

As Introduced

127th General Assembly
Regular Session
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H. B. No. 343

Representative Bacon

Cosponsors: Representatives Patton, Combs, Harwood, Fende, Stebelton,
Jones, Fessler, Latta, Webster

—

A BILL

To amend sections 2152.86, 2903.03, 2929.20, 2930.03, 1
2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2
2967.121, 2967.26, 2967.28, 5120.66, 5149.07, 3
5149.10, and 5149.101 of the Revised Code to 4
require automatic notice to victims of first, 5
second, or third degree felony offenses of 6
violence of certain prisoner or alleged juvenile 7
offender release or transfer proceedings; to 8
expand victim participation in parole hearings; to 9
require five years of post-release control for 10
offenders who commit first, second, or third 11
degree felony offenses of violence; to require the 12
Department of Rehabilitation and Correction to 13
keep information on such offenders in a publicly 14
accessible database for ten years following final 15
discharge; to require the Department to provide 16
certain information related to paroles to 17
designated public officials; to require the 18
Department to notify the appropriate prosecuting 19
attorney when a felon serving a specified sentence 20
is released pursuant to a pardon, commutation of 21
sentence, parole, or completed prison term; to 22

prohibit the Parole Board from considering a 23
sentence in effect since July 1, 1996, in making 24
parole determinations; to make other changes 25
related to the release of prisoners and victim's 26
rights; to provide that voluntary manslaughter 27
committed with a sexual motivation is a sexually 28
oriented offense, makes an offender or juvenile 29
offender registrant who commits it a tier III sex 30
offender/child-victim offender, and may qualify a 31
juvenile offender registrant who commits it as a 32
public registry-qualified juvenile offender 33
registrant; to name the victim and family 34
notification provisions Roberta's Law; and to 35
declare an emergency. 36
37

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

Section 1. That sections 2152.86, 2903.03, 2929.20, 2930.03, 38
2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 2967.26, 39
2967.28, 5120.66, 5149.07, 5149.10, and 5149.101 of the Revised 40
Code be amended to read as follows: 41

Sec. 2152.86. (A)(1) The court that, on or after January 1, 42
2008, adjudicates a child a delinquent child for committing an act 43
shall issue as part of the dispositional order an order that 44
classifies the child a juvenile offender registrant, specifies 45
that the child has a duty to comply with sections 2950.04, 46
2950.041, 2950.05, and 2950.06 of the Revised Code, and 47
additionally classifies the child a public registry-qualified 48
juvenile offender registrant if the child was fourteen, fifteen, 49
sixteen, or seventeen years of age at the time of committing the 50
act, the court imposed on the child a serious youthful offender 51

dispositional sentence under section 2152.13 of the Revised Code, 52
and the child is adjudicated a delinquent child for committing, 53
attempting to commit, conspiring to commit, or complicity in 54
committing any of the following acts: 55

(a) A violation of section 2907.02 of the Revised Code, 56
division (B) of section 2907.05 of the Revised Code, or section 57
2907.03 of the Revised Code if the victim of the violation was 58
less than twelve years of age; 59

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 60
the Revised Code that was committed with a purpose to gratify the 61
sexual needs or desires of the child; 62

(c) A violation of division (B) of section 2903.03 of the 63
Revised Code. 64

(2) Upon a child's release, on or after January 1, 2008, from 65
the department of youth services, the court shall issue an order 66
that classifies the child a juvenile offender registrant, 67
specifies that the child has a duty to comply with sections 68
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and 69
additionally classifies the child a public registry-qualified 70
juvenile offender registrant if all of the following apply: 71

(a) The child was adjudicated a delinquent child, and a 72
juvenile court imposed on the child a serious youthful offender 73
dispositional sentence under section 2152.13 of the Revised Code 74
for committing one of the acts described in division (A)(1)(a) or 75
(b) of this section or for committing on or after the effective 76
date of this amendment the act described in division (A)(1)(c) of 77
this section. 78

(b) The child was fourteen, fifteen, sixteen, or seventeen 79
years of age at the time of committing the act. 80

(c) The court did not issue an order classifying the child as 81
both a juvenile offender registrant and a public 82

registry-qualified juvenile offender registrant pursuant to 83
division (A)(1) of this section. 84

(3) If a court issued an order classifying a child a juvenile 85
offender registrant pursuant to section 2152.82 or 2152.83 of the 86
Revised Code prior to January 1, 2008, not later than February 1, 87
2008, the court shall issue a new order that reclassifies the 88
child as a juvenile offender registrant, specifies that the child 89
has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 90
2950.06 of the Revised Code, and additionally classifies the child 91
a public registry-qualified juvenile offender registrant if all of 92
the following apply: 93

(a) The sexually oriented offense that was the basis of the 94
previous order that classified the child a juvenile offender 95
registrant was an act described in division (A)(1)(a) or (b) of 96
this section. 97

(b) The child was fourteen, fifteen, sixteen, or seventeen 98
years of age at the time of committing the act. 99

(c) The court imposed on the child a serious youthful 100
offender dispositional sentence under section 2152.13 of the 101
Revised Code for the act described in division (A)(1)(a) or (b) of 102
this section. 103

(B)(1) If an order is issued under division (A)(1), (2), or 104
(3) of this section, the classification of tier III sex 105
offender/child-victim offender automatically applies to the 106
delinquent child based on the sexually oriented offense the child 107
committed, subject to a possible reclassification pursuant to 108
division (D) of this section for a child whose delinquent act was 109
committed prior to January 1, 2008. If an order is issued under 110
division (A)(2) of this section regarding a child whose delinquent 111
act described in division (A)(1)(a) or (b) of this section was 112
committed prior to January 1, 2008, or if an order is issued under 113

division (A)(3) of this section regarding a delinquent child, the 114
order shall inform the child and the child's parent, guardian, or 115
custodian, that the child has a right to a hearing as described in 116
division (D) of this section and inform the child and the child's 117
parent, guardian, or custodian of the procedures for requesting 118
the hearing and the period of time within which the request for 119
the hearing must be made. Section 2152.831 of the Revised Code 120
does not apply regarding an order issued under division (A)(1), 121
(2), or (3) of this section. 122

(2) The judge that issues an order under division (A)(1), 123
(2), or (3) of this section shall provide to the delinquent child 124
who is the subject of the order and to the delinquent child's 125
parent, guardian, or custodian the notice required under divisions 126
(A) and (B) of section 2950.03 of the Revised Code and shall 127
provide as part of that notice a copy of the order required under 128
division (A)(1), (2), or (3) of this section. The judge shall 129
include the order in the delinquent child's dispositional order 130
and shall specify in the dispositional order that the order issued 131
under division (A)(1), (2), or (3) of this section was made 132
pursuant to this section. 133

