with a sexual motivation;	2404
(d) A violent sex offense, or a designated homicide, assault,	2405
or kidnapping offense if the offender also was convicted of or	2406
pleaded guilty to a sexual motivation specification that was	2407
included in the indictment, count in the indictment, or	2408
information charging the designated homicide, assault, or	2409
kidnapping offense;	2410

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 2503
committing a sexually oriented offense that is not a 2504
registration-exempt sexually oriented offense, was fourteen years 2505
of age or older at the time of committing the offense, was 2506
classified a juvenile offender registrant based on that 2507
adjudication, and is likely to engage in the future in one or more 2508
sexually oriented offenses. 2509

(F) "Supervised release" means a release of an offender from 2510
a prison term, a term of imprisonment, or another type of 2511
confinement that satisfies either of the following conditions: 2512

(1) The release is on parole, a conditional pardon, under a 2513
community control sanction, under transitional control, or under a 2514
post-release control sanction, and it requires the person to 2515
report to or be supervised by a parole officer, probation officer, 2516
field officer, or another type of supervising officer. 2517

(2) The release is any type of release that is not described 2518
in division (F)(1) of this section and that requires the person to 2519
report to or be supervised by a probation officer, a parole 2520
officer, a field officer, or another type of supervising officer. 2521

(G) An offender or delinquent child is "adjudicated as being 2522
a sexual predator" or "adjudicated a sexual predator" if any of 2523
the following applies and if, regarding a delinquent child, that 2524
status has not been removed pursuant to section 2152.84, 2152.85, 2525
or 2950.09 of the Revised Code: 2526

(1) The offender is convicted of or pleads guilty to 2527
committing, on or after January 1, 1997, a sexually oriented 2528
offense that is not a registration-exempt sexually oriented 2529
offense, ~~the~~ and either of the following applies: 2530

(a) The sexually oriented offense is a violent sex offense or 2531
a designated homicide, assault, or kidnapping offense, and the 2532
offender is adjudicated a sexually violent predator in relation to 2533

that offense. 2534

(b) The sexually oriented offense is a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment. 2535
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(c) The sexually oriented offense 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 of the Revised Code. 2538
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(2) Regardless of when the sexually oriented offense was committed, on or after January 1, 1997, the offender is sentenced for a sexually oriented offense that is not a registration-exempt sexually oriented offense, and the sentencing judge determines pursuant to division (B) of section 2950.09 of the Revised Code that the offender is a sexual predator. 2542
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(3) The delinquent child is 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, 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 sexual predator. 2548
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(4) Prior to January 1, 1997, the offender was convicted of or pleaded guilty to, and was sentenced for, a sexually oriented offense that is not a registration-exempt sexually oriented offense, the offender is imprisoned in a state correctional institution on or after January 1, 1997, and the court determines pursuant to division (C) of section 2950.09 of the Revised Code that the offender is a sexual predator. 2557
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(5) Regardless of when the sexually oriented offense was 2564

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

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

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

(J) "Juvenile offender registrant" means a person who is
adjudicated a delinquent child for committing on or after January
1, 2002, a sexually oriented offense that is not a

registration-exempt sexually oriented offense or a child-victim 2597
oriented offense, who is fourteen years of age or older at the 2598
time of committing the offense, and who a juvenile court judge, 2599
pursuant to an order issued under section 2152.82, 2152.83, 2600
2152.84, or 2152.85 of the Revised Code, classifies a juvenile 2601
offender registrant and specifies has a duty to comply with 2602
sections 2950.04, 2950.05, and 2950.06 of the Revised Code if the 2603
child committed a sexually oriented offense or with sections 2604
2950.041, 2950.05, and 2950.06 of the Revised Code if the child 2605
committed a child-victim oriented offense. "Juvenile offender 2606
registrant" includes a person who, prior to July 31, 2003, was a 2607
"juvenilesex offender registrant" under the former definition of 2608
that former term. 2609

(K) "Secure facility" means any facility that is designed and 2610
operated to ensure that all of its entrances and exits are locked 2611
and under the exclusive control of its staff and to ensure that, 2612
because of that exclusive control, no person who is 2613
institutionalized or confined in the facility may leave the 2614
facility without permission or supervision. 2615

(L) "Out-of-state juvenile offender registrant" means a 2616
person who is adjudicated a delinquent child in a court in another 2617
state, in a federal court, military court, or Indian tribal court, 2618
or in a court in any nation other than the United States for 2619
committing a sexually oriented offense that is not a 2620
registration-exempt sexually oriented offense or a child-victim 2621
oriented offense, who on or after January 1, 2002, moves to and 2622
resides in this state or temporarily is domiciled in this state 2623
for more than five days, and who has a duty under section 2950.04 2624
of the Revised Code to register in this state and the duty to 2625
otherwise comply with that section and sections 2950.05 and 2626
2950.06 of the Revised Code if the child committed a sexually 2627
oriented offense or has a duty under section 2950.041 of the 2628

Revised Code to register in this state and the duty to otherwise
comply with that section and sections 2950.05 and 2950.06 of the
Revised Code if the child committed a child-victim oriented
offense. "Out-of-state juvenile offender registrant" includes a
person who, prior to July 31, 2003, was an "out-of-state juvenile
sex offender registrant" under the former definition of that
former term.

(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 2660
eighteen years of age; 2661

(b) Any violation of any former law of this state, any 2662
existing or former municipal ordinance or law of another state or 2663
the United States, any existing or former law applicable in a 2664
military court or in an Indian tribal court, or any existing or 2665
former law of any nation other than the United States that is 2666
committed by a person who is eighteen years of age or older and 2667
that is or was substantially equivalent to any sexually oriented 2668
offense listed in division (P)(1)(a) of this section; 2669

(c) Subject to division (P)(1)(e) of this section, any 2670
violation of any former law of this state, any existing or former 2671
municipal ordinance or law of another state or the United States, 2672
any existing or former law applicable in a military court or in an 2673
Indian tribal court, or any existing or former law of any nation 2674
other than the United States that is committed by a person who is 2675
under eighteen years of age, that is or was substantially 2676
equivalent to any sexually oriented offense listed in division 2677
(P)(1)(a) of this section, and that would be a felony of the 2678
fourth degree if committed by an adult; 2679

(d) Any attempt to commit, conspiracy to commit, or 2680
complicity in committing any offense listed in division (P)(1)(a) 2681
or (b) of this section if the person is eighteen years of age or 2682
older or, subject to division (P)(1)(e) of this section, listed in 2683
division (P)(1)(a) or (c) of this section if the person is under 2684
eighteen years of age. 2685

(e) Regarding an act committed by a person under eighteen 2686
years of age, if the child's case has been transferred for 2687
criminal prosecution under section 2152.12 of the Revised Code, 2688
the act is any sexually oriented offense listed in division 2689
(P)(1)(a), (b), or (d) of this section. 2690

(2) "Presumptive registration-exempt sexually oriented offense" does not include any sexually oriented offense described in division (P)(1)(a), (b), (c), (d), or (e) of this section that is committed by a person who previously has 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 or any other sexually oriented offense.

(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.

(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. 2723
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(R) "School" and "school premises" have the same meanings as in section 2925.01 of the Revised Code. 2725
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(S)(1) "Child-victim oriented offense" means any of the following: 2727
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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: 2729
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(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; 2734
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(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; 2737
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(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. 2744
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(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: 2747
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(i) Subject to division (S)(1)(b)(iv) of this section, a 2752

violation of division (A)(1), (2), (3), or (5) of section 2905.01 2753
or of former section 2905.04 of the Revised Code; 2754

(ii) Subject to division (S)(1)(b)(iv) of this section, any 2755
violation of any former law of this state, any existing or former 2756
municipal ordinance or law of another state or the United States, 2757
any existing or former law applicable in a military court or in an 2758
Indian tribal court, or any existing or former law of any nation 2759
other than the United States, that is or was substantially 2760
equivalent to any offense listed in division (S)(1)(b)(i) of this 2761
section and that, if committed by an adult, would be a felony of 2762
the first, second, third, or fourth degree; 2763

(iii) Subject to division (S)(1)(b)(iv) of this section, any 2764
attempt to commit, conspiracy to commit, or complicity in 2765
committing any offense listed in division (S)(1)(b)(i) or (ii) of 2766
this section; 2767

(iv) If the child's case has been transferred for criminal 2768
prosecution under section 2152.12 of the Revised Code, the act is 2769
any violation listed in division (S)(1)(a)(i), (ii), or (iii) of 2770
this section or would be any offense listed in any of those 2771
divisions if committed by an adult. 2772

(2) "Child-victim oriented offense" does not include any 2773
offense identified in division (S)(1)(a) or (b) of this section 2774
that is a sexually violent offense. An offense identified in 2775
division (S)(1)(a) or (b) of this section that is a sexually 2776
violent offense is within the definition of a sexually oriented 2777
offense. 2778

(T)(1) "Habitual child-victim offender" means, except when a 2779
juvenile judge removes this classification pursuant to division 2780
(A)(2) of section 2152.84 or division (C)(2) of section 2152.85 of 2781
the Revised Code, a person to whom both of the following apply: 2782

(a) The person is convicted of or pleads guilty to a 2783

child-victim oriented offense, or the person is adjudicated a 2784
delinquent child for committing on or after January 1, 2002, a 2785
child-victim oriented offense, was fourteen years of age or older 2786
at the time of committing the offense, and is classified a 2787
juvenile offender registrant based on that adjudication. 2788

(b) One of the following applies to the person: 2789

(i) Regarding a person who is an offender, the person 2790
previously was convicted of or pleaded guilty to one or more 2791
child-victim oriented offenses or previously was adjudicated a 2792
delinquent child for committing one or more child-victim oriented 2793
offenses and was classified a juvenile offender registrant or 2794
out-of-state juvenile offender registrant based on one or more of 2795
those adjudications, regardless of when the offense was committed 2796
and regardless of the person's age at the time of committing the 2797
offense. 2798

(ii) Regarding a delinquent child, the person previously was 2799
convicted of, pleaded guilty to, or was adjudicated a delinquent 2800
child for committing one or more child-victim oriented offenses, 2801
regardless of when the offense was committed and regardless of the 2802
person's age at the time of committing the offense. 2803

(2) "Habitual child-victim offender" includes a person who 2804
has been convicted of, pleaded guilty to, or adjudicated a 2805
delinquent child for committing, a child-victim oriented offense 2806
and who, on and after July 31, 2003, is automatically classified a 2807
habitual child-victim offender pursuant to division (E) of section 2808
2950.091 of the Revised Code. 2809

(U) "Child-victim predator" means a person to whom either of 2810
the following applies: 2811

(1) The person has been convicted of or pleaded guilty to 2812
committing a child-victim oriented offense and is likely to engage 2813
in the future in one or more child-victim oriented offenses. 2814

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

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

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

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

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

(4) Prior to July 31, 2003, the offender was convicted of or

pleaded guilty to a child-victim oriented offense, at the time of 2846
the conviction or guilty plea, the offense was considered a 2847
sexually oriented offense, on or after July 31, 2003, the offender 2848
is serving a term of imprisonment in a state correctional 2849
institution, and the court determines pursuant to division (C) of 2850
section 2950.091 of the Revised Code that the offender is a 2851
child-victim predator. 2852

(5) Regardless of when the child-victim oriented offense was 2853
committed, the offender or delinquent child is convicted, pleads 2854
guilty, has been convicted, pleaded guilty, or adjudicated a 2855
delinquent child in a court in another state, in a federal court, 2856
military court, or Indian tribal court, or in a court in any 2857
nation other than the United States for committing a child-victim 2858
oriented offense, as a result of that conviction, plea of guilty, 2859
or adjudication, the offender or delinquent child is required 2860
under the law of the jurisdiction in which the offender was 2861
convicted or pleaded guilty or the delinquent child was 2862
adjudicated, to register as a child-victim offender or sex 2863
offender until the offender's or delinquent child's death, and, on 2864
or after July 1, 1997, for offenders or January 1, 2002, for 2865
delinquent children the offender or delinquent child moves to and 2866
resides in this state or temporarily is domiciled in this state 2867
for more than five days or the offender is required under section 2868
2950.041 of the Revised Code to register a school, institution of 2869
higher education, or place of employment address in this state, 2870
unless a court of common pleas or juvenile court determines that 2871
the offender or delinquent child is not a child-victim predator 2872
pursuant to division (F) of section 2950.091 of the Revised Code. 2873

(W) "Residential premises" means the building in which a 2874
residential unit is located and the grounds upon which that 2875
building stands, extending to the perimeter of the property. 2876
"Residential premises" includes any type of structure in which a 2877

residential unit is located, including, but not limited to, 2878
multi-unit buildings and mobile and manufactured homes. 2879

(X) "Residential unit" means a dwelling unit for residential 2880
use and occupancy, and includes the structure or part of a 2881
structure that is used as a home, residence, or sleeping place by 2882
one person who maintains a household or two or more persons who 2883
maintain a common household. "Residential unit" does not include a 2884
halfway house or a community-based correctional facility. 2885

(Y) "Multi-unit building" means a building in which is 2886
located more than twelve residential units that have entry doors 2887
that open directly into the unit from a hallway that is shared 2888
with one or more other units. A residential unit is not considered 2889
located in a multi-unit building if the unit does not have an 2890
entry door that opens directly into the unit from a hallway that 2891
is shared with one or more other units or if the unit is in a 2892
building that is not a multi-unit building as described in this 2893
division. 2894

(Z) "Community control sanction" has the same meaning as in 2895
section 2929.01 of the Revised Code. 2896

(AA) "Halfway house" and "community-based correctional 2897
facility" have the same meanings as in section 2929.01 of the 2898
Revised Code. 2899

(BB) "Adjudicated a sexually violent predator" has the same 2900
meaning as in section 2929.01 of the Revised Code, and a person is 2901
"adjudicated a sexually violent predator" in the same manner and 2902
the same circumstances as are described in that section. 2903

Sec. 2950.09. (A) If a person is convicted of or pleads 2904
guilty to committing, on or after January 1, 1997, a sexually 2905
oriented offense that is not a registration-exempt sexually 2906
oriented offense, and if the sexually oriented offense is a 2907

violent sex offense or a designated homicide, assault, or 2908
kidnapping offense and the offender is adjudicated a sexually 2909
violent predator in relation to that offense, the conviction of or 2910
plea of guilty to the offense and the adjudication as a sexually 2911
violent predator automatically classifies the offender as a sexual 2912
predator for purposes of this chapter. If a person is convicted of 2913
or pleads guilty to committing on or after the effective date of 2914
this amendment a sexually oriented offense that is a violation of 2915
division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 2916
Code, the conviction of or plea of guilty to the offense 2917
automatically classifies the offender as a sexual predator for 2918
purposes of this chapter. If a person is convicted of or pleads 2919
guilty to committing on or after the effective date of this 2920
amendment attempted rape and also is convicted of or pleads guilty 2921
to a specification of the type described in section 2941.1418 of 2922
the Revised Code, the conviction of or plea of guilty to the 2923
offense and the specification automatically classify the offender 2924
as a sexual predator for purposes of this chapter. If a person is 2925
convicted, pleads guilty, or is adjudicated a delinquent child, in 2926
a court in another state, in a federal court, military court, or 2927
Indian tribal court, or in a court of any nation other than the 2928
United States for committing a sexually oriented offense that is 2929
not a registration-exempt sexually oriented offense, and if, as a 2930
result of that conviction, plea of guilty, or adjudication, the 2931
person is required, under the law of the jurisdiction in which the 2932
person was convicted, pleaded guilty, or was adjudicated, to 2933
register as a sex offender until the person's death, that 2934
conviction, plea of guilty, or adjudication automatically 2935
classifies the person as a sexual predator for the purposes of 2936
this chapter, but the person may challenge that classification 2937
pursuant to division (F) of this section. In all other cases, a 2938
person who is convicted of or pleads guilty to, has been convicted 2939
of or pleaded guilty to, or is adjudicated a delinquent child for 2940

committing, a sexually oriented offense may be classified as a 2941
sexual predator for purposes of this chapter only in accordance 2942
with division (B) or (C) of this section or, regarding delinquent 2943
children, divisions (B) and (C) of section 2152.83 of the Revised 2944
Code. 2945

(B)(1)(a) The judge who is to impose sentence on a person who 2946
is convicted of or pleads guilty to a sexually oriented offense 2947
that is not a registration-exempt sexually oriented offense shall 2948
conduct a hearing to determine whether the offender is a sexual 2949
predator if any of the following circumstances apply: 2950

(i) Regardless of when the sexually oriented offense was 2951
committed, the offender is to be sentenced on or after January 1, 2952
1997, for a sexually oriented offense that is not a 2953
registration-exempt sexually oriented offense and that is not a 2954
sexually violent offense. 2955