(C) An order issued under division (A)(1), (2), or (3) of 134
this section shall remain in effect for the period of time 135
specified in section 2950.07 of the Revised Code as it exists on 136
and after January 1, 2008, subject to a judicial termination of 137
that period of time as provided in section 2950.15 of the Revised 138
Code, subject to a possible reclassification of the child pursuant 139
to division (D) of this section if the child's delinquent act was 140
committed prior to January 1, 2008. If an order is issued under 141
division (A)(1), (2), or (3) of this section, the child's 142
attainment of eighteen or twenty-one years of age does not affect 143
or terminate the order, and the order remains in effect for the 144
period of time described in this division. If an order is issued 145

under division (A)(3) of this section, the duty to comply with 146
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 147
Code based upon that order shall be considered, for purposes of 148
section 2950.07 of the Revised Code and for all other purposes, to 149
be a continuation of the duty to comply with those sections 150
imposed upon the child prior to January 1, 2008, under the order 151
issued under section 2152.82, 2152.83, 2152.84, or 2152.85 and 152
Chapter 2950. of the Revised Code. 153

(D)(1) If an order is issued under division (A)(2) of this 154
section regarding a delinquent child whose delinquent act 155
described in division (A)(1)(a) or (b) of this section was 156
committed prior to January 1, 2008, or if an order is issued under 157
division (A)(3) of this section regarding a delinquent child, 158
except as otherwise provided in this division, the child may 159
request as a matter of right a court hearing to contest the 160
court's classification in the order of the child as a public 161
registry-qualified juvenile offender registrant. To request the 162
hearing, not later than the date that is sixty days after the 163
delinquent child is provided with the copy of the order, the 164
delinquent child shall file a petition with the juvenile court 165
that issued the order. 166

If the delinquent child requests a hearing by timely filing a 167
petition with the juvenile court, the delinquent child shall serve 168
a copy of the petition on the prosecutor who handled the case in 169
which the delinquent child was adjudicated a delinquent child for 170
committing the sexually oriented offense or child-victim oriented 171
offense that resulted in the delinquent child's registration duty 172
under section 2950.04 or 2950.041 of the Revised Code. The 173
prosecutor shall represent the interest of the state in the 174
hearing. In any hearing under this division, the Rules of Juvenile 175
Procedure apply except to the extent that those Rules would by 176
their nature be clearly inapplicable. The court shall schedule a 177

hearing and shall provide notice to the delinquent child and the 178
delinquent child's parent, guardian, or custodian and to the 179
prosecutor of the date, time, and place of the hearing. 180

If the delinquent child requests a hearing in accordance with 181
this division, until the court issues its decision at or 182
subsequent to the hearing, the delinquent child shall comply with 183
Chapter 2950. of the Revised Code as it exists on and after 184
January 1, 2008. If a delinquent child requests a hearing in 185
accordance with this division, at the hearing, all parties are 186
entitled to be heard, and the court shall consider all relevant 187
information and testimony presented relative to the issue of 188
whether the child should be classified a public registry-qualified 189
juvenile offender registrant. Notwithstanding the court's 190
classification of the delinquent child as a public 191
registry-qualified juvenile offender registrant, the court may 192
terminate that classification if it determines by clear and 193
convincing evidence that the classification is in error. 194

If the court decides to terminate the court's classification 195
of the delinquent child as a public registry-qualified juvenile 196
offender registrant, the court shall issue an order that specifies 197
that it has determined that the child is not a public 198
registry-qualified juvenile offender registrant and that it has 199
terminated the court's classification of the delinquent child as a 200
public registry-qualified juvenile offender registrant. The court 201
promptly shall serve a copy of the order upon the sheriff with 202
whom the delinquent child most recently registered under section 203
2950.04 or 2950.041 of the Revised Code and upon the bureau of 204
criminal identification and investigation. The delinquent child 205
and the prosecutor have the right to appeal the decision of the 206
court issued under this division. 207

If the delinquent child fails to request a hearing in 208
accordance with this division within the applicable sixty-day 209

period specified in this division, the failure constitutes a 210
waiver by the delinquent child of the delinquent child's right to 211
a hearing under this division, and the delinquent child is bound 212
by the court's classification of the delinquent child as a public 213
registry-qualified juvenile offender registrant. 214

(2) An order issued under division (D)(1) of this section is 215
independent of any order of a type described in division (F) of 216
section 2950.031 of the Revised Code or division (E) of section 217
2950.032 of the Revised Code, and the court may issue an order 218
under both division (D)(1) of this section and an order of a type 219
described in division (F) of section 2950.031 of the Revised Code 220
or division (E) of section 2950.032 of the Revised Code. A court 221
that conducts a hearing under division (D)(1) of this section may 222
consolidate that hearing with a hearing conducted for the same 223
delinquent child under division (F) of section 2950.031 of the 224
Revised Code or division (E) of section 2950.032 of the Revised 225
Code. 226

Sec. 2903.03. (A) No person, while under the influence of 227
sudden passion or in a sudden fit of rage, either of which is 228
brought on by serious provocation occasioned by the victim that is 229
reasonably sufficient to incite the person into using deadly 230
force, shall knowingly cause the death of another or the unlawful 231
termination of another's pregnancy. 232

(B) No person, with a sexual motivation, shall violate 233
division (A) of this section. 234

(C) Whoever violates this section is guilty of voluntary 235
manslaughter, a felony of the first degree. 236

(D) As used in this section, "sexual motivation" has the same 237
meaning as in section 2971.01 of the Revised Code. 238

Sec. 2929.20. (A) As used in this section, ~~"eligible:~~ 239

(1) "Eligible offender" means any person serving a stated
prison term of ten years or less when either of the following
applies:

~~(1)~~(a) The stated prison term does not include a mandatory
prison term.

~~(2)~~(b) The stated prison term includes a mandatory prison
term, and the person has served the mandatory prison term.

(2) "Victim's representative" has the same meaning as in
section 2930.01 of the Revised Code.

(B) Upon the filing of a motion by the eligible offender or
upon its own motion, a sentencing court may reduce the offender's
stated prison term through a judicial release in accordance with
this section. The court shall not reduce the stated prison term of
an offender who is not an eligible offender. An eligible offender
may file a motion for judicial release with the sentencing court
within the following applicable period of time:

(1)(a) Except as otherwise provided in division (B)(1)(b) or
(c) of this section, if the stated prison term was imposed for a
felony of the fourth or fifth degree, the eligible offender may
file the motion not earlier than thirty days or later than ninety
days after the offender is delivered to a state correctional
institution.

(b) If the stated prison term is five years and is an
aggregate of stated prison terms that are being served
consecutively and that were imposed for any combination of
felonies of the fourth degree and felonies of the fifth degree,
the eligible offender may file the motion after the eligible
offender has served four years of the stated prison term.

(c) If the stated prison term is more than five years and not
more than ten years and is an aggregate of stated prison terms
that are being served consecutively and that were imposed for any

combination of felonies of the fourth degree and felonies of the 271
fifth degree, the eligible offender may file the motion after the 272
eligible offender has served five years of the stated prison term. 273

(2) Except as otherwise provided in division (B)(3) or (4) of 274
this section, if the stated prison term was imposed for a felony 275
of the first, second, or third degree, the eligible offender may 276
file the motion not earlier than one hundred eighty days after the 277
offender is delivered to a state correctional institution. 278

(3) If the stated prison term is five years, the eligible 279
offender may file the motion after the eligible offender has 280
served four years of the stated prison term. 281

(4) If the stated prison term is more than five years and not 282
more than ten years, the eligible offender may file the motion 283
after the eligible offender has served five years of the stated 284
prison term. 285

(5) If the offender's stated prison term includes a mandatory 286
prison term, the offender shall file the motion within the time 287
authorized under division (B)(1), (2), (3), or (4) of this section 288
for the nonmandatory portion of the prison term, but the time for 289
filing the motion does not begin to run until after the expiration 290
of the mandatory portion of the prison term. 291

(C) Upon receipt of a timely motion for judicial release 292
filed by an eligible offender under division (B) of this section 293
or upon the sentencing court's own motion made within the 294
appropriate time period specified in that division, the court may 295
schedule a hearing on the motion. The court may deny the motion 296
without a hearing but shall not grant the motion without a 297
hearing. If a court denies a motion without a hearing, the court 298
may consider a subsequent judicial release for that eligible 299
offender on its own motion or a subsequent motion filed by that 300
eligible offender. If a court denies a motion after a hearing, the 301

court shall not consider a subsequent motion for that eligible 302
offender. The court shall hold only one hearing for any eligible 303
offender. 304

A hearing under this section shall be conducted in open court 305
~~within~~ not less than thirty days or more than sixty days after the 306
date on which the motion is filed, provided that the court may 307
delay the hearing for a period not to exceed one hundred eighty 308
additional days. If the court holds a hearing on the motion, the 309
court shall enter a ruling on the motion within ten days after the 310
hearing. If the court denies the motion without a hearing, the 311
court shall enter its ruling on the motion within sixty days after 312
the motion is filed. 313

(D) If a court schedules a hearing under division (C) of this 314
section, the court shall notify the eligible offender of the 315
hearing and shall notify the head of the state correctional 316
institution in which the eligible offender is confined of the 317
hearing prior to the hearing. The head of the state correctional 318
institution immediately shall notify the appropriate person at the 319
department of rehabilitation and correction of the hearing, and 320
the department within twenty-four hours after receipt of the 321
notice, shall post on the database it maintains pursuant to 322
section 5120.66 of the Revised Code the offender's name and all of 323
the information specified in division (A)(1)(c)(i) of that 324
section. If the court schedules a hearing for judicial release, 325
the court promptly shall give notice of the hearing to the 326
prosecuting attorney of the county in which the eligible offender 327
was indicted. Upon receipt of the notice from the court, the 328
prosecuting attorney shall ~~notify~~ do either of the followings: 329

(1) Notify the victim of the offense for which the stated 330
prison term was imposed or the victim's representative, pursuant 331
to section 2930.16 of the Revised Code, of the hearing; 332

(2) If the offense was an offense of violence that is a 333

felony of the first, second, or third degree, send written notice 334
to the victim or the victim's representative of the hearing 335
regardless of whether the victim or the victim's representative 336
requested notification pursuant to section 2930.16 or any other 337
section of the Revised Code and, if the victim or victim's 338
representative has not provided the prosecuting attorney with a 339
mailing address, attempt to identify a mailing address for the 340
victim or the victim's representative and send the written notice 341
to that address. Division (D)(2) of this section, and the 342
notice-related provisions of division (I) of this section, 343
division (D)(1) of section 2930.16, division (H) of section 344
2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of 345
section 2967.28, and division (A)(2) of section 5149.101 of the 346
Revised Code enacted in the act in which division (D)(2) of this 347
section was enacted, shall be known as "Roberta's Law." 348

(E) Prior to the date of the hearing on a motion for judicial 349
release under this section, the head of the state correctional 350
institution in which the eligible offender in question is confined 351
shall send to the court a report on the eligible offender's 352
conduct in the institution and in any institution from which the 353
eligible offender may have been transferred. The report shall 354
cover the eligible offender's participation in school, vocational 355
training, work, treatment, and other rehabilitative activities and 356
any disciplinary action taken against the eligible offender. The 357
report shall be made part of the record of the hearing. 358

(F) If the court grants a hearing on a motion for judicial 359
release under this section, the eligible offender shall attend the 360
hearing if ordered to do so by the court. Upon receipt of a copy 361
of the journal entry containing the order, the head of the state 362
correctional institution in which the eligible offender is 363
incarcerated shall deliver the eligible offender to the sheriff of 364
the county in which the hearing is to be held. The sheriff shall 365

convey the eligible offender to the hearing and return the 366
offender to the institution after the hearing. 367

(G) At the hearing on a motion for judicial release under 368
this section, the court shall afford the eligible offender and the 369
eligible offender's attorney an opportunity to present written 370
information relevant to the motion and shall afford the eligible 371
offender, if present, and the eligible offender's attorney an 372
opportunity to present oral information relevant to the motion. 373
The court shall afford a similar opportunity to the prosecuting 374
attorney, the victim or the victim's representative, ~~as defined in~~ 375
~~section 2930.01 of the Revised Code,~~ and any other person the 376
court determines is likely to present additional relevant 377
information. The court shall consider any statement of a victim 378
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 379
any victim impact statement prepared pursuant to section 2947.051 380
of the Revised Code, and any report made under division (E) of 381
this section. The court may consider any written statement of any 382
person submitted to the court pursuant to division (J) of this 383
section. After ruling on the motion, the court shall notify the 384
victim of the ruling in accordance with sections 2930.03 and 385
2930.16 of the Revised Code. 386

(H)(1) A court shall not grant a judicial release under this 387
section to an eligible offender who is imprisoned for a felony of 388
the first or second degree, or to an eligible offender who 389
committed an offense contained in Chapter 2925. or 3719. of the 390
Revised Code and for whom there was a presumption under section 391
2929.13 of the Revised Code in favor of a prison term, unless the 392
court, with reference to factors under section 2929.12 of the 393
Revised Code, finds both of the following: 394

(a) That a sanction other than a prison term would adequately 395
punish the offender and protect the public from future criminal 396
violations by the eligible offender because the applicable factors 397

indicating a lesser likelihood of recidivism outweigh the 398
applicable factors indicating a greater likelihood of recidivism; 399

(b) That a sanction other than a prison term would not demean 400
the seriousness of the offense because factors indicating that the 401
eligible offender's conduct in committing the offense was less 402
serious than conduct normally constituting the offense outweigh 403
factors indicating that the eligible offender's conduct was more 404
serious than conduct normally constituting the offense. 405