(ii) Regardless of when the sexually oriented offense was 2956
committed, the offender is to be sentenced on or after January 1, 2957
1997, for a sexually oriented offense that is not a 2958
registration-exempt sexually oriented offense, and that is not a 2959
violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 2960
the Revised Code committed on or after the effective date of this 2961
amendment, and that is not attempted rape committed on or after 2962
the effective date of this amendment when the offender also is 2963
convicted of or pleads guilty to a specification of the type 2964
described in section 2941.1418 of the Revised Code, and either of 2965
the following applies: the sexually oriented offense is a violent 2966
sex offense other than a violation of division (A)(1)(b) or (A)(2) 2967
of section 2907.02 of the Revised Code committed on or after the 2968
effective date of this amendment and other than attempted rape 2969
committed on or after that date when the offender also is 2970
convicted of or pleads guilty to a specification of the type 2971
described in section 2941.1418 of the Revised Code, and a sexually 2972

violent predator specification was not included in the indictment, 2973
count in the indictment, or information charging the violent sex 2974
offense; or the sexually oriented offense is a designated 2975
homicide, assault, or kidnapping offense and either a sexual 2976
motivation specification or a sexually violent predator 2977
specification, or both such specifications, were not included in 2978
the indictment, count in the indictment, or information charging 2979
the designated homicide, assault, or kidnapping offense. 2980

(iii) Regardless of when the sexually oriented offense was 2981
committed, the offender is to be sentenced on or after May 7, 2982
2002, for a sexually oriented offense that is not a 2983
registration-exempt sexually oriented offense, and that offender 2984
was acquitted of a sexually violent predator specification that 2985
was included in the indictment, count in the indictment, or 2986
information charging the sexually oriented offense. 2987

(b) The judge who is to impose or has imposed an order of 2988
disposition upon a child who is adjudicated a delinquent child for 2989
committing on or after January 1, 2002, a sexually oriented 2990
offense that is not a registration-exempt sexually oriented 2991
offense shall conduct a hearing as provided in this division to 2992
determine whether the child is to be classified as a sexual 2993
predator if either of the following applies: 2994

(i) The judge is required by section 2152.82 or division (A) 2995
of section 2152.83 of the Revised Code to classify the child a 2996
juvenile offender registrant. 2997

(ii) Division (B) of section 2152.83 of the Revised Code 2998
applies regarding the child, the judge conducts a hearing under 2999
that division for the purposes described in that division, and the 3000
judge determines at that hearing that the child will be classified 3001
a juvenile offender registrant. 3002

(2) Regarding an offender, the judge shall conduct the 3003

hearing required by division (B)(1)(a) of this section prior to 3004
sentencing and, if the sexually oriented offense for which 3005
sentence is to be imposed is a felony and if the hearing is being 3006
conducted under division (B)(1)(a) of this section, the judge may 3007
conduct it as part of the sentencing hearing required by section 3008
2929.19 of the Revised Code. Regarding a delinquent child, the 3009
judge may conduct the hearing required by division (B)(1)(b) of 3010
this section at the same time as, or separate from, the 3011
dispositional hearing, as specified in the applicable provision of 3012
section 2152.82 or 2152.83 of the Revised Code. The court shall 3013
give the offender or delinquent child and the prosecutor who 3014
prosecuted the offender or handled the case against the delinquent 3015
child for the sexually oriented offense notice of the date, time, 3016
and location of the hearing. At the hearing, the offender or 3017
delinquent child and the prosecutor shall have an opportunity to 3018
testify, present evidence, call and examine witnesses and expert 3019
witnesses, and cross-examine witnesses and expert witnesses 3020
regarding the determination as to whether the offender or 3021
delinquent child is a sexual predator. The offender or delinquent 3022
child shall have the right to be represented by counsel and, if 3023
indigent, the right to have counsel appointed to represent the 3024
offender or delinquent child. 3025

(3) In making a determination under divisions (B)(1) and (4) 3026
of this section as to whether an offender or delinquent child is a 3027
sexual predator, the judge shall consider all relevant factors, 3028
including, but not limited to, all of the following: 3029

(a) The offender's or delinquent child's age; 3030

(b) The offender's or delinquent child's prior criminal or 3031
delinquency record regarding all offenses, including, but not 3032
limited to, all sexual offenses; 3033

(c) The age of the victim of the sexually oriented offense 3034

for which sentence is to be imposed or the order of disposition is	3035
to be made;	3036
(d) Whether the sexually oriented offense for which sentence	3037
is to be imposed or the order of disposition is to be made	3038
involved multiple victims;	3039
(e) Whether the offender or delinquent child used drugs or	3040
alcohol to impair the victim of the sexually oriented offense or	3041
to prevent the victim from resisting;	3042
(f) If the offender or delinquent child previously has been	3043
convicted of or pleaded guilty to, or been adjudicated a	3044
delinquent child for committing an act that if committed by an	3045
adult would be, a criminal offense, whether the offender or	3046
delinquent child completed any sentence or dispositional order	3047
imposed for the prior offense or act and, if the prior offense or	3048
act was a sex offense or a sexually oriented offense, whether the	3049
offender or delinquent child participated in available programs	3050
for sexual offenders;	3051
(g) Any mental illness or mental disability of the offender	3052
or delinquent child;	3053
(h) The nature of the offender's or delinquent child's sexual	3054
conduct, sexual contact, or interaction in a sexual context with	3055
the victim of the sexually oriented offense and whether the sexual	3056
conduct, sexual contact, or interaction in a sexual context was	3057
part of a demonstrated pattern of abuse;	3058
(i) Whether the offender or delinquent child, during the	3059
commission of the sexually oriented offense for which sentence is	3060
to be imposed or the order of disposition is to be made, displayed	3061
cruelty or made one or more threats of cruelty;	3062
(j) Any additional behavioral characteristics that contribute	3063
to the offender's or delinquent child's conduct.	3064

(4) After reviewing all testimony and evidence presented at 3065
the hearing conducted under division (B)(1) of this section and 3066
the factors specified in division (B)(3) of this section, the 3067
court shall determine by clear and convincing evidence whether the 3068
subject offender or delinquent child is a sexual predator. If the 3069
court determines that the subject offender or delinquent child is 3070
not a sexual predator, the court shall specify in the offender's 3071
sentence and the judgment of conviction that contains the sentence 3072
or in the delinquent child's dispositional order, as appropriate, 3073
that the court has determined that the offender or delinquent 3074
child is not a sexual predator and the reason or reasons why the 3075
court determined that the subject offender or delinquent child is 3076
not a sexual predator. If the court determines by clear and 3077
convincing evidence that the subject offender or delinquent child 3078
is a sexual predator, the court shall specify in the offender's 3079
sentence and the judgment of conviction that contains the sentence 3080
or in the delinquent child's dispositional order, as appropriate, 3081
that the court has determined that the offender or delinquent 3082
child is a sexual predator and shall specify that the 3083
determination was pursuant to division (B) of this section. In any 3084
case in which the sexually oriented offense in question is an 3085
aggravated sexually oriented offense, the court shall specify in 3086
the offender's sentence and the judgment of conviction that 3087
contains the sentence that the offender's offense is an aggravated 3088
sexually oriented offense. The offender or delinquent child and 3089
the prosecutor who prosecuted the offender or handled the case 3090
against the delinquent child for the sexually oriented offense in 3091
question may appeal as a matter of right the court's determination 3092
under this division as to whether the offender or delinquent child 3093
is, or is not, a sexual predator. 3094

(5) A hearing shall not be conducted under division (B) of 3095
this section regarding an offender if ~~the~~ any of the following 3096

<u>applies:</u>	3097
<u>(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.</u>	3098 3099 3100 3101 3102
<u>(b) The sexually oriented offense in question is a violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code committed on or after the effective date of this amendment.</u>	3103 3104 3105
<u>(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 of the Revised Code.</u>	3106 3107 3108 3109 3110
(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:	3111 3112 3113 3114 3115 3116 3117 3118
(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.	3119 3120 3121 3122 3123 3124
(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	3125 3126 3127

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

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

(b) If, pursuant to division (C)(1)(b) of this section, the
department sends to the court a determination that it is not
recommending that an offender be adjudicated a sexual predator,
the court shall not make any determination as to whether the

offender is, or is not, a sexual predator but shall determine 3160
whether the offender previously has been convicted of or pleaded 3161
guilty to a sexually oriented offense other than the offense in 3162
relation to which the department made its determination or 3163
previously has been convicted of or pleaded guilty to a 3164
child-victim oriented offense. 3165

The court may conduct a hearing to determine whether the 3166
offender previously has been convicted of or pleaded guilty to a 3167
sexually oriented offense or a child-victim oriented offense but 3168
may make the determination without a hearing. However, if the 3169
court determines that the offender previously has been convicted 3170
of or pleaded guilty to such an offense, it shall not impose a 3171
requirement that the offender be subject to the community 3172
notification provisions contained in sections 2950.10 and 2950.11 3173
of the Revised Code without a hearing. In determining whether to 3174
impose the community notification requirement, the court, in the 3175
circumstances described in division (E)(2) of this section, shall 3176
apply the presumption specified in that division. The court shall 3177
include in the offender's institutional record any determination 3178
made under this division as to whether the offender previously has 3179
been convicted of or pleaded guilty to a sexually oriented offense 3180
or child-victim oriented offense, and, as such, whether the 3181
offender is a habitual sex offender. 3182

(c) Upon scheduling a hearing under division (C)(2)(a) or (b) 3183
of this section, the court shall give the offender and the 3184
prosecutor who prosecuted the offender for the sexually oriented 3185
offense, or that prosecutor's successor in office, notice of the 3186
date, time, and place of the hearing. If the hearing is scheduled 3187
under division (C)(2)(a) of this section to determine whether the 3188
offender is a sexual predator, the prosecutor who is given the 3189
notice may contact the department of rehabilitation and correction 3190
and request that the department provide to the prosecutor all 3191

information the department possesses regarding the offender that 3192
is relevant and necessary for use in making the determination as 3193
to whether the offender is a sexual predator and that is not 3194
privileged or confidential under law. If the prosecutor makes a 3195
request for that information, the department promptly shall 3196
provide to the prosecutor all information the department possesses 3197
regarding the offender that is not privileged or confidential 3198
under law and that is relevant and necessary for making that 3199
determination. A hearing scheduled under division (C)(2)(a) of 3200
this section to determine whether the offender is a sexual 3201
predator shall be conducted in the manner described in division 3202
(B)(1) of this section regarding hearings conducted under that 3203
division and, in making a determination under this division as to 3204
whether the offender is a sexual predator, the court shall 3205
consider all relevant factors, including, but not limited to, all 3206
of the factors specified in divisions (B)(2) and (3) of this 3207
section. After reviewing all testimony and evidence presented at 3208
the sexual predator hearing and the factors specified in divisions 3209
(B)(2) and (3) of this section, the court shall determine by clear 3210
and convincing evidence whether the offender is a sexual predator. 3211
If the court determines at the sexual predator hearing that the 3212
offender is not a sexual predator, it also shall determine whether 3213
the offender previously has been convicted of or pleaded guilty to 3214
a sexually oriented offense other than the offense in relation to 3215
which the hearing is being conducted. 3216

Upon making its determinations at the sexual predator 3217
hearing, the court shall proceed as follows: 3218

(i) If the court determines that the offender is not a sexual 3219
predator and that the offender previously has not been convicted 3220
of or pleaded guilty to a sexually oriented offense other than the 3221
offense in relation to which the hearing is being conducted and 3222
previously has not been convicted of or pleaded guilty to a 3223

child-victim oriented offense, it shall include in the offender's 3224
institutional record its determinations and the reason or reasons 3225
why it determined that the offender is not a sexual predator. 3226

(ii) If the court determines that the offender is not a 3227
sexual predator but that the offender previously has been 3228
convicted of or pleaded guilty to a sexually oriented offense 3229
other than the offense in relation to which the hearing is being 3230
conducted or previously has been convicted of or pleaded guilty to 3231
a child-victim oriented offense, it shall include in the 3232
offender's institutional record its determination that the 3233
offender is not a sexual predator but is a habitual sex offender 3234
and the reason or reasons why it determined that the offender is 3235
not a sexual predator, shall attach the determinations and the 3236
reason or reasons to the offender's sentence, shall specify that 3237
the determinations were pursuant to division (C) of this section, 3238
shall provide a copy of the determinations and the reason or 3239
reasons to the offender, to the prosecuting attorney, and to the 3240
department of rehabilitation and correction, and may impose a 3241
requirement that the offender be subject to the community 3242
notification provisions contained in sections 2950.10 and 2950.11 3243
of the Revised Code. In determining whether to impose the 3244
community notification requirements, the court, in the 3245
circumstances described in division (E)(2) of this section, shall 3246
apply the presumption specified in that division. The offender 3247
shall not be subject to those community notification provisions 3248
relative to the sexually oriented offense in question if the court 3249
does not so impose the requirement described in this division. If 3250
the court imposes that requirement, the offender may appeal the 3251
judge's determination that the offender is a habitual sex 3252
offender. 3253

(iii) If the court determines by clear and convincing 3254
evidence that the offender is a sexual predator, it shall enter 3255

its determination in the offender's institutional record, shall 3256
attach the determination to the offender's sentence, shall specify 3257
that the determination was pursuant to division (C) of this 3258
section, and shall provide a copy of the determination to the 3259
offender, to the prosecuting attorney, and to the department of 3260
rehabilitation and correction. The offender and the prosecutor may 3261
appeal as a matter of right the judge's determination under 3262
divisions (C)(2)(a) and (c) of this section as to whether the 3263
offender is, or is not, a sexual predator. 3264

If the hearing is scheduled under division (C)(2)(b) of this 3265
section to determine whether the offender previously has been 3266
convicted of or pleaded guilty to a sexually oriented offense or a 3267
child-victim oriented offense or whether to subject the offender 3268
to the community notification provisions contained in sections 3269
2950.10 and 2950.11 of the Revised Code, upon making the 3270
determination, the court shall attach the determination or 3271
determinations to the offender's sentence, shall provide a copy to 3272
the offender, to the prosecuting attorney, and to the department 3273
of rehabilitation and correction and may impose a requirement that 3274
the offender be subject to the community notification provisions. 3275
In determining whether to impose the community notification 3276
requirements, the court, in the circumstances described in 3277
division (E)(2) of this section, shall apply the presumption 3278
specified in that division. The offender shall not be subject to 3279
the community notification provisions relative to the sexually 3280
oriented offense in question if the court does not so impose the 3281
requirement described in this division. If the court imposes that 3282
requirement, the offender may appeal the judge's determination 3283
that the offender is a habitual sex offender. 3284

(3) The changes made in divisions (C)(1) and (2) of this 3285
section that take effect on July 31, 2003, do not require a court 3286
to conduct a new hearing under those divisions for any offender 3287

regarding a sexually oriented offense if, prior to July 31, 2003, 3288
the court previously conducted a hearing under those divisions 3289
regarding that offense to determine whether the offender was a 3290
sexual predator. The changes made in divisions (C)(1) and (2) of 3291
this section that take effect on July 31, 2003, do not require a 3292
court to conduct a hearing under those divisions for any offender 3293
regarding a sexually oriented offense if, prior to July 31, 2003, 3294
and pursuant to those divisions, the department of rehabilitation 3295
and correction recommended that the offender be adjudicated a 3296
sexual predator regarding that offense, and the court denied the 3297
recommendation and determined that the offender was not a sexual 3298
predator without a hearing, provided that this provision does not 3299
apply if the sexually oriented offense in question was an offense 3300
described in division (D)(1)(c) of section 2950.01 of the Revised 3301
Code. 3302

(D)(1) Division (D)(1) of this section does not apply to any 3303
person who has been convicted of or pleaded guilty to a sexually 3304
oriented offense. Division (D) of this section applies only to 3305
delinquent children as provided in Chapter 2152. of the Revised 3306
Code. A person who has been adjudicated a delinquent child for 3307
committing a sexually oriented offense that is not a 3308
registration-exempt sexually oriented offense and who has been 3309
classified by a juvenile court judge a juvenile offender 3310
registrant or, if applicable, additionally has been determined by 3311
a juvenile court judge to be a sexual predator or habitual sex 3312
offender, may petition the adjudicating court for a 3313
reclassification or declassification pursuant to section 2152.85 3314
of the Revised Code. 3315