(2) A court that grants a judicial release to an eligible 406
offender under division (H)(1) of this section shall specify on 407
the record both findings required in that division and also shall 408
list all the factors described in that division that were 409
presented at the hearing. 410

(I) If the court grants a motion for judicial release under 411
this section, the court shall order the release of the eligible 412
offender, shall place the eligible offender under an appropriate 413
community control sanction, under appropriate community control 414
conditions, and under the supervision of the department of 415
probation serving the court, and shall reserve the right to 416
reimpose the sentence that it reduced pursuant to the judicial 417
release if the offender violates the sanction. If the court 418
reimposes the reduced sentence pursuant to this reserved right, it 419
may do so either concurrently with, or consecutive to, any new 420
sentence imposed upon the eligible offender as a result of the 421
violation that is a new offense. The period of the community 422
control sanction shall be no longer than five years. The court, in 423
its discretion, may reduce the period of the community control 424
sanction by the amount of time the eligible offender spent in jail 425
for the offense and in prison. If the court made any findings 426
pursuant to division (H)(1) of this section, the court shall serve 427
a copy of the findings upon counsel for the parties within fifteen 428
days after the date on which the court grants the motion for 429

judicial release. 430

Prior to being released pursuant to a judicial release 431
granted under this section, the eligible offender shall serve any 432
extension of sentence that was imposed under section 2967.11 of 433
the Revised Code. 434

If the court grants a motion for judicial release, the court 435
shall notify the appropriate person at the department of 436
rehabilitation and correction of the judicial release, and the 437
department shall post notice of the release on the database it 438
maintains pursuant to section 5120.66 of the Revised Code. The 439
prosecuting attorney shall send written notice of any judicial 440
release to the victim or the victim's representative at the 441
address provided by the victim or victim's representative pursuant 442
to section 2930.16 or any other section of the Revised Code or the 443
address to which the prosecuting attorney sent notice of the 444
hearing pursuant to division (D)(2) of this section. 445

(J) In addition to and independent of the right of a victim 446
to make a statement pursuant to section 2930.14, 2930.17, or 447
2946.051 of the Revised Code and any right of a person to present 448
written information or make a statement pursuant to division (G) 449
of this section, any person may submit to the court, at any time 450
prior to the hearing on the offender's motion for judicial 451
release, a written statement concerning the effects of the 452
offender's crime or crimes, the circumstances surrounding the 453
crime or crimes, the manner in which the crime or crimes were 454
perpetrated, and the person's opinion as to whether the offender 455
should be released. 456

Sec. 2930.03. (A) A person or entity required or authorized 457
under this chapter to give notice to a victim shall give the 458
notice to the victim by any means reasonably calculated to provide 459
prompt actual notice. Except when a provision requires that notice 460

is to be given in a specific manner, a notice may be oral or 461
written. 462

(B) Except for receipt of the initial information and notice 463
required to be given to a victim under divisions (A) and (B) of 464
section 2930.04, section 2930.05, and divisions (A) and (B) of 465
section 2930.06 of the Revised Code and the notice required to be 466
given to a victim under division (D) of section 2930.16 of the 467
Revised Code, a victim who wishes to receive any notice authorized 468
by this chapter shall make a request for the notice to the 469
prosecutor or the custodial agency that is to provide the notice, 470
as specified in this chapter. If the victim does not make a 471
request as described in this division, the prosecutor or custodial 472
agency is not required to provide any notice described in this 473
chapter other than the initial information and notice required to 474
be given to a victim under divisions (A) and (B) of section 475
2930.04, section 2930.05, and divisions (A) and (B) of section 476
2930.06 of the Revised Code and the notice required to be given to 477
a victim under division (D) of section 2930.16 of the Revised 478
Code. 479

(C) A person or agency that is required to furnish notice 480
under this chapter shall give the notice to the victim at the 481
address or telephone number provided to the person or agency by 482
the victim. A victim who requests to receive notice under this 483
chapter as described in division (B) of this section shall inform 484
the person or agency of the name, address, or telephone number of 485
the victim and of any change to that information. 486

(D) A person or agency that has furnished information to a 487
victim in accordance with any requirement or authorization under 488
this chapter shall notify the victim promptly of any significant 489
changes to that information. 490

(E) Divisions (A) to (D) of this section do not apply 491
regarding a notice that a prosecutor is required to provide under 492

section 2930.061 of the Revised Code. A prosecutor required to 493
provide notice under that section shall provide the notice as 494
specified in that section. 495

Sec. 2930.06. (A) The prosecutor in a case, to the extent 496
practicable, shall confer with the victim in the case before 497
pretrial diversion is granted to the defendant or alleged juvenile 498
offender in the case, before amending or dismissing an indictment, 499
information, or complaint against that defendant or alleged 500
juvenile offender, before agreeing to a negotiated plea for that 501
defendant or alleged juvenile offender, before a trial of that 502
defendant by judge or jury, or before the juvenile court conducts 503
an adjudicatory hearing for that alleged juvenile offender. If the 504
juvenile court disposes of a case prior to the prosecutor's 505
involvement in the case, the court or a court employee shall 506
notify the victim in the case that the alleged juvenile offender 507
will be granted pretrial diversion, the complaint against that 508
alleged juvenile offender will be amended or dismissed, or the 509
court will conduct an adjudicatory hearing for that alleged 510
juvenile offender. If the prosecutor fails to confer with the 511
victim at any of those times, the court, if informed of the 512
failure, shall note on the record the failure and the prosecutor's 513
reasons for the failure. A prosecutor's failure to confer with a 514
victim as required by this division and a court's failure to 515
provide the notice as required by this division do not affect the 516
validity of an agreement between the prosecutor and the defendant 517
or alleged juvenile offender in the case, a pretrial diversion of 518
the defendant or alleged juvenile offender, an amendment or 519
dismissal of an indictment, information, or complaint filed 520
against the defendant or alleged juvenile offender, a plea entered 521
by the defendant or alleged juvenile defender, an admission 522
entered by the defendant or alleged juvenile offender, or any 523
other disposition in the case. A court shall not dismiss a 524

criminal complaint, charge, information, or indictment or a 525
delinquent child complaint solely at the request of the victim and 526
over the objection of the prosecuting attorney, village solicitor, 527
city director of law, or other chief legal officer responsible for 528
the prosecution of the case. 529

(B) After a prosecution in a case has been commenced, the 530
prosecutor or a designee of the prosecutor other than a court or 531
court employee, to the extent practicable, promptly shall give the 532
victim all of the following information, except that, if the 533
juvenile court disposes of a case prior to the prosecutor's 534
involvement in the case, the court or a court employee, to the 535
extent practicable, promptly shall give the victim all of the 536
following information: 537

(1) The name of the crime or specified delinquent act with 538
which the defendant or alleged juvenile offender in the case has 539
been charged and the name of the defendant or alleged juvenile 540
offender; 541

(2) The file number of the case; 542

(3) A brief statement regarding the procedural steps in a 543
criminal prosecution or delinquency proceeding involving a crime 544
or specified delinquent act similar to the crime or specified 545
delinquent act with which the defendant or alleged juvenile 546
offender has been charged and the right of the victim to be 547
present during all proceedings held throughout the prosecution of 548
the case; 549

(4) A summary of the rights of a victim under this chapter; 550

(5) Procedures the victim or the prosecutor may follow if the 551
victim becomes subject to threats or intimidation by the 552
defendant, alleged juvenile offender, or any other person; 553

(6) The name and business telephone number of a person to 554
contact for further information with respect to the case; 555

(7) The right of the victim to have a victim's representative 556
exercise the victim's rights under this chapter in accordance with 557
section 2930.02 of the Revised Code and the procedure by which a 558
victim's representative may be designated; 559

(8) Notice that any notification under division (C) of this 560
section, sections 2930.07 to 2930.15, division (A), (B), or (C) of 561
section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 562
of the Revised Code will be given to the victim only if the victim 563
asks to receive the notification and that notice under division 564
(D) of section 2930.16 of the Revised Code will be given 565
regardless of whether the victim asks to receive the notification. 566

(C) Upon the request of the victim, the prosecutor or, if it 567
is a delinquency proceeding and a prosecutor is not involved in 568
the case, the court shall give the victim notice of the date, 569
time, and place of any scheduled criminal or juvenile proceedings 570
in the case and notice of any changes in those proceedings or in 571
the schedule in the case. 572

(D) A victim who requests notice under division (C) of this 573
section and who elects pursuant to division (B) of section 2930.03 574
of the Revised Code to receive any further notice from the 575
prosecutor or, if it is a delinquency proceeding and a prosecutor 576
is not involved in the case, the court under this chapter shall 577
keep the prosecutor or the court informed of the victim's current 578
address and telephone number until the case is dismissed or 579
terminated, the defendant is acquitted or sentenced, the 580
delinquent child complaint is dismissed, the defendant is 581
adjudicated a delinquent child, or the appellate process is 582
completed, whichever is the final disposition in the case. 583

(E) If a defendant is charged with the commission of a 584
misdemeanor offense that is not identified in division (A)(2) of 585
section 2930.01 of the Revised Code and if a police report or a 586
complaint, indictment, or information that charges the commission 587

of that offense and provides the basis for a criminal prosecution 588
of that defendant identifies one or more individuals as 589
individuals against whom that offense was committed, after a 590
prosecution in the case has been commenced, the prosecutor or a 591
designee of the prosecutor other than a court or court employee, 592
to the extent practicable, promptly shall notify each of the 593
individuals so identified in the report, complaint, indictment, or 594
information that, if the defendant is convicted of or pleads 595
guilty to the offense, the individual may make an oral or written 596
statement to the court hearing the case regarding the sentence to 597
be imposed upon the defendant and that the court must consider any 598
statement so made that is relevant. Before imposing sentence in 599
the case, the court shall permit the individuals so identified in 600
the report, complaint, indictment, or information to make an oral 601
or written statement. Division (A) of section 2930.14 of the 602
Revised Code applies regarding any statement so made. The court 603
shall consider a statement so made, in accordance with division 604
(B) of that section and division (D) of section 2929.22 of the 605
Revised Code. 606

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 607
a case who has requested to receive notice under this section 608
shall be given notice of the incarceration of the defendant. If an 609
alleged juvenile offender is committed to the temporary custody of 610
a school, camp, institution, or other facility operated for the 611
care of delinquent children or to the legal custody of the 612
department of youth services, a victim in a case who has requested 613
to receive notice under this section shall be given notice of the 614
commitment. Promptly after sentence is imposed upon the defendant 615
or the commitment of the alleged juvenile offender is ordered, the 616
prosecutor in the case shall notify the victim of the date on 617
which the defendant will be released from confinement or the 618
prosecutor's reasonable estimate of that date or the date on which 619

the alleged juvenile offender will have served the minimum period 620
of commitment or the prosecutor's reasonable estimate of that 621
date. The prosecutor also shall notify the victim of the name of 622
the custodial agency of the defendant or alleged juvenile offender 623
and tell the victim how to contact that custodial agency. If the 624
custodial agency is the department of rehabilitation and 625
correction, the prosecutor shall notify the victim of the services 626
offered by the office of victims' services pursuant to section 627
5120.60 of the Revised Code. If the custodial agency is the 628
department of youth services, the prosecutor shall notify the 629
victim of the services provided by the office of victims' services 630
within the release authority of the department pursuant to section 631
5139.55 of the Revised Code and the victim's right pursuant to 632
section 5139.56 of the Revised Code to submit a written request to 633
the release authority to be notified of actions the release 634
authority takes with respect to the alleged juvenile offender. The 635
victim shall keep the custodial agency informed of the victim's 636
current address and telephone number. 637

(B)(1) Upon the victim's request or in accordance with 638
division (D) of this section, the prosecutor promptly shall notify 639
the victim of any hearing for judicial release of the defendant 640
pursuant to section 2929.20 of the Revised Code or of any hearing 641
for judicial release or early release of the alleged juvenile 642
offender pursuant to section 2151.38 of the Revised Code and of 643
the victim's right to make a statement under those sections. The 644
court shall notify the victim of its ruling in each of those 645
hearings and on each of those applications. 646

(2) If an offender is sentenced to a prison term pursuant to 647
division (A)(3) or (B) of section 2971.03 of the Revised Code, 648
upon the request of the victim of the crime or in accordance with 649
division (D) of this section, the prosecutor promptly shall notify 650
the victim of any hearing to be conducted pursuant to section 651

2971.05 of the Revised Code to determine whether to modify the 652
requirement that the offender serve the entire prison term in a 653
state correctional facility in accordance with division (C) of 654
that section, whether to continue, revise, or revoke any existing 655
modification of that requirement, or whether to terminate the 656
prison term in accordance with division (D) of that section. The 657
court shall notify the victim of any order issued at the 658
conclusion of the hearing. 659

(C) Upon the victim's request made at any time before the 660
particular notice would be due or in accordance with division (D) 661
of this section, the custodial agency of a defendant or alleged 662
juvenile offender shall give the victim any of the following 663
notices that is applicable: 664

(1) At least ~~three weeks~~ sixty days before the adult parole 665
authority recommends a pardon or commutation of sentence for the 666
defendant or at least ~~three weeks~~ sixty days prior to a hearing 667
before the adult parole authority regarding a grant of parole to 668
the defendant, notice of the victim's right to submit a statement 669
regarding the impact of the defendant's release in accordance with 670
section 2967.12 of the Revised Code and, if applicable, of the 671
victim's right to appear at a full board hearing of the parole 672
board to give testimony as authorized by section 5149.101 of the 673
Revised Code; 674

(2) At least ~~three weeks~~ sixty days before the defendant is 675
transferred to transitional control under section 2967.26 of the 676
Revised Code, notice of the pendency of the transfer and of the 677
victim's right under that section to submit a statement regarding 678
the impact of the transfer; 679