A judge who is reviewing a sexual predator determination for 3316
a delinquent child under section 2152.84 or 2152.85 of the Revised 3317
Code shall comply with this section. At the hearing, the judge 3318
shall consider all relevant evidence and information, including, 3319

but not limited to, the factors set forth in division (B)(3) of 3320
this section. The judge shall not enter a determination that the 3321
delinquent child no longer is a sexual predator unless the judge 3322
determines by clear and convincing evidence that the delinquent 3323
child is unlikely to commit a sexually oriented offense in the 3324
future. If the judge enters a determination under this division 3325
that the delinquent child no longer is a sexual predator, the 3326
judge shall notify the bureau of criminal identification and 3327
investigation of the determination and shall include in the notice 3328
a statement of the reason or reasons why it determined that the 3329
delinquent child no longer is a sexual predator. Upon receipt of 3330
the notification, the bureau promptly shall notify the sheriff 3331
with whom the delinquent child most recently registered under 3332
section 2950.04 or 2950.05 of the Revised Code of the 3333
determination that the delinquent child no longer is a sexual 3334
predator. 3335

(2) If an offender who has been convicted of or pleaded 3336
guilty to a sexually oriented offense is classified a sexual 3337
predator pursuant to division (A) of this section or has been 3338
adjudicated a sexual predator relative to the offense as described 3339
in division (B) or (C) of this section, subject to division (F) of 3340
this section, the classification or adjudication of the offender 3341
as a sexual predator is permanent and continues in effect until 3342
the offender's death and in no case shall the classification or 3343
adjudication be removed or terminated. 3344

(E)(1) If a person is convicted of or pleads guilty to 3345
committing, on or after January 1, 1997, a sexually oriented 3346
offense that is not a registration-exempt sexually oriented 3347
offense, the judge who is to impose sentence on the offender shall 3348
determine, prior to sentencing, whether the offender previously 3349
has been convicted of or pleaded guilty to, or adjudicated a 3350
delinquent child for committing, a sexually oriented offense or a 3351

child-victim oriented offense and is a habitual sex offender. The 3352
judge who is to impose or has imposed an order of disposition upon 3353
a child who is adjudicated a delinquent child for committing on or 3354
after January 1, 2002, a sexually oriented offense that is not a 3355
registration-exempt sexually oriented offense shall determine, 3356
prior to entering the order classifying the delinquent child a 3357
juvenile offender registrant, whether the delinquent child 3358
previously has been convicted of or pleaded guilty to, or 3359
adjudicated a delinquent child for committing, a sexually oriented 3360
offense or a child-victim oriented offense and is a habitual sex 3361
offender, if either of the following applies: 3362

(a) The judge is required by section 2152.82 or division (A) 3363
of section 2152.83 of the Revised Code to classify the child a 3364
juvenile offender registrant; 3365

(b) Division (B) of section 2152.83 of the Revised Code 3366
applies regarding the child, the judge conducts a hearing under 3367
that division for the purposes described in that division, and the 3368
judge determines at that hearing that the child will be classified 3369
a juvenile offender registrant. 3370

(2) If, under division (E)(1) of this section, the judge 3371
determines that the offender or delinquent child previously has 3372
not been convicted of or pleaded guilty to, or been adjudicated a 3373
delinquent child for committing, a sexually oriented offense or a 3374
child-victim oriented offense or that the offender otherwise does 3375
not satisfy the criteria for being a habitual sex offender, the 3376
judge shall specify in the offender's sentence or in the order 3377
classifying the delinquent child a juvenile offender registrant 3378
that the judge has determined that the offender or delinquent 3379
child is not a habitual sex offender. 3380

If, under division (E)(1) of this section, the judge 3381
determines that the offender or delinquent child previously has 3382

been convicted of or pleaded guilty to, or been adjudicated a
delinquent child for committing, a sexually oriented offense or a
child-victim oriented offense and that the offender satisfies all
other criteria for being a habitual sex offender, the offender or
delinquent child is a habitual sex offender or habitual
child-victim offender and the court shall determine whether to
impose a requirement that the offender or delinquent child be
subject to the community notification provisions contained in
sections 2950.10 and 2950.11 of the Revised Code. In making the
determination regarding the possible imposition of the community
notification requirement, if at least two of the sexually oriented
offenses or child-victim oriented offenses that are the basis of
the habitual sex offender or habitual child-victim offender
determination were committed against a victim who was under
eighteen years of age, it is presumed that subjecting the offender
or delinquent child to the community notification provisions is
necessary in order to comply with the determinations, findings,
and declarations of the general assembly regarding sex offenders
and child-victim offenders that are set forth in section 2950.02
of the Revised Code. When a judge determines as described in this
division that an offender or delinquent child is a habitual sex
offender or a habitual child-victim offender, the judge shall
specify in the offender's sentence and the judgment of conviction
that contains the sentence or in the order classifying the
delinquent child a juvenile offender registrant that the judge has
determined that the offender or delinquent child is a habitual sex
offender and may impose a requirement in that sentence and
judgment of conviction or in that order that the offender or
delinquent child be subject to the community notification
provisions contained in sections 2950.10 and 2950.11 of the
Revised Code. Unless the habitual sex offender also has been
adjudicated a sexual predator relative to the sexually oriented
offense in question or the habitual sex offender was convicted of

or pleaded guilty to an aggravated sexually oriented offense, the
offender or delinquent child shall be subject to those community
notification provisions only if the court imposes the requirement
described in this division in the offender's sentence and the
judgment of conviction or in the order classifying the delinquent
child a juvenile offender registrant. If the court determines
pursuant to this division or division (C)(2) of this section that
an offender is a habitual sex offender, the determination is
permanent and continues in effect until the offender's death, and
in no case shall the determination be removed or terminated.

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

(F)(1) An offender or delinquent child classified as a sexual
predator may petition the court of common pleas or, for a
delinquent child, the juvenile court of the county in which the
offender or delinquent child resides or temporarily is domiciled
to enter a determination that the offender or delinquent child is
not an adjudicated sexual predator in this state for purposes of
the registration and other requirements of this chapter or the
community notification provisions contained in sections 2950.10

and 2950.11 of the Revised Code if all of the following apply: 3448

(a) The offender or delinquent child was convicted of, 3449
pleaded guilty to, or was adjudicated a delinquent child for 3450
committing, a sexually oriented offense that is not a 3451
registration-exempt sexually oriented offense in another state, in 3452
a federal court, a military court, or Indian tribal court, or in a 3453
court of any nation other than the United States. 3454

(b) As a result of the conviction, plea of guilty, or 3455
adjudication described in division (F)(1)(a) of this section, the 3456
offender or delinquent child is required under the law of the 3457
jurisdiction under which the offender or delinquent child was 3458
convicted, pleaded guilty, or was adjudicated to register as a sex 3459
offender until the offender's or delinquent child's death. 3460

(c) The offender or delinquent child was automatically 3461
classified a sexual predator under division (A) of this section in 3462
relation to the conviction, guilty plea, or adjudication described 3463
in division (F)(1)(a) of this section. 3464

(2) The court may enter a determination that the offender or 3465
delinquent child filing the petition described in division (F)(1) 3466
of this section is not an adjudicated sexual predator in this 3467
state for purposes of the registration and other requirements of 3468
this chapter or the community notification provisions contained in 3469
sections 2950.10 and 2950.11 of the Revised Code only if the 3470
offender or delinquent child proves by clear and convincing 3471
evidence that the requirement of the other jurisdiction that the 3472
offender or delinquent child register as a sex offender until the 3473
offender's or delinquent child's death is not substantially 3474
similar to a classification as a sexual predator for purposes of 3475
this chapter. If the court enters a determination that the 3476
offender or delinquent child is not an adjudicated sexual predator 3477
in this state for those purposes, the court shall include in the 3478

determination a statement of the reason or reasons why it so 3479
determined. 3480

(G) If, prior to ~~the effective date of this section~~ July 31, 3481
2003, an offender or delinquent child was adjudicated a sexual 3482
predator or was determined to be a habitual sex offender under 3483
this section or section 2152.82, 2152.83, 2152.84, or 2152.85 of 3484
the Revised Code and if, on and after July 31, 2003, the sexually 3485
oriented offense upon which the classification or determination 3486
was based no longer is considered a sexually oriented offense but 3487
instead is a child-victim oriented offense, notwithstanding the 3488
redesignation of that offense, on and after July 31, 2003, all of 3489
the following apply: 3490

(1) Divisions (A)(1) or (2) or (E)(1) and (2) of section 3491
2950.091 of the Revised Code apply regarding the offender or 3492
child, and the judge's classification or determination made prior 3493
to July 31, 2003, shall be considered for all purposes to be a 3494
classification or determination that classifies the offender or 3495
child as described in those divisions. 3496

(2) The offender's or child's classification or determination 3497
under divisions (A)(1) or (2) or (E)(1) and (2) of section 3498
2950.091 of the Revised Code shall be considered, for purposes of 3499
section 2950.07 of the Revised Code and for all other purposes, to 3500
be a continuation of the classification or determination made 3501
prior to July 31, 2003. 3502

(3) The offender's or child's duties under this chapter 3503
relative to that classification or determination shall be 3504
considered for all purposes to be a continuation of the duties 3505
related to that classification or determination as they existed 3506
prior to July 31, 2003. 3507

Sec. 2950.11. (A) As used in this section, "specified 3508

geographical notification area" means the geographic area or areas 3509
within which the attorney general, by rule adopted under section 3510
2950.13 of the Revised Code, requires the notice described in 3511
division (B) of this section to be given to the persons identified 3512
in divisions (A)(2) to (8) of this section. If a person is 3513
convicted of or pleads guilty to, or has been convicted of or 3514
pleaded guilty to, either a sexually oriented offense that is not 3515
a registration-exempt sexually oriented offense or a child-victim 3516
oriented offense, or a person is adjudicated a delinquent child 3517
for committing either a sexually oriented offense that is not a 3518
registration-exempt sexually oriented offense or a child-victim 3519
oriented offense and is classified a juvenile offender registrant 3520
or is an out-of-state juvenile offender registrant based on that 3521
adjudication, and if the offender or delinquent child is in any 3522
category specified in division (F)(1)(a), (b), or (c) of this 3523
section, the sheriff with whom the offender or delinquent child 3524
has most recently registered under section 2950.04, 2950.041, or 3525
2950.05 of the Revised Code and the sheriff to whom the offender 3526
or delinquent child most recently sent a notice of intent to 3527
reside under section 2950.04 or 2950.041 of the Revised Code, 3528
within the period of time specified in division (C) of this 3529
section, shall provide a written notice containing the information 3530
set forth in division (B) of this section to all of the persons 3531
described in divisions (A)(1) to (9) of this section. If the 3532
sheriff has sent a notice to the persons described in those 3533
divisions as a result of receiving a notice of intent to reside 3534
and if the offender or delinquent child registers a residence 3535
address that is the same residence address described in the notice 3536
of intent to reside, the sheriff is not required to send an 3537
additional notice when the offender or delinquent child registers. 3538
The sheriff shall provide the notice to all of the following 3539
persons: 3540

(1)(a) Any occupant of each residential unit that is located 3541
within one thousand feet of the offender's or delinquent child's 3542
residential premises, that is located within the county served by 3543
the sheriff, and that is not located in a multi-unit building. 3544
Division (D)(3) of this section applies regarding notices required 3545
under this division. 3546

(b) If the offender or delinquent child resides in a 3547
multi-unit building, any occupant of each residential unit that is 3548
located in that multi-unit building and that shares a common 3549
hallway with the offender or delinquent child. For purposes of 3550
this division, an occupant's unit shares a common hallway with the 3551
offender or delinquent child if the entrance door into the 3552
occupant's unit is located on the same floor and opens into the 3553
same hallway as the entrance door to the unit the offender or 3554
delinquent child occupies. Division (D)(3) of this section applies 3555
regarding notices required under this division. 3556

(c) The building manager, or the person the building owner or 3557
condominium unit owners association authorizes to exercise 3558
management and control, of each multi-unit building that is 3559
located within one thousand feet of the offender's or delinquent 3560
child's residential premises, including a multi-unit building in 3561
which the offender or delinquent child resides, and that is 3562
located within the county served by the sheriff. In addition to 3563
notifying the building manager or the person authorized to 3564
exercise management and control in the multi-unit building under 3565
this division, the sheriff shall post a copy of the notice 3566
prominently in each common entryway in the building and any other 3567
location in the building the sheriff determines appropriate. The 3568
manager or person exercising management and control of the 3569
building shall permit the sheriff to post copies of the notice 3570
under this division as the sheriff determines appropriate. In lieu 3571
of posting copies of the notice as described in this division, a 3572

sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of 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 3604
notification area and within the county served by the sheriff and 3605
that is not operated by a board of education described in division 3606
(A)(3) of this section; 3607

(b) Regardless of the location of the school, the appointing 3608
or hiring officer of a chartered nonpublic school that the 3609
delinquent child attends. 3610

(5) The director, head teacher, elementary principal, or site 3611
administrator of each preschool program governed by Chapter 3301. 3612
of the Revised Code that is located within the specified 3613
geographical notification area and within the county served by the 3614
sheriff; 3615

(6) The administrator of each child day-care center or type A 3616
family day-care home that is located within the specified 3617
geographical notification area and within the county served by the 3618
sheriff, and the provider of each certified type B family day-care 3619
home that is located within the specified geographical 3620
notification area and within the county served by the sheriff. As 3621
used in this division, "child day-care center," "type A family 3622
day-care home," and "certified type B family day-care home" have 3623
the same meanings as in section 5104.01 of the Revised Code. 3624

(7) The president or other chief administrative officer of 3625
each institution of higher education, as defined in section 3626
2907.03 of the Revised Code, that is located within the specified 3627
geographical notification area and within the county served by the 3628
sheriff, and the chief law enforcement officer of the state 3629
university law enforcement agency or campus police department 3630
established under section 3345.04 or 1713.50 of the Revised Code, 3631
if any, that serves that institution; 3632

(8) The sheriff of each county that includes any portion of 3633
the specified geographical notification area; 3634

(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.

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

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

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

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

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

(a) A statement that the offender has been adjudicated a sexual predator, a statement that the offender has been convicted of or pleaded guilty to an aggravated sexually oriented offense, a statement that the delinquent child has been adjudicated a sexual predator and that, as of the date of the notice, the court has not entered a determination that the delinquent child no longer is a sexual predator, or a statement that the sentencing or reviewing judge has determined that the offender or delinquent child is a habitual sex offender and that, as of the date of the notice, the determination regarding a delinquent child has not been removed

pursuant to section 2152.84 or 2152.85 of the Revised Code; 3666

(b) A statement that the offender has been adjudicated a 3667
child-victim predator, a statement that the delinquent child has 3668
been adjudicated a child-victim predator and that, as of the date 3669
of the notice, the court has not entered a determination that the 3670
delinquent child no longer is a child-victim predator, or a 3671
statement that the sentencing or reviewing judge has determined 3672
that the offender or delinquent child is a habitual child-victim 3673
offender and that, as of the date of the notice, the determination 3674
regarding a delinquent child has not been removed pursuant to 3675
section 2152.84 or 2152.85 of the Revised Code; 3676

(5) The offender's or delinquent child's photograph. 3677

(C) If a sheriff with whom an offender or delinquent child 3678
registers under section 2950.04, 2950.041, or 2950.05 of the 3679
Revised Code or to whom the offender or delinquent child most 3680
recently sent a notice of intent to reside under section 2950.04 3681
or 2950.041 of the Revised Code is required by division (A) of 3682
this section to provide notices regarding an offender or 3683
delinquent child and if, pursuant to that requirement, the sheriff 3684
provides a notice to a sheriff of one or more other counties in 3685
accordance with division (A)(8) of this section, the sheriff of 3686
each of the other counties who is provided notice under division 3687
(A)(8) of this section shall provide the notices described in 3688
divisions (A)(1) to (7) and (A)(9) of this section to each person 3689
or entity identified within those divisions that is located within 3690
the specified geographical notification area and within the county 3691
served by the sheriff in question. 3692

(D)(1) A sheriff required by division (A) or (C) of this 3693
section to provide notices regarding an offender or delinquent 3694
child shall provide the notice to the neighbors that are described 3695
in division (A)(1) of this section and the notices to law 3696

enforcement personnel that are described in divisions (A)(8) and 3697
(9) of this section as soon as practicable, but no later than five 3698
days after the offender sends the notice of intent to reside to 3699
the sheriff and again no later than five days after the offender 3700
or delinquent child registers with the sheriff or, if the sheriff 3701
is required by division (C) of this section to provide the 3702
notices, no later than five days after the sheriff is provided the 3703
notice described in division (A)(8) of this section. 3704

A sheriff required by division (A) or (C) of this section to 3705
provide notices regarding an offender or delinquent child shall 3706
provide the notices to all other specified persons that are 3707
described in divisions (A)(2) to (7) of this section as soon as 3708
practicable, but not later than seven days after the offender or 3709
delinquent child registers with the sheriff or, if the sheriff is 3710
required by division (C) of this section to provide the notices, 3711
no later than five days after the sheriff is provided the notice 3712
described in division (A)(8) of this section. 3713

(2) If an offender or delinquent child in relation to whom 3714
division (A) of this section applies verifies the offender's or 3715
delinquent child's current residence, school, institution of 3716
higher education, or place of employment address, as applicable, 3717
with a sheriff pursuant to section 2950.06 of the Revised Code, 3718
the sheriff may provide a written notice containing the 3719
information set forth in division (B) of this section to the 3720
persons identified in divisions (A)(1) to (9) of this section. If 3721
a sheriff provides a notice pursuant to this division to the 3722
sheriff of one or more other counties in accordance with division 3723
(A)(8) of this section, the sheriff of each of the other counties 3724
who is provided the notice under division (A)(8) of this section 3725
may provide, but is not required to provide, a written notice 3726
containing the information set forth in division (B) of this 3727
section to the persons identified in divisions (A)(1) to (7) and 3728

(A)(9) of this section. 3729

(3) A sheriff may provide notice under division (A)(1)(a) or 3730
(b) of this section, and may provide notice under division 3731
(A)(1)(c) of this section to a building manager or person 3732
authorized to exercise management and control of a building, by 3733
mail, by personal contact, or by leaving the notice at or under 3734
the entry door to a residential unit. For purposes of divisions 3735
(A)(1)(a) and (b) of this section, and the portion of division 3736
(A)(1)(c) of this section relating to the provision of notice to 3737
occupants of a multi-unit building by mail or personal contact, 3738
the provision of one written notice per unit is deemed as 3739
providing notice to all occupants of that unit. 3740

(E) All information that a sheriff possesses regarding a 3741
sexual predator, a habitual sex offender, a child-victim predator, 3742
or a habitual child-victim offender that is described in division 3743
(B) of this section and that must be provided in a notice required 3744
under division (A) or (C) of this section or that may be provided 3745
in a notice authorized under division (D)(2) of this section is a 3746
public record that is open to inspection under section 149.43 of 3747
the Revised Code. 3748

The sheriff shall not cause to be publicly disseminated by 3749
means of the internet any of the information described in this 3750
division that is provided by a sexual predator, habitual sex 3751
offender, child-victim predator, or habitual child-victim offender 3752
who is a juvenile offender registrant, except when the act that is 3753
the basis of the child's classification as a juvenile offender 3754
registrant is a violation of, or an attempt to commit a violation 3755
of, section 2903.01, 2903.02, or 2905.01 of the Revised Code that 3756
was committed with a purpose to gratify the sexual needs or 3757
desires of the child, a violation of section 2907.02 of the 3758
Revised Code, or an attempt to commit a violation of that section. 3759

(F)(1) The duties to provide the notices described in 3760
divisions (A) and (C) of this section apply regarding any offender 3761
or delinquent child who is in any of the following categories, if 3762
the other criteria set forth in division (A) or (C) of this 3763
section, whichever is applicable, are satisfied: 3764

(a) The offender or delinquent child has been adjudicated a 3765
sexual predator relative to the sexually oriented offense for 3766
which the offender or delinquent child has the duty to register 3767
under section 2950.04 of the Revised Code or has been adjudicated 3768
a child-victim predator relative to the child-victim oriented 3769
offense for which the offender or child has the duty to register 3770
under section 2950.041 of the Revised Code, and the court has not 3771
subsequently determined pursuant to section 2152.84 or 2152.85 of 3772
the Revised Code regarding a delinquent child that the delinquent 3773
child no longer is a sexual predator or no longer is a 3774
child-victim predator, whichever is applicable. 3775

(b) The offender or delinquent child has been determined 3776
pursuant to division (C)(2) or (E) of section 2950.09 or 2950.091, 3777
division (B) of section 2152.83, section 2152.84, or section 3778
2152.85 of the Revised Code to be a habitual sex offender or a 3779
habitual child-victim offender, the court has imposed a 3780
requirement under that division or section subjecting the habitual 3781
sex offender or habitual child-victim offender to this section, 3782
and the determination has not been removed pursuant to section 3783
2152.84 or 2152.85 of the Revised Code regarding a delinquent 3784
child. 3785

(c) The sexually oriented offense for which the offender has 3786
the duty to register under section 2950.04 of the Revised Code is 3787
an aggravated sexually oriented offense, regardless of whether the 3788
offender has been adjudicated a sexual predator relative to the 3789
offense or has been determined to be a habitual sex offender. 3790

(2) The notification provisions of this section do not apply 3791
regarding a person who is convicted of or pleads guilty to, has 3792
been convicted of or pleaded guilty to, or is adjudicated a 3793
delinquent child for committing, a sexually oriented offense or a 3794
child-victim oriented offense, who is not in the category 3795
specified in either division (F)(1)(a) or (c) of this section, and 3796
who is determined pursuant to division (C)(2) or (E) of section 3797
2950.09 or 2950.091, division (B) of section 2152.83, section 3798
2152.84, or section 2152.85 of the Revised Code to be a habitual 3799
sex offender or habitual child-victim offender unless the 3800
sentencing or reviewing court imposes a requirement in the 3801
offender's sentence and in the judgment of conviction that 3802
contains the sentence or in the delinquent child's adjudication, 3803
or imposes a requirement as described in division (C)(2) of 3804
section 2950.09 or 2950.091 of the Revised Code, that subjects the 3805
offender or the delinquent child to the provisions of this 3806
section. 3807

(G) The department of job and family services shall compile, 3808
maintain, and update in January and July of each year, a list of 3809
all agencies, centers, or homes of a type described in division 3810
(A)(2) or (6) of this section that contains the name of each 3811
agency, center, or home of that type, the county in which it is 3812
located, its address and telephone number, and the name of an 3813
administrative officer or employee of the agency, center, or home. 3814
The department of education shall compile, maintain, and update in 3815
January and July of each year, a list of all boards of education, 3816
schools, or programs of a type described in division (A)(3), (4), 3817
or (5) of this section that contains the name of each board of 3818
education, school, or program of that type, the county in which it 3819
is located, its address and telephone number, the name of the 3820
superintendent of the board or of an administrative officer or 3821
employee of the school or program, and, in relation to a board of 3822

education, the county or counties in which each of its schools is 3823
located and the address of each such school. The Ohio board of 3824
regents shall compile, maintain, and update in January and July of 3825
each year, a list of all institutions of a type described in 3826
division (A)(7) of this section that contains the name of each 3827
such institution, the county in which it is located, its address 3828
and telephone number, and the name of its president or other chief 3829
administrative officer. A sheriff required by division (A) or (C) 3830
of this section, or authorized by division (D)(2) of this section, 3831
to provide notices regarding an offender or delinquent child, or a 3832
designee of a sheriff of that type, may request the department of 3833
job and family services, department of education, or Ohio board of 3834
regents, by telephone, in person, or by mail, to provide the 3835
sheriff or designee with the names, addresses, and telephone 3836
numbers of the appropriate persons and entities to whom the 3837
notices described in divisions (A)(2) to (7) of this section are 3838
to be provided. Upon receipt of a request, the department or board 3839
shall provide the requesting sheriff or designee with the names, 3840
addresses, and telephone numbers of the appropriate persons and 3841
entities to whom those notices are to be provided. 3842

(H)(1) Upon the motion of the offender or the prosecuting 3843
attorney of the county in which the offender was convicted of or 3844
pleaded guilty to the sexually oriented offense or child-victim 3845
oriented offense for which the offender is subject to community 3846
notification under this section, or upon the motion of the 3847
sentencing judge or that judge's successor in office, the judge 3848
may schedule a hearing to determine whether the interests of 3849
justice would be served by suspending the community notification 3850
requirement under this section in relation to the offender. The 3851
judge may dismiss the motion without a hearing but may not issue 3852
an order suspending the community notification requirement without 3853
a hearing. At the hearing, all parties are entitled to be heard, 3854

and the judge shall consider all of the factors set forth in 3855
division (B)(3) of section 2950.09 of the Revised Code. If, at the 3856
conclusion of the hearing, the judge finds that the offender has 3857
proven by clear and convincing evidence that the offender is 3858
unlikely to commit in the future a sexually oriented offense or a 3859
child-victim oriented offense and if the judge finds that 3860
suspending the community notification requirement is in the 3861
interests of justice, the judge may suspend the application of 3862
this section in relation to the offender. The order shall contain 3863
both of these findings. 3864

The judge promptly shall serve a copy of the order upon the 3865
sheriff with whom the offender most recently registered under 3866
section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon 3867
the bureau of criminal identification and investigation. 3868

An order suspending the community notification requirement 3869
does not suspend or otherwise alter an offender's duties to comply 3870
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3871
Revised Code and does not suspend the victim notification 3872
requirement under section 2950.10 of the Revised Code. 3873

(2) A prosecuting attorney, a sentencing judge or that 3874
judge's successor in office, and an offender who is subject to the 3875
community notification requirement under this section may 3876
initially make a motion under division (H)(1) of this section upon 3877
the expiration of twenty years after the offender's duty to comply 3878
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 3879
Revised Code begins in relation to the offense for which the 3880
offender is subject to community notification. After the initial 3881
making of a motion under division (H)(1) of this section, 3882
thereafter, the prosecutor, judge, and offender may make a 3883
subsequent motion under that division upon the expiration of five 3884
years after the judge has entered an order denying the initial 3885
motion or the most recent motion made under that division. 3886

(3) The offender and the prosecuting attorney have the right 3887
to appeal an order approving or denying a motion made under 3888
division (H)(1) of this section. 3889

(4) ~~Division~~ Divisions (H)(1) to (3) of this section ~~does do~~ 3890
not apply to any of the following types of offender: 3891

(a) A person who is convicted of or pleads guilty to a 3892
violent sex offense or designated homicide, assault, or kidnapping 3893
offense and who, in relation to that offense, is adjudicated a 3894
sexually violent predator; 3895

(b) A person who is convicted of or pleads guilty to a 3896
sexually oriented offense that is a violation of division 3897
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code 3898
committed on or after the effective date of this amendment. 3899

(c) A person who is convicted of or pleads guilty to a 3900
sexually oriented offense that is attempted rape committed on or 3901
after the effective date of this amendment and who also is 3902
convicted of or pleads guilty to a specification of the type 3903
described in section 2941.1418 of the Revised Code. 3904

(d) A habitual sex offender or habitual child-victim oriented 3905
offender who is subject to community notification who, subsequent 3906
to being subjected to community notification, has pleaded guilty 3907
to or been convicted of a sexually oriented offense or a 3908
child-victim oriented offense; 3909

~~(e)~~(e) A sexual predator or child-victim predator who is not 3910
adjudicated a sexually violent predator who, subsequent to being 3911
subjected to community notification, has pleaded guilty to or been 3912
convicted of a sexually oriented offense or child-victim oriented 3913
offense. 3914

(I) If a person is convicted of or pleads guilty to, or has 3915
been convicted of or pleaded guilty to, either a sexually oriented 3916

offense that is not a registration-exempt sexually oriented 3917
offense or a child-victim oriented offense, or a person is 3918
adjudicated a delinquent child for committing either a sexually 3919
oriented offense that is not a registration-exempt sexually 3920
oriented offense or a child-victim oriented offense and is 3921
classified a juvenile offender registrant or is an out-of-state 3922
juvenile offender registrant based on that adjudication, and if 3923
the offender or delinquent child is not in any category specified 3924
in division (F)(1)(a), (b), or (c) of this section, the sheriff 3925
with whom the offender or delinquent child has most recently 3926
registered under section 2950.04, 2950.041, or 2950.05 of the 3927
Revised Code and the sheriff to whom the offender or delinquent 3928
child most recently sent a notice of intent to reside under 3929
section 2950.04 or 2950.041 of the Revised Code, within the period 3930
of time specified in division (D) of this section, shall provide a 3931
written notice containing the information set forth in division 3932
(B) of this section to the executive director of the public 3933
children services agency that has jurisdiction within the 3934
specified geographical notification area and that is located 3935
within the county served by the sheriff. 3936

Sec. 2967.12. (A) Except as provided in division (G) of this 3937
section, at least three weeks before the adult parole authority 3938
recommends any pardon or commutation of sentence, or grants any 3939
parole, the authority shall send a notice of the pendency of the 3940
pardon, commutation, or parole, setting forth the name of the 3941
person on whose behalf it is made, the offense of which the person 3942
was convicted or to which the person pleaded guilty, the time of 3943
conviction or the guilty plea, and the term of the person's 3944
sentence, to the prosecuting attorney and the judge of the court 3945
of common pleas of the county in which the indictment against the 3946
person was found. If there is more than one judge of that court of 3947
common pleas, the authority shall send the notice to the presiding 3948

judge. The department of rehabilitation and correction, at the 3949
same time that it provides the notice to the prosecuting attorney 3950
and judge under this division, also shall post on the database it 3951
maintains pursuant to section 5120.66 of the Revised Code the 3952
offender's name and all of the information specified in division 3953
(A)(1)(c)(iii) of that section. 3954

(B) If a request for notification has been made pursuant to 3955
section 2930.16 of the Revised Code, the adult parole authority 3956
also shall give notice to the victim or the victim's 3957
representative prior to recommending any pardon or commutation of 3958
sentence for, or granting any parole to, the person. The authority 3959
shall provide the notice at the same time as the notice required 3960
by division (A) of this section and shall include in the notice 3961
the information required to be set forth in that notice. The 3962
notice also shall inform the victim or the victim's representative 3963
that the victim or representative may send a written statement 3964
relative to the victimization and the pending action to the adult 3965
parole authority and that, if the authority receives any written 3966
statement prior to recommending a pardon or commutation or 3967
granting a parole for a person, the authority will consider the 3968
statement before it recommends a pardon or commutation or grants a 3969
parole. If the person is being considered for parole, the notice 3970
shall inform the victim or the victim's representative that a full 3971
board hearing of the parole board may be held and that the victim 3972
or victim's representative may contact the office of victims' 3973
services for further information. If the person being considered 3974
for parole was convicted of or pleaded guilty to violating section 3975
2903.01 or 2903.02 of the Revised Code, the notice shall inform 3976
the victim of that offense, the victim's representative, or a 3977
member of the victim's immediate family that the victim, the 3978
victim's representative, and the victim's immediate family have 3979
the right to give testimony at a full board hearing of the parole 3980
board and that the victim or victim's representative may contact 3981

the office of victims' services for further information. As used 3982
in this division, "the victim's immediate family" means the 3983
mother, father, spouse, sibling, or child of the victim. 3984

(C) When notice of the pendency of any pardon, commutation of 3985
sentence, or parole has been given to a judge or prosecutor or 3986
posted on the database as provided in division (A) of this section 3987
and a hearing on the pardon, commutation, or parole is continued 3988
to a date certain, the authority shall provide notice of the 3989
further consideration of the pardon, commutation, or parole at 3990
least ten days before the further consideration. The notice of the 3991
further consideration shall be provided to the proper judge and 3992
prosecuting attorney by mail at least ten days before the further 3993
consideration, and, if the initial notice was posted on the 3994
database as provided in division (A) of this section, the notice 3995
of the further consideration shall be posted on the database at 3996
least ten days before the further consideration. When notice of 3997
the pendency of any pardon, commutation, or parole has been given 3998
as provided in division (B) of this section and the hearing on it 3999
is continued to a date certain, the authority shall give notice of 4000
the further consideration to the victim or the victim's 4001
representative in accordance with section 2930.03 of the Revised 4002
Code. 4003

(D) In case of an application for the pardon or commutation 4004
of sentence of a person sentenced to capital punishment, the 4005
governor may modify the requirements of notification and 4006
publication if there is not sufficient time for compliance with 4007
the requirements before the date fixed for the execution of 4008
sentence. 4009

(E) If an offender is serving a prison term imposed under 4010
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 4011
Revised Code and if the parole board terminates its control over 4012
the offender's service of that term pursuant to section 2971.04 of 4013

the Revised Code, the parole board immediately shall provide 4014
written notice of its termination of control or the transfer of 4015
control to the entities and persons specified in section 2971.04 4016
of the Revised Code. 4017

(F) The failure of the adult parole authority to comply with 4018
the notice or posting provisions of division (A), (B), or (C) of 4019
this section or the failure of the parole board to comply with the 4020
notice provisions of division (E) of this section do not give any 4021
rights or any grounds for appeal or post-conviction relief to the 4022
person serving the sentence. 4023

(G) Divisions (A), (B), and (C) of this section do not apply 4024
to any release of a person that is of the type described in 4025
division (B)(2)(b) of section 5120.031 of the Revised Code. 4026