(3) At least ~~thirty~~ sixty days before the release authority 680
of the department of youth services holds a release review, 681
release hearing, or discharge review for the alleged juvenile 682
offender, notice of the pendency of the review or hearing, of the 683

victim's right to make an oral or written statement regarding the 684
impact of the crime upon the victim or regarding the possible 685
release or discharge, and, if the notice pertains to a hearing, of 686
the victim's right to attend and make statements or comments at 687
the hearing as authorized by section 5139.56 of the Revised Code; 688
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(4) Prompt notice of the defendant's or alleged juvenile 690
offender's escape from a facility of the custodial agency in which 691
the defendant was incarcerated or in which the alleged juvenile 692
offender was placed after commitment, of the defendant's or 693
alleged juvenile offender's absence without leave from a mental 694
health or mental retardation and developmental disabilities 695
facility or from other custody, and of the capture of the 696
defendant or alleged juvenile offender after an escape or absence; 697

(5) Notice of the defendant's or alleged juvenile offender's 698
death while in confinement or custody; 699

(6) Notice of the defendant's or alleged juvenile offender's 700
release from confinement or custody and the terms and conditions 701
of the release. 702

(D)(1) If a defendant is incarcerated for the commission of 703
an offense of violence that is a felony of the first, second, or 704
third degree or if an alleged juvenile offender has been charged 705
with the commission of an act that would be an offense of violence 706
that is a felony of the first, second, or third degree if 707
committed by an adult, the notices described in divisions (B) and 708
(C) of this section shall be given regardless of whether the 709
victim requested notice. The custodial agency shall give similar 710
notice to the prosecutor in the case, to the sentencing court, to 711
the law enforcement agency that arrested the defendant or alleged 712
juvenile offender, and to any other person who requests 713
notification. The custodial agency shall attempt to identify a 714
mailing address for the victim and send notice to that address by 715

ordinary mail. Division (D)(1) of this section, and the 716
notice-related provisions of divisions (D)(2) and (I) of section 717
2929.20, division (H) of section 2967.12, division (A)(3)(b) of 718
section 2967.26, division (D)(1) of section 2967.28, and division 719
(A)(2) of section 5149.101 of the Revised Code enacted in the act 720
in which division (D)(1) of this section was enacted, shall be 721
known as "Roberta's Law." 722

(2) The custodial agency shall keep a record of notices sent 723
pursuant to division (D)(1) of this section. The record shall be 724
kept in a manner that allows public inspection of notices to 725
persons other than victims without revealing the names, addresses, 726
or other identifying information relating to victims. The record 727
of notices to victims is not a public record. The record of 728
notices to persons other than victims is a public record. 729

(E) The adult parole authority shall adopt rules under 730
Chapter 119. of the Revised Code providing for a victim conference 731
prior to a parole hearing in the case of a prisoner who is 732
incarcerated for the commission of an offense of violence that is 733
a felony of the first, second, or third degree. The rules shall 734
provide for, but not be limited to, all of the following: 735

(1) Attendance by the victim, members of the victim's family, 736
the victim's representative, and, if practicable, other 737
individuals; 738

(2) Allotment of at least one hour for the conference; 739

(3) The order of priority in which persons in attendance may 740
speak and permission for any person in attendance to speak if time 741
allows; 742

(4) Attendance by the news media upon request of the victim, 743
members of the victim's family, the victim's representative, or, 744
if none of those persons attend, a victims'-rights advocate; 745

(5) Recording of the conference by videotape or other media. 746

Sec. 2950.01. As used in this chapter, unless the context 747
clearly requires otherwise: 748

(A) "Sexually oriented offense" means any of the following 749
violations or offenses committed by a person, regardless of the 750
person's age: 751

(1) A violation of section 2907.02, 2907.03, 2907.05, 752
2907.06, 2907.07, 2907.08, 2907.21, 2907.32, 2907.321, 2907.322, 753
or 2907.323 of the Revised Code; 754

(2) A violation of section 2907.04 of the Revised Code when 755
the offender is less than four years older than the other person 756
with whom the offender engaged in sexual conduct, the other person 757
did not consent to the sexual conduct, and the offender previously 758
has not been convicted of or pleaded guilty to a violation of 759
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 760
violation of former section 2907.12 of the Revised Code; 761

(3) A violation of section 2907.04 of the Revised Code when 762
the offender is at least four years older than the other person 763
with whom the offender engaged in sexual conduct or when the 764
offender is less than four years older than the other person with 765
whom the offender engaged in sexual conduct and the offender 766
previously has been convicted of or pleaded guilty to a violation 767
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 768
violation of former section 2907.12 of the Revised Code; 769

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 770
the Revised Code when the violation was committed with a sexual 771
motivation; 772

(5) A violation of division (A) of section 2903.04 of the 773
Revised Code when the offender committed or attempted to commit 774
the felony that is the basis of the violation with a sexual 775
motivation; 776

(6) A violation of division (A)(3) of section 2903.211 of the Revised Code; 777
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(7) A violation of division (A)(1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation; 779
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(8) A violation of division (A)(4) of section 2905.01 of the Revised Code; 782
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(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense; 784
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(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B)(5) of section 2919.22 of the Revised Code; 788
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(11) 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 (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section; 792
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(12) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this section. 800
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(B)(1) "Sex offender" means, subject to division (B)(2) of this section, a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a 804
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delinquent child for committing any sexually oriented offense. 808

(2) "Sex offender" does not include a person who is convicted 809
of, pleads guilty to, has been convicted of, has pleaded guilty 810
to, is adjudicated a delinquent child for committing, or has been 811
adjudicated a delinquent child for committing a sexually oriented 812
offense if the offense involves consensual sexual conduct or 813
consensual sexual contact and either of the following applies: 814

(a) The victim of the sexually oriented offense was eighteen 815
years of age or older and at the time of the sexually oriented 816
offense was not under the custodial authority of the person who is 817
convicted of, pleads guilty to, has been convicted of, has pleaded 818
guilty to, is adjudicated a delinquent child for committing, or 819
has been adjudicated a delinquent child for committing the 820
sexually oriented offense. 821

(b) The victim of the offense was thirteen years of age or 822
older, and the person who is convicted of, pleads guilty to, has 823
been convicted of, has pleaded guilty to, is adjudicated a 824
delinquent child for committing, or has been adjudicated a 825
delinquent child for committing the sexually oriented offense is 826
not more than four years older than the victim. 827

(C) "Child-victim oriented offense" means any of the 828
following violations or offenses committed by a person, regardless 829
of the person's age, when the victim is under eighteen years of 830
age and is not a child of the person who commits the violation: 831

(1) A violation of division (A)(1), (2), (3), or (5) of 832
section 2905.01 of the Revised Code when the violation is not 833
included in division (A)(7) of this section; 834

(2) A violation of division (A) of section 2905.02, division 835
(A) of section 2905.03, or division (A) of section 2905.05 of the 836
Revised Code; 837

(3) A violation of any former law of this state, any existing 838

or former municipal ordinance or law of another state or the 839
United States, any existing or former law applicable in a military 840
court or in an Indian tribal court, or any existing or former law 841
of any nation other than the United States that is or was 842
substantially equivalent to any offense listed in division (C)(1) 843
or (2) of this section; 844

(4) Any attempt to commit, conspiracy to commit, or 845
complicity in committing any offense listed in division (C)(1), 846
(2), or (3) of this section. 847

(D) "Child-victim offender" means a person who is convicted 848
of, pleads guilty to, has been convicted of, has pleaded guilty 849
to, is adjudicated a delinquent child for committing, or has been 850
adjudicated a delinquent child for committing any child-victim 851
oriented offense. 852

(E) "Tier I sex offender/child-victim offender" means any of 853
the following: 854

(1) A sex offender who is convicted of, pleads guilty to, has 855
been convicted of, or has pleaded guilty to any of the following 856
sexually oriented offenses: 857

(a) A violation of section 2907.06, 2907.07, 2907.08, or 858
2907.32 of the Revised Code; 859

(b) A violation of section 2907.04 of the Revised Code when 860
the offender is less than four years older than the other person 861
with whom the offender engaged in sexual conduct, the other person 862
did not consent to the sexual conduct, and the offender previously 863
has not been convicted of or pleaded guilty to a violation of 864
section 2907.02, 2907.03, or 2907.04 of the Revised Code or a 865
violation of former section 2907.12 of the Revised Code; 866

(c) A violation of division (A)(1), (2), (3), or (5) of 867
section 2907.05 of the Revised Code; 868

(d) A violation of division (A)(3) of section 2907.323 of the Revised Code; 869
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(e) A violation of division (A)(3) of section 2903.211, of division (B) of section 2905.03, or of division (B) of section 2905.05 of the Revised Code; 871
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(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 (E)(1)(a), (b), (c), (d), or (e) of this section; 874
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(g) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (E)(1)(a), (b), (c), (d), (e), or (f) of this section. 881
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(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a child-victim oriented offense and who is not within either category of child-victim offender described in division (F)(2) or (G)(2) of this section. 884
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(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the offense. 889
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(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex 895
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offender/child-victim offender relative to the offense. 900

(F) "Tier II sex offender/child-victim offender" means any of 901
the following: 902

(1) A sex offender who is convicted of, pleads guilty to, has 903
been convicted of, or has pleaded guilty to any of the following 904
sexually oriented offenses: 905

(a) A violation of section 2907.21, 2907.321, or 2907.322 of 906
the Revised Code; 907

(b) A violation of section 2907.04 of the Revised Code when 908
the offender is at least four years older than the other person 909
with whom the offender engaged in sexual conduct, or when the 910
offender is less than four years older than the other person with 911
whom the offender engaged in sexual conduct and the offender 912
previously has been convicted of or pleaded guilty to a violation 913
of section 2907.02, 2907.03, or 2907.04 of the Revised Code or 914
former section 2907.12 of the Revised Code; 915

(c) A violation of division (A)(4) of section 2907.05 or of 916
division (A)(1) or (2) of section 2907.323 of the Revised Code; 917

(d) A violation of division (A)(1), (2), (3), or (5) of 918
section 2905.01 of the Revised Code when the offense is committed 919
with a sexual motivation; 920

(e) A violation of division (A)(4) of section 2905.01 of the 921
Revised Code when the victim of the offense is eighteen years of 922
age or older; 923

(f) A violation of division (B) of section 2905.02 or of 924
division (B)(5) of section 2919.22 of the Revised Code; 925

(g) A violation of any former law of this state, any existing 926
or former municipal ordinance or law of another state or the 927
United States, any existing or former law applicable in a military 928
court or in an Indian tribal court, or any existing or former law 929

of any nation other than the United States that is or was 930
substantially equivalent to any offense listed in division 931
(F)(1)(a), (b), (c), (d), (e), or (f) of this section; 932

(h) Any attempt to commit, conspiracy to commit, or 933
complicity in committing any offense listed in division (F)(1)(a), 934
(b), (c), (d), (e), (f), or (g) of this section; 935

(i) Any sexually oriented offense that is committed after the 936
sex offender previously has been convicted of, pleaded guilty to, 937
or has been adjudicated a delinquent child for committing any 938
sexually oriented offense or child-victim oriented offense for 939
which the offender was classified a tier I sex 940
offender/child-victim offender. 941

(2) A child-victim offender who is convicted of, pleads 942
guilty to, has been convicted of, or has pleaded guilty to any 943
child-victim oriented offense when the child-victim oriented 944
offense is committed after the child-victim offender previously 945
has been convicted of, pleaded guilty to, or been adjudicated a 946
delinquent child for committing any sexually oriented offense or 947
child-victim oriented offense for which the offender was 948
classified a tier I sex offender/child-victim offender. 949

(3) A sex offender who is adjudicated a delinquent child for 950
committing or has been adjudicated a delinquent child for 951
committing any sexually oriented offense and who a juvenile court, 952
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 953
Revised Code, classifies a tier II sex offender/child-victim 954
offender relative to the offense. 955

(4) A child-victim offender who is adjudicated a delinquent 956
child for committing or has been adjudicated a delinquent child 957
for committing any child-victim oriented offense and whom a 958
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 959
2152.85 of the Revised Code, classifies a tier II sex 960

offender/child-victim offender relative to the current offense. 961

(5) A sex offender or child-victim offender who is not in any 962
category of tier II sex offender/child-victim offender set forth 963
in division (F)(1), (2), (3), or (4) of this section, who prior to 964
January 1, 2008, was adjudicated a delinquent child for committing 965
a sexually oriented offense or child-victim oriented offense, and 966
who prior to that date was determined to be a habitual sex 967
offender or determined to be a habitual child-victim offender, 968
unless either of the following applies: 969

(a) The sex offender or child-victim offender is reclassified 970
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 971
tier I sex offender/child-victim offender or a tier III sex 972
offender/child-victim offender relative to the offense. 973

(b) A juvenile court, pursuant to section 2152.82, 2152.83, 974
2152.84, or 2152.85 of the Revised Code, classifies the child a 975
tier I sex offender/child-victim offender or a tier III sex 976
offender/child-victim offender relative to the offense. 977

(G) "Tier III sex offender/child-victim offender" means any 978
of the following: 979

(1) A sex offender who is convicted of, pleads guilty to, has 980
been convicted of, or has pleaded guilty to any of the following 981
sexually oriented offenses: 982

(a) A violation of section 2907.02 or 2907.03 of the Revised 983
Code; 984

(b) A violation of division (B) of section 2907.05 of the 985
Revised Code; 986

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 987
the Revised Code when the violation was committed with a sexual 988
motivation; 989