(H) In addition to and independent of the right of a victim 4027
to make a statement as described in division (A) of this section 4028
or pursuant to section 2930.17 of the Revised Code or to otherwise 4029
make a statement, the authority for a judge or prosecuting 4030
attorney to furnish statements and information, make 4031
recommendations, and give testimony as described in division (A) 4032
of this section, the right of a prosecuting attorney, judge, or 4033
victim to give testimony or submit a statement at a full parole 4034
board hearing pursuant to section 5149.101 of the Revised Code, 4035
and any other right or duty of a person to present information or 4036
make a statement, any person may send to the adult parole 4037
authority at any time prior to the authority's recommending a 4038
pardon or commutation or granting a parole for the offender a 4039
written statement relative to the offense and the pending action. 4040

Sec. 2967.121. (A) Subject to division (C) of this section, 4041
at least two weeks before any convict who is serving a sentence 4042
for committing a felony of the first, second, or third degree is 4043
released from confinement in any state correctional institution 4044

pursuant to a pardon, commutation of sentence, parole, or 4045
completed prison term, the adult parole authority shall send 4046
notice of the release to the prosecuting attorney of the county in 4047
which the indictment of the convict was found. 4048

(B) The notice required by division (A) of this section may 4049
be contained in a weekly list of all felons of the first, second, 4050
or third degree who are scheduled for release. The notice shall 4051
contain all of the following: 4052

(1) The name of the convict being released; 4053

(2) The date of the convict's release; 4054

(3) The offense for the violation of which the convict was 4055
convicted and incarcerated; 4056

(4) The date of the convict's conviction pursuant to which 4057
the convict was incarcerated; 4058

(5) The sentence imposed for that conviction; 4059

(6) The length of any supervision that the convict will be 4060
under; 4061

(7) The name, business address, and business phone number of 4062
the convict's supervising officer; 4063

(8) The address at which the convict will reside. 4064

(C) Divisions (A) and (B) of this section do not apply to the 4065
release from confinement of an offender if the offender is serving 4066
a prison term imposed under division (A)(3), (B)(1), or (B)(2) of 4067
section 2971.03 of the Revised Code, if the court pursuant to 4068
section 2971.05 of the Revised Code modifies the requirement that 4069
the offender serve that entire term in a state correctional 4070
institution, and if the release from confinement is pursuant to 4071
that modification. In a case of that type, the court that modifies 4072
the requirement promptly shall provide written notice of the 4073
modification and the order that modifies the requirement or 4074

revises the modification to the offender, the department of 4075
rehabilitation and correction, the prosecuting attorney, and any 4076
state agency or political subdivision that is affected by the 4077
order. 4078

Sec. 2971.03. (A) Notwithstanding divisions (A), (B), (C), 4079
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 4080
2929.13, or another section of the Revised Code, other than 4081
divisions (D) and (E) of section 2929.14 of the Revised Code, that 4082
authorizes or requires a specified prison term or a mandatory 4083
prison term for a person who is convicted of or pleads guilty to a 4084
felony or that specifies the manner and place of service of a 4085
prison term or term of imprisonment, the court shall impose a 4086
sentence upon a person who is convicted of or pleads guilty to a 4087
violent sex offense and who also is convicted of or pleads guilty 4088
to a sexually violent predator specification that was included in 4089
the indictment, count in the indictment, or information charging 4090
that offense, and upon a person who is convicted of or pleads 4091
guilty to a designated homicide, assault, or kidnapping offense 4092
and also is convicted of or pleads guilty to both a sexual 4093
motivation specification and a sexually violent predator 4094
specification that were included in the indictment, count in the 4095
indictment, or information charging that offense, as follows: 4096

(1) If the offense for which the sentence is being imposed is 4097
aggravated murder and if the court does not impose upon the 4098
offender a sentence of death, it shall impose upon the offender a 4099
term of life imprisonment without parole. If the court sentences 4100
the offender to death and the sentence of death is vacated, 4101
overturned, or otherwise set aside, the court shall impose upon 4102
the offender a term of life imprisonment without parole. 4103

(2) If the offense for which the sentence is being imposed is 4104
murder, if the offense is rape committed in violation of division 4105

(A)(1)(b) of section 2907.02 of the Revised Code when the offender 4106
purposely compelled the victim to submit by force or threat of 4107
force or when the victim was less than ten years of age, if the 4108
offense is rape committed in violation of division (A)(1)(b) of 4109
section 2907.02 of the Revised Code and the offender previously 4110
has been convicted of or pleaded guilty to either rape committed 4111
in violation of that division or a violation of a law of another 4112
state or the United States that is substantially similar to 4113
division (A)(1)(b) of section 2907.02 of the Revised Code or the 4114
offender during or immediately after the commission of the rape 4115
caused serious physical harm to the victim, or if the offense is 4116
an offense other than aggravated murder or murder for which a term 4117
of life imprisonment may be imposed, it shall impose upon the 4118
offender a term of life imprisonment without parole. 4119

(3)(a) Except as otherwise provided in division (A)(3)(b), 4120
(c), ~~or (d)~~, or (e) or (A)(4) of this section, if the offense for 4121
which the sentence is being imposed is an offense other than 4122
aggravated murder, other than murder, ~~or~~, other than rape 4123
committed in violation of division (A)(1)(b) of section 2907.02 of 4124
the Revised Code when the offender purposely compelled the victim 4125
to submit by force or threat of force or when the victim was less 4126
than ten years of age, other than rape committed in violation of 4127
division (A)(1)(b) of section 2907.02 of the Revised Code when the 4128
offender previously has been convicted of or has pleaded guilty to 4129
either rape committed in violation of that division or a violation 4130
of a law of another state or the United States that is 4131
substantially similar to division (A)(1)(b) of section 2907.02 of 4132
the Revised Code or when the offender during or immediately after 4133
the commission of the rape caused serious physical harm to the 4134
victim, and other than an offense for which a term of life 4135
imprisonment may be imposed, it shall impose an indefinite prison 4136
term consisting of a minimum term fixed by the court from among 4137
the range of terms available as a definite term for the offense, 4138

but not less than two years, and a maximum term of life imprisonment. 4139
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(b) Except as otherwise provided in division (A)(4) of this section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the first degree, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment. 4141
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(c) Except as otherwise provided in division (A)(4) of this section, if the offense for which the sentence is being imposed is kidnapping that is a felony of the second degree, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than eight years, and a maximum term of life imprisonment. 4147
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(d) Except as otherwise provided in division (A)(4) of this section, if the offense for which the sentence is being imposed is rape for which a term of life imprisonment is not imposed under ~~section 2907.02 of the Revised Code~~ or division (A)(2) of this section or division (B) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term as follows: 4153
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(i) If the rape is committed on or after the effective date of this amendment in violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment. 4159
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(ii) If the rape is committed prior to the effective date of this amendment or the rape is committed on or after the effective date of this amendment other than in violation of division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than ten years, and a 4164
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maximum term of life imprisonment. 4170

(e) Except as otherwise provided in division (A)(4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows: 4171
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(i) Except as otherwise provided in division (A)(3)(e)(ii) of this section, it shall impose an indefinite prison term pursuant to division (A)(3)(a) of this section. 4175
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(ii) If the attempted rape for which sentence is being imposed was committed on or after the effective date of this amendment, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment. 4178
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(4) For any offense for which the sentence is being imposed, 4185
if the offender previously has been convicted of or pleaded guilty 4186
to a violent sex offense and also to a sexually violent predator 4187
specification that was included in the indictment, count in the 4188
indictment, or information charging that offense, or previously 4189
has been convicted of or pleaded guilty to a designated homicide, 4190
assault, or kidnapping offense and also to both a sexual 4191
motivation specification and a sexually violent predator 4192
specification that were included in the indictment, count in the 4193
indictment, or information charging that offense, it shall impose 4194
upon the offender a term of life imprisonment without parole. 4195

(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 4196
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person who is convicted of or pleads guilty to a felony or that 4201
specifies the manner and place of service of a prison term or term 4202
of imprisonment, if a person is convicted of or pleads guilty to a 4203
violation of division (A)(1)(b) or (A)(2) of section 2907.02 of 4204
the Revised Code committed on or after the effective date of this 4205
amendment, if division (A) of this section does not apply 4206
regarding the person, and if the court does not impose a sentence 4207
of life without parole when authorized pursuant to division (B) of 4208
section 2907.02 of the Revised Code, the court shall impose upon 4209
the person an indefinite prison term consisting of a minimum term 4210
of twenty-five years and a maximum term of life imprisonment. 4211

(2) Notwithstanding section 2929.13, division (A), (B), (C), 4212
or (F) of section 2929.14, or another section of the Revised Code 4213
other than divisions (D) and (E) of section 2929.14 of the Revised 4214
Code that authorizes or requires a specified prison term or a 4215
mandatory prison term for a person who is convicted of or pleads 4216
guilty to a felony or that specifies the manner and place of 4217
service of a prison term or term of imprisonment, if a person is 4218
convicted of or pleads guilty to attempted rape committed on or 4219
after the effective date of this amendment, if division (A) of 4220
this section does not apply regarding the person, and if the 4221
person also is convicted of or pleads guilty to a specification of 4222
the type described in section 2941.1418 of the Revised Code, the 4223
court shall impose upon the person an indefinite prison term 4224
consisting of a minimum term of fifteen years and a maximum term 4225
of life imprisonment. 4226

(C)(1) If the offender is sentenced to a prison term pursuant 4227
to division (A)(3), (B)(1), or (B)(2) of this section, the parole 4228
board shall have control over the offender's service of the term 4229
during the entire term unless the parole board terminates its 4230
control in accordance with section 2971.04 of the Revised Code. 4231

~~(C)(1)(2)~~ Except as provided in division (C)~~(2)~~(3) of this 4232

section, an offender sentenced to a prison term or term of life 4233
imprisonment without parole pursuant to division (A) of this 4234
section shall serve the entire prison term or term of life 4235
imprisonment in a state correctional institution. The offender is 4236
not eligible for judicial release under section 2929.20 of the 4237
Revised Code. 4238

~~(2)~~(3) For a prison term imposed pursuant to division (A)~~(3)~~(1),
(B)(1), or (B)(2) of this section, the court, in accordance with 4239
section 2971.05 of the Revised Code, may terminate the prison term 4240
or modify the requirement that the offender serve the entire term 4241
in a state correctional institution if all of the following apply: 4242
4243

(a) The offender has served at least the minimum term imposed 4244
as part of that prison term. 4245

(b) The parole board, pursuant to section 2971.04 of the 4246
Revised Code, has terminated its control over the offender's 4247
service of that prison term. 4248

(c) The court has held a hearing and found, by clear and 4249
convincing evidence, one of the following: 4250

(i) In the case of termination of the prison term, that the 4251
offender is unlikely to commit a sexually violent offense in the 4252
future; 4253

(ii) In the case of modification of the requirement, that the 4254
offender does not represent a substantial risk of physical harm to 4255
others. 4256

~~(3)~~(4) An offender who has been sentenced to a term of life 4257
imprisonment without parole pursuant to division (A)(1), (2), or 4258
(4) of this section shall not be released from the term of life 4259
imprisonment or be permitted to serve a portion of it in a place 4260
other than a state correctional institution. 4261

(D) If a court sentences an offender to a prison term or term 4262

of life imprisonment without parole pursuant to division (A) of 4263
this section and the court also imposes on the offender one or 4264
more additional prison terms pursuant to division (D) of section 4265
2929.14 of the Revised Code, all of the additional prison terms 4266
shall be served consecutively with, and prior to, the prison term 4267
or term of life imprisonment without parole imposed upon the 4268
offender pursuant to division (A) of this section. 4269

(E) If the offender is convicted of or pleads guilty to two 4270
or more offenses for which a prison term or term of life 4271
imprisonment without parole is required to be imposed pursuant to 4272
division (A) of this section, divisions (A) to (D) of this section 4273
shall be applied for each offense. All minimum terms imposed upon 4274
the offender pursuant to division (A)(3) or (B) of this section 4275
for those offenses shall be aggregated and served consecutively, 4276
as if they were a single minimum term imposed under that division. 4277

(F) If an offender is convicted of or pleads guilty to a 4278
violent sex offense and also is convicted of or pleads guilty to a 4279
sexually violent predator specification that was included in the 4280
indictment, count in the indictment, or information charging that 4281
offense, or is convicted of or pleads guilty to a designated 4282
homicide, assault, or kidnapping offense and also is convicted of 4283
or pleads guilty to both a sexual motivation specification and a 4284
sexually violent predator specification that were included in the 4285
indictment, count in the indictment, or information charging that 4286
offense, the conviction of or plea of guilty to the offense and 4287
the sexually violent predator specification automatically 4288
classifies the offender as a sexual predator for purposes of 4289
Chapter 2950. of the Revised Code. If an offender is convicted of 4290
or pleads guilty to committing on or after the effective date of 4291
this amendment a violation of division (A)(1)(b) or (A)(2) of 4292
section 2907.02 of the Revised Code, the conviction of or plea of 4293
guilty to the offense automatically classifies the offender as a 4294

sexual predator for purposes of Chapter 2950. of the Revised Code. 4295
If a person is convicted of or pleads guilty to committing on or 4296
after the effective date of this amendment attempted rape and also 4297
is convicted of or pleads guilty to a specification of the type 4298
described in section 2941.1418 of the Revised Code, the conviction 4299
of or plea of guilty to the offense and the specification 4300
automatically classify the offender as a sexual predator for 4301
purposes of this chapter. The classification pursuant to this 4302
division of the an offender as a sexual predator for purposes of 4303
that chapter Chapter 2950. of the Revised Code is permanent and 4304
continues until the offender's death as described in division 4305
(D)(2) of section 2950.09 of the Revised Code. 4306

Sec. 2971.04. (A) If an offender is serving a prison term 4307
imposed under division (A)(3), (B)(1), or (B)(2) of section 4308
2971.03 of the Revised Code, at any time after the offender has 4309
served the minimum term imposed under that sentence, the parole 4310
board may terminate its control over the offender's service of the 4311
prison term. The parole board initially shall determine whether to 4312
terminate its control over the offender's service of the prison 4313
term upon the completion of the offender's service of the minimum 4314
term under the sentence and shall make subsequent determinations 4315
at least once every two years after that first determination. The 4316
parole board shall not terminate its control over the offender's 4317
service of the prison term unless it finds at a hearing that the 4318
offender does not represent a substantial risk of physical harm to 4319
others. Prior to determining whether to terminate its control over 4320
the offender's service of the prison term, the parole board shall 4321
request the department of rehabilitation and correction to prepare 4322
pursuant to section 5120.61 of the Revised Code an update of the 4323
most recent risk assessment and report relative to the offender. 4324
The offender has the right to be present at any hearing held under 4325
this section. At the hearing, the offender and the prosecuting 4326

attorney may make a statement and present evidence as to whether 4327
the parole board should terminate its control over the offender's 4328
service of the prison term. In making its determination as to 4329
whether to terminate its control over the offender's service of 4330
the prison term, the parole board may follow the standards and 4331
guidelines adopted by the department of rehabilitation and 4332
correction under section 5120.49 of the Revised Code and shall 4333
consider the updated risk assessment and report relating to the 4334
offender prepared by the department pursuant to section 5120.61 of 4335
the Revised Code in response to the request made under this 4336
division and any statements or evidence submitted by the offender 4337
or the prosecuting attorney. If the parole board terminates its 4338
control over an offender's service of a prison term imposed under 4339
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 4340
Revised Code, it shall recommend to the court modifications to the 4341
requirement that the offender serve the entire term in a state 4342
correctional institution. The court is not bound by the 4343
recommendations submitted by the parole board. 4344

(B) If the parole board terminates its control over an 4345
offender's service of a prison term imposed pursuant to division 4346
(A)(3), (B)(1), or (B)(2) of section 2971.03 of the Revised Code, 4347
the parole board immediately shall provide written notice of its 4348
termination of control to the department of rehabilitation and 4349
correction, the court, and the prosecuting attorney, and, after 4350
the board's termination of its control, the court shall have 4351
control over the offender's service of that prison term. 4352

After the transfer, the court shall have control over the 4353
offender's service of that prison term for the offender's entire 4354
life, subject to the court's termination of the term pursuant to 4355
section 2971.05 of the Revised Code. 4356

(C) If control over the offender's service of the prison term 4357
is transferred to the court, all of the following apply: 4358

(1) The offender shall not be released solely as a result of 4359
the transfer of control over the service of that prison term. 4360

(2) The offender shall not be permitted solely as a result of 4361
the transfer to serve a portion of that term in a place other than 4362
a state correctional institution. 4363

(3) The offender shall continue serving that term in a state 4364
correctional institution, subject to the following: 4365

(a) A release pursuant to a pardon, commutation, or reprieve; 4366

(b) A modification or termination of the term by the court 4367
pursuant to this chapter. 4368

Sec. 2971.05. (A)(1) After control over an offender's service 4369
of a prison term imposed pursuant to division (A)(3), (B)(1), or 4370
(B)(2) of section 2971.03 of the Revised Code has been transferred 4371
pursuant to section 2971.04 of the Revised Code to the court, the 4372
court shall schedule, within thirty days of any of the following, 4373
a hearing on whether to modify in accordance with division (C) of 4374
this section the requirement that the offender serve the entire 4375
prison term in a state correctional institution or to terminate 4376
the prison term in accordance with division (D) of this section: 4377
4378

(a) Control over the offender's service of a prison term is 4379
transferred pursuant to section 2971.04 of the Revised Code to the 4380
court, and no hearing to modify the requirement has been held; 4381

(b) Two years elapse after the most recent prior hearing held 4382
pursuant to division (A)(1) or (2) of this section; 4383

(c) The prosecuting attorney, the department of 4384
rehabilitation and correction, or the adult parole authority 4385
requests the hearing, and recommends that the requirement be 4386
modified or that the offender's prison term be terminated. 4387

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

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

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

(3) 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, in any of the following circumstances, may conduct a hearing within thirty days to determine 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 sentence in accordance with division (D) of this section:

(a) The offender requests the hearing;

(b) Upon the court's own motion;

(c) One or more examiners who have conducted a psychological

examination and assessment of the offender file a statement that
states that there no longer is a likelihood that the offender will
engage in the future in a sexually violent offense.

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

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

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

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

(2) The modification of the requirement does not terminate
the prison term but serves only to suspend the requirement that
the offender serve the entire term in a state correctional
institution. The prison term shall remain in effect for the
offender's entire life unless the court terminates the prison term
pursuant to division (D) of this section. The offender shall
remain under the jurisdiction of the court for the offender's
entire life unless the court so terminates the prison term. The
modification of the requirement does not terminate the
classification of the offender, as described in division (F) of
section 2971.03 of the Revised Code, as a sexual predator for
purposes of Chapter 2950. of the Revised Code, and the offender is

subject to supervision, including supervision under division (E) 4483
of this section if the court required the supervision of the 4484
offender to be pursuant to that division. 4485

(3) If the court revokes the modification under 4486
consideration, the court shall order that the offender be returned 4487
to the custody of the department of rehabilitation and correction 4488
to continue serving the prison term to which the modification 4489
applied, and section 2971.06 of the Revised Code applies regarding 4490
the offender. 4491

(D)(1) If, at the conclusion of a hearing held pursuant to 4492
division (A) of this section, the court determines by clear and 4493
convincing evidence that the offender is unlikely to commit a 4494
sexually violent offense in the future, the court may terminate 4495
the offender's prison term imposed under division (A)(3), (B)(1), 4496
or (B)(2) of section 2971.03 of the Revised Code, subject to the 4497
offender satisfactorily completing the period of conditional 4498
release required by this division and, if applicable, compliance 4499
with division (E) of this section. If the court terminates the 4500
prison term, the court shall place the offender on conditional 4501
release for five years, ~~require the offender to comply with~~ 4502
~~division (E) of this section,~~ notify the adult parole authority of 4503
its determination and of the termination of the prison term, and 4504
order the adult parole authority to supervise the offender during 4505
the five-year period of conditional release and or, if division 4506
(E) applies to the offender, to supervise the offender pursuant to 4507
and for the period of time specified in that division. If the 4508
court terminates the prison term for an offender whose prison term 4509
was imposed pursuant to division (A)(3) of section 2971.03 of the 4510
Revised Code, the court shall require that the authority's 4511
supervision of the offender be pursuant to division (E) of this 4512
section. If the court terminates the prison term for an offender 4513
whose prison term was imposed pursuant to division (B)(1) or (2) 4514

of section 2971.03 of the Revised Code, the court may require that 4515
the authority's supervision of the offender be pursuant to 4516
division (E) of this section. Upon receipt of a notice from a 4517
court pursuant to this division, the adult parole authority shall 4518
supervise the offender who is the subject of the notice during the 4519
five-year period of conditional release, periodically notify the 4520
court of the offender's activities during that five-year period of 4521
conditional release, and file with the court no later than thirty 4522
days prior to the expiration of the five-year period of 4523
conditional release a written recommendation as to whether the 4524
termination of the offender's prison term should be finalized, 4525
whether the period of conditional release should be extended, or 4526
whether another type of action authorized pursuant to this chapter 4527
should be taken. 4528

(2) Upon receipt of a recommendation of the adult parole 4529
authority filed pursuant to ~~this~~ division (D)(1) of this section, 4530
the court shall hold a hearing to determine whether to finalize 4531
the termination of the offender's prison term, to extend the 4532
period of conditional release, or to take another type of action 4533
authorized pursuant to this chapter. The court shall hold the 4534
hearing no later than the date on which the five-year period of 4535
conditional release terminates and shall provide notice of the 4536
date, time, place, and purpose of the hearing to the offender and 4537
to the prosecuting attorney. At the hearing, the offender, the 4538
prosecuting attorney, and the adult parole authority employee who 4539
supervised the offender during the period of conditional release 4540
may make a statement and present evidence. 4541

~~(2)~~ If the court determines at the hearing to extend an 4542
offender's period of conditional release, it may do so for 4543
additional periods of one year in the same manner as the original 4544
period of conditional release, and, except as otherwise described 4545
in this division, all procedures and requirements that applied to 4546

the original period of conditional release apply to the additional 4547
period of extended conditional release unless the court modifies a 4548
procedure or requirement. If an offender's period of conditional 4549
release is extended as described in this division, all references 4550
to a five-year period of conditional release that are contained in 4551
division (D)(1) of this section shall be construed, in applying 4552
the provisions of that division to the extension, as being 4553
references to the one-year period of the extension of the 4554
conditional release. 4555

If the court determines at the hearing to take another type 4556
of action authorized pursuant to this chapter, it may do so in the 4557
same manner as if the action had been taken at any other stage of 4558
the proceedings under this chapter. As used in this division, 4559
"another type of action" includes the revocation of the 4560
conditional release and the return of the offender to a state 4561
correctional institution to continue to serve the prison term. 4562

If the court determines at the hearing to finalize the 4563
termination of the offender's prison term, it shall notify the 4564
department of rehabilitation and correction, the department shall 4565
enter into its records a final release and issue to the offender a 4566
certificate of final release, and the prison term thereafter shall 4567
be considered completed and terminated in every way. 4568

(3) The termination of the an offender's prison term pursuant 4569
to division (D)(1) or (2) of this section does not affect the 4570
classification of the offender, as described in division (F) of 4571
section 2971.03 of the Revised Code, as a sexual predator for 4572
purposes of Chapter 2950. of the Revised Code, and does not 4573
terminate the adult parole authority's supervision of a ~~sexually~~ 4574
~~violent predator~~ the offender, and, if the court had required the 4575
supervision of the offender to be pursuant to division (E) of this 4576
section, does not terminate the supervision of the offender with 4577
an active global positioning system device, pursuant to that 4578

division ~~(E)~~ of this section. The classification of the offender 4579
as a sexual predator is permanent and continues until the 4580
offender's death as described in division (D)(2) of section 4581
2950.09 of the Revised Code. 4582

~~(E) The adult parole authority shall supervise~~ If a prison 4583
term imposed upon an offender ~~whose prison term pursuant to~~ 4584
division (A)(3) of section 2971.03 of the Revised Code is modified 4585
as provided in division (C) of this section or ~~whose prison term~~ 4586
~~is~~ terminated as provided in division (D) of this section, the 4587
adult parole authority shall supervise the offender with an active 4588
global positioning system device during any time period in which 4589
the offender is not incarcerated in a state correctional 4590
institution. ~~Unless~~ If a prison term imposed upon an offender 4591
pursuant to division (B)(1) or (2) of section 2971.03 of the 4592
Revised Code is modified as provided in division (C) of this 4593
section or terminated as provided in division (D) of this section, 4594
and if the court requires that the adult parole authority's 4595
supervision of the offender be pursuant to this division, the 4596
authority shall supervise the offender with an active global 4597
positioning system device during any time period in which the 4598
offender is not incarcerated in a state correctional institution. 4599
If the adult parole authority is required to supervise the 4600
offender with an active global positioning system device as 4601
described in this division, unless the court removes the 4602
offender's classification as a sexually violent predator, ~~an~~ 4603
regarding an offender whose prison term was imposed under division 4604
(A)(3) of section 2971.03 of the Revised Code or terminates the 4605
requirement that supervision of the offender be pursuant to this 4606
division regarding an offender whose prison term was imposed under 4607
division (B)(1) or (2) of section 2971.03 of the Revised Code, the 4608
offender is subject to supervision with an active global 4609
positioning system pursuant to this division for the offender's 4610
entire life. The costs of administering the supervision of 4611

~~sexually violent~~ offenders with an active global positioning
system device pursuant to this division shall be paid out of funds
from the reparations fund, created pursuant to section 2743.191 of
the Revised Code. This division shall only apply to a sexually
violent predator sentenced pursuant to division (A)(3) of section
2971.03 of the Revised Code who is released from the custody of
the department of rehabilitation and correction on or after ~~the~~
~~effective date of this amendment~~ September 29, 2005 or an offender
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of
the Revised Code on or after the effective date of this amendment.

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

(A) The department or the prosecuting attorney may contact a
peace officer, parole officer, or probation officer and request
the officer to take the offender into custody. If the department
contacts a peace officer, parole officer, or probation officer and
requests that the offender be taken into custody, the department
shall notify the prosecuting attorney that it made the request and
shall provide the reasons for which it made the request. Upon
receipt of a request that an offender be taken into custody, a

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

(B) If the offender is not taken into custody pursuant to
division (A) of this section, the department or the prosecuting
attorney shall notify the court of the known or suspected
violation or of the belief that there is a substantial likelihood
that the offender has committed or is about to commit a sexually
violent offense. If the department provides the notification to

the court, it also shall notify the prosecuting attorney that it
provided the notification and shall provide the reasons for which
it provided the notification. The prosecuting attorney may request
that the court, pursuant to section 2971.05 of the Revised Code,
revise the modification.

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

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

or pleads guilty to both a sexual motivation specification and a 4707
sexually violent predator specification, a court that sentences an 4708
offender who is convicted of or pleads guilty to a violation of 4709
division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 4710
Code committed on or after the effective date of this amendment, 4711
or a court that sentences an offender who is convicted of or 4712
pleads guilty to attempted rape committed on or after the 4713
effective date of this amendment and also is convicted of or 4714
pleads guilty to a specification of the type described in section 4715
2941.1418 of the Revised Code in imposing upon the offender any 4716
financial sanction under section 2929.18 or any other section of 4717
the Revised Code, or, except as specifically provided in this 4718
chapter, any other sanction that is authorized or required for the 4719
offense or violation by any other provision of law. 4720

(C) If an offender is sentenced to a prison term under 4721
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 4722
Revised Code and if, pursuant to section 2971.05 of the Revised 4723
Code, the court modifies the requirement that the offender serve 4724
the entire prison term in a state correctional institution or 4725
places the offender on conditional release that involves the 4726
placement of the offender under the supervision of the adult 4727
parole authority, authorized field officers of the authority who 4728
are engaged within the scope of their supervisory duties or 4729
responsibilities may search, with or without a warrant, the person 4730
of the offender, the place of residence of the offender, and a 4731
motor vehicle, another item of tangible or intangible personal 4732
property, or any other real property in which the offender has the 4733
express or implied permission of a person with a right, title, or 4734
interest to use, occupy, or possess if the field officer has 4735
reasonable grounds to believe that the offender is not abiding by 4736
the law or otherwise is not complying with the terms and 4737
conditions of the offender's modification or release. The 4738
authority shall provide each offender with a written notice that 4739

informs the offender that authorized field officers of the 4740
authority who are engaged within the scope of their supervisory 4741
duties or responsibilities may conduct those types of searches 4742
during the period of the modification or release if they have 4743
reasonable grounds to believe that the offender is not abiding by 4744
the law or otherwise is not complying with the terms and 4745
conditions of the offender's modification or release. 4746

Sec. 3109.04. (A) In any divorce, legal separation, or 4747
annulment proceeding and in any proceeding pertaining to the 4748
allocation of parental rights and responsibilities for the care of 4749
a child, upon hearing the testimony of either or both parents and 4750
considering any mediation report filed pursuant to section 4751
3109.052 of the Revised Code and in accordance with sections 4752
3127.01 to 3127.53 of the Revised Code, the court shall allocate 4753
the parental rights and responsibilities for the care of the minor 4754
children of the marriage. Subject to division (D)(2) of this 4755
section, the court may allocate the parental rights and 4756
responsibilities for the care of the children in either of the 4757
following ways: 4758

(1) If neither parent files a pleading or motion in 4759
accordance with division (G) of this section, if at least one 4760
parent files a pleading or motion under that division but no 4761
parent who filed a pleading or motion under that division also 4762
files a plan for shared parenting, or if at least one parent files 4763
both a pleading or motion and a shared parenting plan under that 4764
division but no plan for shared parenting is in the best interest 4765
of the children, the court, in a manner consistent with the best 4766
interest of the children, shall allocate the parental rights and 4767
responsibilities for the care of the children primarily to one of 4768
the parents, designate that parent as the residential parent and 4769
the legal custodian of the child, and divide between the parents 4770
the other rights and responsibilities for the care of the 4771

children, including, but not limited to, the responsibility to 4772
provide support for the children and the right of the parent who 4773
is not the residential parent to have continuing contact with the 4774
children. 4775

(2) If at least one parent files a pleading or motion in 4776
accordance with division (G) of this section and a plan for shared 4777
parenting pursuant to that division and if a plan for shared 4778
parenting is in the best interest of the children and is approved 4779
by the court in accordance with division (D)(1) of this section, 4780
the court may allocate the parental rights and responsibilities 4781
for the care of the children to both parents and issue a shared 4782
parenting order requiring the parents to share all or some of the 4783
aspects of the physical and legal care of the children in 4784
accordance with the approved plan for shared parenting. If the 4785
court issues a shared parenting order under this division and it 4786
is necessary for the purpose of receiving public assistance, the 4787
court shall designate which one of the parents' residences is to 4788
serve as the child's home. The child support obligations of the 4789
parents under a shared parenting order issued under this division 4790
shall be determined in accordance with Chapters 3119., 3121., 4791
3123., and 3125. of the Revised Code. 4792

(B)(1) When making the allocation of the parental rights and 4793
responsibilities for the care of the children under this section 4794
in an original proceeding or in any proceeding for modification of 4795
a prior order of the court making the allocation, the court shall 4796
take into account that which would be in the best interest of the 4797
children. In determining the child's best interest for purposes of 4798
making its allocation of the parental rights and responsibilities 4799
for the care of the child and for purposes of resolving any issues 4800
related to the making of that allocation, the court, in its 4801
discretion, may and, upon the request of either party, shall 4802
interview in chambers any or all of the involved children 4803

regarding their wishes and concerns with respect to the 4804
allocation. 4805

(2) If the court interviews any child pursuant to division 4806
(B)(1) of this section, all of the following apply: 4807

(a) The court, in its discretion, may and, upon the motion of 4808
either parent, shall appoint a guardian ad litem for the child. 4809

(b) The court first shall determine the reasoning ability of 4810
the child. If the court determines that the child does not have 4811
sufficient reasoning ability to express the child's wishes and 4812
concern with respect to the allocation of parental rights and 4813
responsibilities for the care of the child, it shall not determine 4814
the child's wishes and concerns with respect to the allocation. If 4815
the court determines that the child has sufficient reasoning 4816
ability to express the child's wishes or concerns with respect to 4817
the allocation, it then shall determine whether, because of 4818
special circumstances, it would not be in the best interest of the 4819
child to determine the child's wishes and concerns with respect to 4820
the allocation. If the court determines that, because of special 4821
circumstances, it would not be in the best interest of the child 4822
to determine the child's wishes and concerns with respect to the 4823
allocation, it shall not determine the child's wishes and concerns 4824
with respect to the allocation and shall enter its written 4825
findings of fact and opinion in the journal. If the court 4826
determines that it would be in the best interests of the child to 4827
determine the child's wishes and concerns with respect to the 4828
allocation, it shall proceed to make that determination. 4829

(c) The interview shall be conducted in chambers, and no 4830
person other than the child, the child's attorney, the judge, any 4831
necessary court personnel, and, in the judge's discretion, the 4832
attorney of each parent shall be permitted to be present in the 4833
chambers during the interview. 4834

(3) No person shall obtain or attempt to obtain from a child 4835
a written or recorded statement or affidavit setting forth the 4836
child's wishes and concerns regarding the allocation of parental 4837
rights and responsibilities concerning the child. No court, in 4838
determining the child's best interest for purposes of making its 4839
allocation of the parental rights and responsibilities for the 4840
care of the child or for purposes of resolving any issues related 4841
to the making of that allocation, shall accept or consider a 4842
written or recorded statement or affidavit that purports to set 4843
forth the child's wishes and concerns regarding those matters. 4844

(C) Prior to trial, the court may cause an investigation to 4845
be made as to the character, family relations, past conduct, 4846
earning ability, and financial worth of each parent and may order 4847
the parents and their minor children to submit to medical, 4848
psychological, and psychiatric examinations. The report of the 4849
investigation and examinations shall be made available to either 4850
parent or the parent's counsel of record not less than five days 4851
before trial, upon written request. The report shall be signed by 4852
the investigator, and the investigator shall be subject to 4853
cross-examination by either parent concerning the contents of the 4854
report. The court may tax as costs all or any part of the expenses 4855
for each investigation. 4856

If the court determines that either parent previously has 4857
been convicted of or pleaded guilty to any criminal offense 4858
involving any act that resulted in a child being a neglected 4859
child, that either parent previously has been determined to be the 4860
perpetrator of the neglectful act that is the basis of an 4861
adjudication that a child is a neglected child, or that there is 4862
reason to believe that either parent has acted in a manner 4863
resulting in a child being a neglected child, the court shall 4864
consider that fact against naming that parent the residential 4865
parent and against granting a shared parenting decree. When the 4866

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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
the commission of the offense was a member of the family or
household that is the subject of the proceeding, has been
convicted of or pleaded guilty to any sexually oriented offense or
other offense involving a victim who at the time of the commission
of the offense was a member of the family or household that is the
subject of the proceeding and caused physical harm to the victim
in the commission of the offense, or has been determined to be the
perpetrator of the abusive act that is the basis of an
adjudication that a child is an abused child. If the court
determines that 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
the commission of the offense was a member of the family or
household that is the subject of the proceeding, has been
convicted of or pleaded guilty to any sexually oriented offense or
other offense involving a victim who at the time of the commission
of the offense was a member of the family or household that is the
subject of the proceeding and caused physical harm to the victim
in the commission of the offense, or has been determined to be the
perpetrator of the abusive act that is the basis of an
adjudication that a child is an abused child, it may designate
that parent as the residential parent and may issue a shared
parenting decree or order only if it determines that it is in the
best interest of the child to name that parent the residential
parent or to issue a shared parenting decree or order and it makes
specific written findings of fact to support its determination.

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

(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 4931
is in the best interest of the children, the court may order each 4932
parent to submit appropriate changes to the parent's plan or both 4933
of the filed plans to meet the court's objections, or may select 4934
one of the filed plans and order each parent to submit appropriate 4935
changes to the selected plan to meet the court's objections. If 4936
changes to the plan or plans are submitted to meet the court's 4937
objections, and if any of the filed plans with the changes is in 4938
the best interest of the children, the court may approve the plan 4939
with the changes. If changes to the plan or plans are not 4940
submitted to meet the court's objections, or if the parents submit 4941
changes to the plan or plans to meet the court's objections but 4942
the court determines that none of the filed plans with the 4943
submitted changes is in the best interest of the children, the 4944
court may reject the portion of the parents' pleadings or deny 4945
their motions requesting shared parenting of the children and 4946
proceed as if the requests in the pleadings or the motions had not 4947
been made. If the court approves a plan under this division, 4948
either as originally filed or with submitted changes, or if the 4949
court rejects the portion of the parents' pleadings or denies 4950
their motions requesting shared parenting under this division and 4951
proceeds as if the requests in the pleadings or the motions had 4952
not been made, the court shall enter in the record of the case 4953
findings of fact and conclusions of law as to the reasons for the 4954
approval or the rejection or denial. Division (D)(1)(b) of this 4955
section applies in relation to the approval or disapproval of a 4956
plan under this division. 4957

(iii) If each parent makes a request in the parent's 4958
pleadings or files a motion but only one parent files a plan, or 4959
if only one parent makes a request in the parent's pleadings or 4960
files a motion and also files a plan, the court in the best 4961
interest of the children may order the other parent to file a plan 4962

for shared parenting in accordance with division (G) of this 4963
section. The court shall review each plan filed to determine if 4964
any plan is in the best interest of the children. If the court 4965
determines that one of the filed plans is in the best interest of 4966
the children, the court may approve the plan. If the court 4967
determines that no filed plan is in the best interest of the 4968
children, the court may order each parent to submit appropriate 4969
changes to the parent's plan or both of the filed plans to meet 4970
the court's objections or may select one filed plan and order each 4971
parent to submit appropriate changes to the selected plan to meet 4972
the court's objections. If changes to the plan or plans are 4973
submitted to meet the court's objections, and if any of the filed 4974
plans with the changes is in the best interest of the children, 4975
the court may approve the plan with the changes. If changes to the 4976
plan or plans are not submitted to meet the court's objections, or 4977
if the parents submit changes to the plan or plans to meet the 4978
court's objections but the court determines that none of the filed 4979
plans with the submitted changes is in the best interest of the 4980
children, the court may reject the portion of the parents' 4981
pleadings or deny the parents' motion or reject the portion of the 4982
parents' pleadings or deny their motions requesting shared 4983
parenting of the children and proceed as if the request or 4984
requests or the motion or motions had not been made. If the court 4985
approves a plan under this division, either as originally filed or 4986
with submitted changes, or if the court rejects the portion of the 4987
pleadings or denies the motion or motions requesting shared 4988
parenting under this division and proceeds as if the request or 4989
requests or the motion or motions had not been made, the court 4990
shall enter in the record of the case findings of fact and 4991
conclusions of law as to the reasons for the approval or the 4992
rejection or denial. Division (D)(1)(b) of this section applies in 4993
relation to the approval or disapproval of a plan under this 4994
division. 4995

(b) The approval of a plan under division (D)(1)(a)(ii) or 4996
(iii) of this section is discretionary with the court. The court 4997
shall not approve more than one plan under either division and 4998
shall not approve a plan under either division unless it 4999
determines that the plan is in the best interest of the children. 5000
If the court, under either division, does not determine that any 5001
filed plan or any filed plan with submitted changes is in the best 5002
interest of the children, the court shall not approve any plan. 5003

(c) Whenever possible, the court shall require that a shared 5004
parenting plan approved under division (D)(1)(a)(i), (ii), or 5005
(iii) of this section ensure the opportunity for both parents to 5006
have frequent and continuing contact with the child, unless 5007
frequent and continuing contact with any parent would not be in 5008
the best interest of the child. 5009

(d) If a court approves a shared parenting plan under 5010
division (D)(1)(a)(i), (ii), or (iii) of this section, the 5011
approved plan shall be incorporated into a final shared parenting 5012
decree granting the parents the shared parenting of the children. 5013
Any final shared parenting decree shall be issued at the same time 5014
as and shall be appended to the final decree of dissolution, 5015
divorce, annulment, or legal separation arising out of the action 5016
out of which the question of the allocation of parental rights and 5017
responsibilities for the care of the children arose. 5018

No provisional shared parenting decree shall be issued in 5019
relation to any shared parenting plan approved under division 5020
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 5021
parenting decree issued under this division has immediate effect 5022
as a final decree on the date of its issuance, subject to 5023
modification or termination as authorized by this section. 5024

(2) If the court finds, with respect to any child under 5025
eighteen years of age, that it is in the best interest of the 5026

child for neither parent to be designated the residential parent 5027
and legal custodian of the child, it may commit the child to a 5028
relative of the child or certify a copy of its findings, together 5029
with as much of the record and the further information, in 5030
narrative form or otherwise, that it considers necessary or as the 5031
juvenile court requests, to the juvenile court for further 5032
proceedings, and, upon the certification, the juvenile court has 5033
exclusive jurisdiction. 5034

(E)(1)(a) The court shall not modify a prior decree 5035
allocating parental rights and responsibilities for the care of 5036
children unless it finds, based on facts that have arisen since 5037
the prior decree or that were unknown to the court at the time of 5038
the prior decree, that a change has occurred in the circumstances 5039
of the child, the child's residential parent, or either of the 5040
parents subject to a shared parenting decree, and that the 5041
modification is necessary to serve the best interest of the child. 5042
In applying these standards, the court shall retain the 5043
residential parent designated by the prior decree or the prior 5044
shared parenting decree, unless a modification is in the best 5045
interest of the child and one of the following applies: 5046

(i) The residential parent agrees to a change in the 5047
residential parent or both parents under a shared parenting decree 5048
agree to a change in the designation of residential parent. 5049

(ii) The child, with the consent of the residential parent or 5050
of both parents under a shared parenting decree, has been 5051
integrated into the family of the person seeking to become the 5052
residential parent. 5053

(iii) The harm likely to be caused by a change of environment 5054
is outweighed by the advantages of the change of environment to 5055
the child. 5056

(b) One or both of the parents under a prior decree 5057

allocating parental rights and responsibilities for the care of
children that is not a shared parenting decree may file a motion
requesting that the prior decree be modified to give both parents
shared rights and responsibilities for the care of the children.
The motion shall include both a request for modification of the
prior decree and a request for a shared parenting order that
complies with division (G) of this section. Upon the filing of the
motion, if the court determines that a modification of the prior
decree is authorized under division (E)(1)(a) of this section, the
court may modify the prior decree to grant a shared parenting
order, provided that the court shall not modify the prior decree
to grant a shared parenting order unless the court complies with
divisions (A) and (D)(1) of this section and, in accordance with
those divisions, approves the submitted shared parenting plan and
determines that shared parenting would be in the best interest of
the children.

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

(a) Both parents under a shared parenting decree jointly may
modify the terms of the plan for shared parenting approved by the
court and incorporated by it into the shared parenting decree.
Modifications under this division may be made at any time. The
modifications to the plan shall be filed jointly by both parents
with the court, and the court shall include them in the plan,
unless they are not in the best interest of the children. If the
modifications are not in the best interests of the children, the
court, in its discretion, may reject the modifications or make
modifications to the proposed modifications or the plan that are
in the best interest of the children. Modifications jointly
submitted by both parents under a shared parenting decree shall be
effective, either as originally filed or as modified by the court,
upon their inclusion by the court in the plan. Modifications to

the plan made by the court shall be effective upon their inclusion 5090
by the court in the plan. 5091

(b) The court may modify the terms of the plan for shared 5092
parenting approved by the court and incorporated by it into the 5093
shared parenting decree upon its own motion at any time if the 5094
court determines that the modifications are in the best interest 5095
of the children or upon the request of one or both of the parents 5096
under the decree. Modifications under this division may be made at 5097
any time. The court shall not make any modification to the plan 5098
under this division, unless the modification is in the best 5099
interest of the children. 5100

(c) The court may terminate a prior final shared parenting 5101
decree that includes a shared parenting plan approved under 5102
division (D)(1)(a)(i) of this section upon the request of one or 5103
both of the parents or whenever it determines that shared 5104
parenting is not in the best interest of the children. The court 5105
may terminate a prior final shared parenting decree that includes 5106
a shared parenting plan approved under division (D)(1)(a)(ii) or 5107
(iii) of this section if it determines, upon its own motion or 5108
upon the request of one or both parents, that shared parenting is 5109
not in the best interest of the children. If modification of the 5110
terms of the plan for shared parenting approved by the court and 5111
incorporated by it into the final shared parenting decree is 5112
attempted under division (E)(2)(a) of this section and the court 5113
rejects the modifications, it may terminate the final shared 5114
parenting decree if it determines that shared parenting is not in 5115
the best interest of the children. 5116

(d) Upon the termination of a prior final shared parenting 5117
decree under division (E)(2)(c) of this section, the court shall 5118
proceed and issue a modified decree for the allocation of parental 5119
rights and responsibilities for the care of the children under the 5120
standards applicable under divisions (A), (B), and (C) of this 5121

section as if no decree for shared parenting had been granted and 5122
as if no request for shared parenting ever had been made. 5123

(F)(1) In determining the best interest of a child pursuant 5124
to this section, whether on an original decree allocating parental 5125
rights and responsibilities for the care of children or a 5126
modification of a decree allocating those rights and 5127
responsibilities, the court shall consider all relevant factors, 5128
including, but not limited to: 5129

(a) The wishes of the child's parents regarding the child's 5130
care; 5131

(b) If the court has interviewed the child in chambers 5132
pursuant to division (B) of this section regarding the child's 5133
wishes and concerns as to the allocation of parental rights and 5134
responsibilities concerning the child, the wishes and concerns of 5135
the child, as expressed to the court; 5136

(c) The child's interaction and interrelationship with the 5137
child's parents, siblings, and any other person who may 5138
significantly affect the child's best interest; 5139

(d) The child's adjustment to the child's home, school, and 5140
community; 5141

(e) The mental and physical health of all persons involved in 5142
the situation; 5143

(f) The parent more likely to honor and facilitate 5144
court-approved parenting time rights or visitation and 5145
companionship rights; 5146

(g) Whether either parent has failed to make all child 5147
support payments, including all arrearages, that are required of 5148
that parent pursuant to a child support order under which that 5149
parent is an obligor; 5150

(h) Whether either parent or any member of the household of 5151

either parent previously has been convicted of or pleaded guilty 5152
to any criminal offense involving any act that resulted in a child 5153
being an abused child or a neglected child; whether either parent, 5154
in a case in which a child has been adjudicated an abused child or 5155
a neglected child, previously has been determined to be the 5156
perpetrator of the abusive or neglectful act that is the basis of 5157
an adjudication; whether either parent or any member of the 5158
household of either parent previously has been convicted of or 5159
pleaded guilty to a violation of section 2919.25 of the Revised 5160
Code or a sexually oriented offense involving a victim who at the 5161
time of the commission of the offense was a member of the family 5162
or household that is the subject of the current proceeding; 5163
whether either parent or any member of the household of either 5164
parent previously has been convicted of or pleaded guilty to any 5165
offense involving a victim who at the time of the commission of 5166
the offense was a member of the family or household that is the 5167
subject of the current proceeding and caused physical harm to the 5168
victim in the commission of the offense; and whether there is 5169
reason to believe that either parent has acted in a manner 5170
resulting in a child being an abused child or a neglected child; 5171

(i) Whether the residential parent or one of the parents 5172
subject to a shared parenting decree has continuously and 5173
willfully denied the other parent's right to parenting time in 5174
accordance with an order of the court; 5175

(j) Whether either parent has established a residence, or is 5176
planning to establish a residence, outside this state. 5177

(2) In determining whether shared parenting is in the best 5178
interest of the children, the court shall consider all relevant 5179
factors, including, but not limited to, the factors enumerated in 5180
division (F)(1) of this section, the factors enumerated in section 5181
3119.23 of the Revised Code, and all of the following factors: 5182

(a) The ability of the parents to cooperate and make 5183

decisions jointly, with respect to the children; 5184

(b) The ability of each parent to encourage the sharing of 5185
love, affection, and contact between the child and the other 5186
parent; 5187

(c) Any history of, or potential for, child abuse, spouse 5188
abuse, other domestic violence, or parental kidnapping by either 5189
parent; 5190

(d) The geographic proximity of the parents to each other, as 5191
the proximity relates to the practical considerations of shared 5192
parenting; 5193

(e) The recommendation of the guardian ad litem of the child, 5194
if the child has a guardian ad litem. 5195

(3) When allocating parental rights and responsibilities for 5196
the care of children, the court shall not give preference to a 5197
parent because of that parent's financial status or condition. 5198

(G) Either parent or both parents of any children may file a 5199
pleading or motion with the court requesting the court to grant 5200
both parents shared parental rights and responsibilities for the 5201
care of the children in a proceeding held pursuant to division (A) 5202
of this section. If a pleading or motion requesting shared 5203
parenting is filed, the parent or parents filing the pleading or 5204
motion also shall file with the court a plan for the exercise of 5205
shared parenting by both parents. If each parent files a pleading 5206
or motion requesting shared parenting but only one parent files a 5207
plan or if only one parent files a pleading or motion requesting 5208
shared parenting and also files a plan, the other parent as 5209
ordered by the court shall file with the court a plan for the 5210
exercise of shared parenting by both parents. The plan for shared 5211
parenting shall be filed with the petition for dissolution of 5212
marriage, if the question of parental rights and responsibilities 5213
for the care of the children arises out of an action for 5214

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

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

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

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

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

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

(K) For purposes of the Revised Code:

(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 5276
in the order. 5277

(6) Unless the context clearly requires otherwise and except 5278
as otherwise provided in the order, if an order is issued by a 5279
court pursuant to this section and the order provides for shared 5280
parenting of a child, each parent, regardless of where the child 5281
is physically located or with whom the child is residing at a 5282
particular point in time, as specified in the order, is the 5283
"residential parent," the "residential parent and legal 5284
custodian," or the "custodial parent" of the child. 5285

(7) Unless the context clearly requires otherwise and except 5286
as otherwise provided in the order, a designation in the order of 5287
a parent as the residential parent for the purpose of determining 5288
the school the child attends, as the custodial parent for purposes 5289
of claiming the child as a dependent pursuant to section 152(e) of 5290
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 5291
1, as amended, or as the residential parent for purposes of 5292
receiving public assistance pursuant to division (A)(2) of this 5293
section, does not affect the designation pursuant to division 5294
(K)(6) of this section of each parent as the "residential parent," 5295
the "residential parent and legal custodian," or the "custodial 5296
parent" of the child. 5297

(L) The court shall require each parent of a child to file an 5298
affidavit attesting as to whether the parent, and the members of 5299
the parent's household, have been convicted of or pleaded guilty 5300
to any of the offenses identified in divisions (C) and (F)(1)(h) 5301
of this section. 5302

Sec. 5120.49. The department of rehabilitation and 5303
correction, by rule adopted under Chapter 119. of the Revised 5304
Code, shall prescribe standards and guidelines to be used by the 5305
parole board in determining, pursuant to section 2971.04 of the 5306

Revised Code, whether it should terminate its control over an 5307
offender's service of a prison term imposed upon the offender 5308
under division (A)(3) of section 2971.03 of the Revised Code for 5309
conviction of or a plea of guilty to a violent sex offense and a 5310
sexually violent predator specification or for conviction of or a 5311
plea of guilty to a designated homicide, assault, or kidnapping 5312
offense and both a sexual motivation specification and a sexually 5313
violent predator specification, imposed upon the offender under 5314
division (B)(1) of section 2971.03 of the Revised Code for 5315
conviction of or a plea of guilty to a violation of division 5316
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code 5317
committed on or after the effective date of this amendment, or 5318
imposed upon the offender under division (B)(2) of section 2971.03 5319
of the Revised Code for conviction of or a plea of guilty to 5320
attempted rape committed on or after the effective date of this 5321
amendment and a conviction of or plea of guilty to a specification 5322
of the type described in section 2941.1418 of the Revised Code. 5323
The rules shall include provisions that specify that the parole 5324
board may not terminate its control over an offender's service of 5325
a prison term imposed upon the offender under ~~that division~~ either 5326
of the specified divisions until after the offender has served the 5327
minimum term imposed as part of that prison term and until the 5328
parole board has determined that the offender does not represent a 5329
substantial risk of physical harm to others. 5330

Sec. 5120.61. (A)(1) Not later than ninety days after ~~the~~ 5331
~~effective date of this section~~ January 1, 1997, the department of 5332
rehabilitation and correction shall adopt standards that it will 5333
use under this section to assess a criminal offender who is 5334
convicted of or pleads guilty to a violent sex offense or 5335
designated homicide, assault, or kidnapping offense and is 5336
adjudicated a sexually violent predator in relation to that 5337
offense, who is convicted of or pleads guilty to a violation of 5338

division (A)(1)(b) or (A)(2) of section 2907.02 of the Revised 5339
Code committed on or after the effective date of this amendment, 5340
or who is convicted of or pleads guilty to attempted rape 5341
committed on or after the effective date of this amendment and a 5342
specification of the type described in section 2941.1418 of the 5343
Revised Code. The department may periodically revise the 5344
standards. 5345

(2) When the department is requested by the parole board or 5346
the court to provide a risk assessment report of the offender 5347
under section 2971.04 or 2971.05 of the Revised Code, it shall 5348
assess the offender and complete the assessment as soon as 5349
possible after the offender has commenced serving the prison term 5350
or term of life imprisonment without parole imposed under division 5351
(A), (B)(1), or (B)(2) of section 2971.03 of the Revised Code. 5352
Thereafter, the department shall update a risk assessment report 5353
pertaining to an offender as follows: 5354

(a) Periodically, in the discretion of the department, 5355
provided that each report shall be updated no later than two years 5356
after its initial preparation or most recent update; 5357

(b) Upon the request of the parole board for use in 5358
determining pursuant to section 2971.04 of the Revised Code 5359
whether it should terminate its control over an offender's service 5360
of a prison term imposed upon the offender under division (A)(3), 5361
(B)(1), or (B)(2) of section 2971.03 of the Revised Code; 5362

(c) Upon the request of the court. 5363

(3) After the department of rehabilitation and correction 5364
assesses an offender pursuant to division (A)(2) of this section, 5365
it shall prepare a report that contains its risk assessment for 5366
the offender or, if a risk assessment report previously has been 5367
prepared, it shall update the risk assessment report. 5368

(4) The department of rehabilitation and correction shall 5369

provide each risk assessment report that it prepares or updates 5370
pursuant to this section regarding an offender to all of the 5371
following: 5372

(a) The parole board for its use in determining pursuant to 5373
section 2971.04 of the Revised Code whether it should terminate 5374
its control over an offender's service of a prison term imposed 5375
upon the offender under division (A)(3), (B)(1), or (B)(2) of 5376
section 2971.03 of the Revised Code, if the parole board has not 5377
terminated its control over the offender; 5378

(b) The court for use in determining, pursuant to section 5379
2971.05 of the Revised Code, whether to modify the requirement 5380
that the offender serve the entire prison term imposed upon the 5381
offender under division (A)(3), (B)(1), or (B)(2) of section 5382
2971.03 of the Revised Code in a state correctional institution, 5383
whether to revise any modification previously made, or whether to 5384
terminate the prison term; 5385

(c) The prosecuting attorney who prosecuted the case, or the 5386
successor in office to that prosecuting attorney; 5387

(d) The offender. 5388

(B) When the department of rehabilitation and correction 5389
provides a risk assessment report regarding an offender to the 5390
parole board or court pursuant to division (A)(4)(a) or (b) of 5391
this section, the department, prior to the parole board's or 5392
court's hearing, also shall provide to the offender or to the 5393
offender's attorney of record a copy of the report and a copy of 5394
any other relevant documents the department possesses regarding 5395
the offender that the department does not consider to be 5396
confidential. 5397

(C) As used in this section: 5398

(1) "Adjudicated a sexually violent predator" has the same 5399

meaning as in section 2929.01 of the Revised Code, and a person is 5400
"adjudicated a sexually violent predator" in the same manner and 5401
the same circumstances as are described in that section. 5402

(2) "Designated homicide, assault, or kidnapping offense" and 5403
"violent sex offense" have the same meanings as in section 2971.01 5404
of the Revised Code. 5405

Sec. 5120.66. (A) Within ninety days after ~~the effective date~~ 5406
~~of this section~~ November 23, 2005, but not before January 1, 2006, 5407
the department of rehabilitation and correction shall establish 5408
and operate on the internet a database that contains all of the 5409
following: 5410

(1) For each inmate in the custody of the department under a 5411
sentence imposed for a conviction of or plea of guilty to any 5412
offense, all of the following information: 5413

(a) The inmate's name; 5414

(b) For each offense for which the inmate was sentenced to a 5415
prison term or term of imprisonment and is in the department's 5416
custody, the name of the offense, the Revised Code section of 5417
which the offense is a violation, the gender of each victim of the 5418
offense if those facts are known, whether each victim of the 5419
offense was an adult or child if those facts are known, the range 5420
of the possible prison terms or term of imprisonment that could 5421
have been imposed for the offense, the actual prison term or term 5422
of imprisonment imposed for the offense, the county in which the 5423
offense was committed, the date on which the inmate began serving 5424
the prison term or term of imprisonment imposed for the offense, 5425
and either the date on which the inmate will be eligible for 5426
parole relative to the offense if the prison term or term of 5427
imprisonment is an indefinite term or life term or the date on 5428
which the term ends if the prison term is a definite term; 5429

(c) All of the following information that is applicable 5430
regarding the inmate: 5431

(i) If known to the department prior to the conduct of any 5432
hearing for judicial release of the defendant pursuant to section 5433
2929.20 of the Revised Code in relation to any prison term or term 5434
of imprisonment the inmate is serving for any offense, notice of 5435
the fact that the inmate will be having a hearing regarding a 5436
possible grant of judicial release, the date of the hearing, and 5437
the right of any person pursuant to division (J) of that section 5438
to submit to the court a written statement regarding the possible 5439
judicial release; 5440

(ii) If the inmate is serving a prison term pursuant to 5441
division (A)(3) of section 2971.03 of the Revised Code as a 5442
sexually violent predator who committed a sexually violent 5443
offense, a prison term pursuant to division (B)(1) of section 5444
2971.03 of the Revised Code imposed for a violation of division 5445
(A)(1)(b) or (A)(2) of section 2907.02 of the Revised Code 5446
committed on or after the effective date of this amendment, or a 5447
prison term pursuant to division (B)(2) of section 2971.03 of the 5448
Revised Code imposed for attempted rape committed on or after the 5449
effective date of this amendment and a specification of the type 5450
described in section 2941.1418 of the Revised Code, prior to the 5451
conduct of any hearing pursuant to section 2971.05 of the Revised 5452
Code to determine whether to modify the requirement that the 5453
inmate serve the entire prison term in a state correctional 5454
facility in accordance with division (C) of that section, whether 5455
to continue, revise, or revoke any existing modification of that 5456
requirement, or whether to terminate the prison term in accordance 5457
with division (D) of that section, notice of the fact that the 5458
inmate will be having a hearing regarding those determinations and 5459
of the date of the hearing; 5460

(iii) At least three weeks before the adult parole authority 5461

recommends a pardon or commutation of sentence for the inmate or 5462
at least three weeks prior to a hearing before the adult parole 5463
authority regarding a grant of parole to the inmate in relation to 5464
any prison term or term of imprisonment the inmate is serving for 5465
any offense, notice of the fact that the inmate might be under 5466
consideration for a pardon or commutation of sentence or will be 5467
having a hearing regarding a possible grant of parole, of the date 5468
of any hearing regarding a possible grant of parole, and of the 5469
right of any person to submit a written statement regarding the 5470
pending action; 5471

(iv) At least three weeks before the inmate has a hearing 5472
regarding a transfer to transitional control under section 2967.26 5473
of the Revised Code in relation to any prison term or term of 5474
imprisonment the inmate is serving for any offense, notice of the 5475
pendency of the transfer, of the date of the possible transfer, 5476
and of the right of any person to submit a statement regarding the 5477
possible transfer; 5478

(v) Prompt notice of the inmate's escape from any facility in 5479
which the inmate was incarcerated and of the capture of the inmate 5480
after an escape; 5481

(vi) Notice of the inmate's death while in confinement; 5482

(vii) Prior to the release of the inmate from confinement, 5483
notice of the fact that the inmate will be released, of the date 5484
of the release, and, if applicable, of the standard terms and 5485
conditions of the release; 5486

(viii) Notice of the inmate's judicial release. 5487

(2) Information as to where a person can send written 5488
statements of the types referred to in divisions (A)(1)(c)(i), 5489
(iii), and (iv) of this section. 5490

(B)(1) The department shall update the database required 5491

under division (A) of this section every twenty-four hours to 5492
ensure that the information it contains is accurate and current. 5493

(2) The database required under division (A) of this section 5494
is a public record open for inspection under section 149.43 of the 5495
Revised Code. The department shall make the database searchable by 5496
inmate name and by the county and zip code where the offender 5497
intends to reside after release from a state correctional 5498
institution if this information is known to the department. 5499

(3) The database required under division (A) of this section 5500
may contain information regarding inmates who are listed in the 5501
database in addition to the information described in that 5502
division. 5503

(4) No information included on the database required under 5504
division (A) of this section shall identify or enable the 5505
identification of any victim of any offense committed by an 5506
inmate. 5507

(C) The failure of the department to comply with the 5508
requirements of division (A) or (B) of this section does not give 5509
any rights or any grounds for appeal or post-conviction relief to 5510
any inmate. 5511

(D) This section, and the related provisions of sections 5512
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 5513
in the act in which this section was enacted, shall be known as 5514
"Laura's Law." 5515

Sec. 5149.10. (A) The parole board shall consist of up to 5516
twelve members, one of whom shall be designated as chairperson by 5517
the director of the department of rehabilitation and correction 5518
and who shall continue as chairperson until a successor is 5519
designated, and any other personnel that are necessary for the 5520
orderly performance of the duties of the board. In addition to the 5521

rules authorized by section 5149.02 of the Revised Code, the chief 5522
of the adult parole authority, subject to the approval of the 5523
chief of the division of parole and community services and subject 5524
to this section, shall adopt rules governing the proceedings of 5525
the parole board. The rules shall provide for the convening of 5526
full board hearings, the procedures to be followed in full board 5527
hearings, and general procedures to be followed in other hearings 5528
of the board and by the board's hearing officers. The rules also 5529
shall require agreement by a majority of all the board members to 5530
any recommendation of clemency transmitted to the governor. 5531

When the board members sit as a full board, the chairperson 5532
shall preside. The chairperson shall also allocate the work of the 5533
parole board among the board members. The full board shall meet at 5534
least once each month. In the case of a tie vote on the full 5535
board, the chief of the adult parole authority shall cast the 5536
deciding vote. The chairperson may designate a person to serve in 5537
the chairperson's place. 5538

Except as otherwise provided in division (B) of this section, 5539
no person shall be appointed a member of the board who is not 5540
qualified by education or experience in correctional work, 5541
including law enforcement, prosecution of offenses, advocating for 5542
the rights of victims of crime, probation, or parole, in law, in 5543
social work, or in a combination of the three categories. 5544

(B) The director of rehabilitation and correction, in 5545
consultation with the governor, shall appoint one member of the 5546
board, who shall be a person who has been a victim of crime or who 5547
is a member of a victim's family or who represents an organization 5548
that advocates for the rights of victims of crime. After 5549
appointment, this member shall be an unclassified employee of the 5550
department of rehabilitation and correction. 5551

The initial appointment shall be for a term ending four years 5552
after the effective date of this amendment. Thereafter, the term 5553

of office of the member appointed under this division shall be for 5554
four years, with each term ending on the same day of the same 5555
month as did the term that it succeeds. The member shall hold 5556
office from the date of appointment until the end of the term for 5557
which the member was appointed and may be reappointed. Vacancies 5558
shall be filled in the manner provided for original appointments. 5559
Any member appointed under this division to fill a vacancy 5560
occurring prior to the expiration date of the term for which the 5561
member's predecessor was appointed shall hold office as a member 5562
for the remainder of that term. The member appointed under this 5563
division shall continue in office subsequent to the expiration 5564
date of the member's term until the member's successor takes 5565
office or until a period of sixty days has elapsed, whichever 5566
occurs first. 5567

The member appointed under this division shall be compensated 5568
in the same manner as other board members and shall be reimbursed 5569
for actual and necessary expenses incurred in the performance of 5570
the members' duties. The member may vote on all cases heard by the 5571
full board under section 5149.101 of the Revised Code, has such 5572
duties as are assigned by the chairperson of the board, and shall 5573
coordinate the member's activities with the office of victims' 5574
services created under section 5120.60 of the Revised Code. 5575

As used in this division, "crime," "member of the victim's 5576
family," and "victim" have the meanings given in section 2930.01 5577
of the Revised Code. 5578

(C) The chairperson shall submit all recommendations for or 5579
against clemency directly to the governor. 5580

(D) The chairperson shall transmit to the chief of the adult 5581
parole authority all determinations for or against parole made by 5582
the board. Parole determinations are final and are not subject to 5583
review or change by the chief. 5584

(E) In addition to its duties pertaining to parole and 5585
clemency, if an offender is sentenced to a prison term pursuant to 5586
division (A)(3), (B)(1), or (B)(2) of section 2971.03 of the 5587
Revised Code, the parole board shall have control over the 5588
offender's service of the prison term during the entire term 5589
unless the board terminates its control in accordance with section 5590
2971.04 of the Revised Code. The parole board may terminate its 5591
control over the offender's service of the prison term only in 5592
accordance with section 2971.04 of the Revised Code. 5593

Section 2. That existing sections 109.42, 2743.191, 2907.02, 5594
2907.07, 2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2929.19, 5595
2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 5596
2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 5120.49, 5597
5120.61, 5120.66, and 5149.10 of the Revised Code are hereby 5598
repealed. 5599

Section 3. Section 2930.16 of the Revised Code is presented 5600
in this act as a composite of the section as amended by both Am. 5601
Sub. H.B. 375 and Am. Sub. H.B. 473 of the 125th General Assembly. 5602
The General Assembly, applying the principle stated in division 5603
(B) of section 1.52 of the Revised Code that amendments are to be 5604
harmonized if reasonably capable of simultaneous operation, finds 5605
that the composite is the resulting version of the section in 5606
effect prior to the effective date of the section as presented in 5607
this act. 5608

Section 4. This act is hereby declared to be an emergency 5609
measure necessary for the immediate preservation of the public 5610
peace, health, and safety. The reason for such necessity is that 5611
the penalty provisions of this act are crucially needed to 5612
increase protection for the children of this state from being 5613
victimized by serious, violent sex offenses involving sexual 5614

conduct. Therefore, this act shall go into immediate effect.

5615