(d) A violation of division (A) of section 2903.04 of the 990

Revised Code when the offender committed or attempted to commit 991
the felony that is the basis of the violation with a sexual 992
motivation; 993

(e) A violation of division (A)(4) of section 2905.01 of the 994
Revised Code when the victim of the offense is under eighteen 995
years of age; 996

(f) A violation of division (B) of section 2905.01 of the 997
Revised Code when the victim of the offense is under eighteen 998
years of age and the offender is not a parent of the victim of the 999
offense; 1000

(g) A violation of division (B) of section 2903.03 of the 1001
Revised Code; 1002

(h) A violation of any former law of this state, any existing 1003
or former municipal ordinance or law of another state or the 1004
United States, any existing or former law applicable in a military 1005
court or in an Indian tribal court, or any existing or former law 1006
of any nation other than the United States that is or was 1007
substantially equivalent to any offense listed in division 1008
(G)(1)(a), (b), (c), (d), (e), ~~or (f)~~, or (g) of this section; 1009

~~(h)~~(i) Any attempt to commit, conspiracy to commit, or 1010
complicity in committing any offense listed in division (G)(1)(a), 1011
(b), (c), (d), (e), (f), ~~or (g)~~, or (h) of this section; 1012

~~(i)~~(j) Any sexually oriented offense that is committed after 1013
the sex offender previously has been convicted of, pleaded guilty 1014
to, or been adjudicated a delinquent child for committing any 1015
sexually oriented offense or child-victim oriented offense for 1016
which the offender was classified a tier II sex 1017
offender/child-victim offender or a tier III sex 1018
offender/child-victim offender. 1019

(2) A child-victim offender who is convicted of, pleads 1020
guilty to, has been convicted of, or has pleaded guilty to any 1021

child-victim oriented offense when the child-victim oriented 1022
offense is committed after the child-victim offender previously 1023
has been convicted of, pleaded guilty to, or been adjudicated a 1024
delinquent child for committing any sexually oriented offense or 1025
child-victim oriented offense for which the offender was 1026
classified a tier II sex offender/child-victim offender or a tier 1027
III sex offender/child-victim offender. 1028

(3) A sex offender who is adjudicated a delinquent child for 1029
committing or has been adjudicated a delinquent child for 1030
committing any sexually oriented offense and who a juvenile court, 1031
pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the 1032
Revised Code, classifies a tier III sex offender/child-victim 1033
offender relative to the offense. 1034

(4) A child-victim offender who is adjudicated a delinquent 1035
child for committing or has been adjudicated a delinquent child 1036
for committing any child-victim oriented offense and whom a 1037
juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 1038
2152.85 of the Revised Code, classifies a tier III sex 1039
offender/child-victim offender relative to the current offense. 1040

(5) A sex offender or child-victim offender who is not in any 1041
category of tier III sex offender/child-victim offender set forth 1042
in division (G)(1), (2), (3), or (4) of this section, who prior to 1043
January 1, 2008, was convicted of or pleaded guilty to a sexually 1044
oriented offense or child-victim oriented offense or was 1045
adjudicated a delinquent child for committing a sexually oriented 1046
offense or child-victim oriented offense and classified a juvenile 1047
offender registrant, and who prior to that date was adjudicated a 1048
sexual predator or adjudicated a child-victim predator, unless 1049
either of the following applies: 1050

(a) The sex offender or child-victim offender is reclassified 1051
pursuant to section 2950.031 or 2950.032 of the Revised Code as a 1052
tier I sex offender/child-victim offender or a tier II sex 1053

offender/child-victim offender relative to the offense. 1054

(b) The sex offender or child-victim offender is a delinquent 1055
child, and a juvenile court, pursuant to section 2152.82, 2152.83, 1056
2152.84, or 2152.85 of the Revised Code, classifies the child a 1057
tier I sex offender/child-victim offender or a tier II sex 1058
offender/child-victim offender relative to the offense. 1059

(6) A sex offender who is convicted of, pleads guilty to, was 1060
convicted of, or pleaded guilty to a sexually oriented offense, if 1061
the sexually oriented offense and the circumstances in which it 1062
was committed are such that division (F) of section 2971.03 of the 1063
Revised Code automatically classifies the offender as a tier III 1064
sex offender/child-victim offender; 1065

(7) A sex offender or child-victim offender who is convicted 1066
of, pleads guilty to, was convicted of, pleaded guilty to, is 1067
adjudicated a delinquent child for committing, or was adjudicated 1068
a delinquent child for committing a sexually oriented offense or 1069
child-victim offense in another state, in a federal court, 1070
military court, or Indian tribal court, or in a court in any 1071
nation other than the United States if both of the following 1072
apply: 1073

(a) Under the law of the jurisdiction in which the offender 1074
was convicted or pleaded guilty or the delinquent child was 1075
adjudicated, the offender or delinquent child is in a category 1076
substantially equivalent to a category of tier III sex 1077
offender/child-victim offender described in division (G)(1), (2), 1078
(3), (4), (5), or (6) of this section. 1079

(b) Subsequent to the conviction, plea of guilty, or 1080
adjudication in the other jurisdiction, the offender or delinquent 1081
child resides, has temporary domicile, attends school or an 1082
institution of higher education, is employed, or intends to reside 1083
in this state in any manner and for any period of time that 1084

subjects the offender or delinquent child to a duty to register or 1085
provide notice of intent to reside under section 2950.04 or 1086
2950.041 of the Revised Code. 1087

(H) "Confinement" includes, but is not limited to, a 1088
community residential sanction imposed pursuant to section 2929.16 1089
or 2929.26 of the Revised Code. 1090

(I) "Prosecutor" has the same meaning as in section 2935.01 1091
of the Revised Code. 1092

(J) "Supervised release" means a release of an offender from 1093
a prison term, a term of imprisonment, or another type of 1094
confinement that satisfies either of the following conditions: 1095

(1) The release is on parole, a conditional pardon, under a 1096
community control sanction, under transitional control, or under a 1097
post-release control sanction, and it requires the person to 1098
report to or be supervised by a parole officer, probation officer, 1099
field officer, or another type of supervising officer. 1100

(2) The release is any type of release that is not described 1101
in division (J)(1) of this section and that requires the person to 1102
report to or be supervised by a probation officer, a parole 1103
officer, a field officer, or another type of supervising officer. 1104

(K) "Sexually violent predator specification," "sexually 1105
violent predator," "sexually violent offense," "sexual motivation 1106
specification," "designated homicide, assault, or kidnapping 1107
offense," and "violent sex offense" have the same meanings as in 1108
section 2971.01 of the Revised Code. 1109

(L) "Post-release control sanction" and "transitional 1110
control" have the same meanings as in section 2967.01 of the 1111
Revised Code. 1112

(M) "Juvenile offender registrant" means a person who is 1113
adjudicated a delinquent child for committing on or after January 1114

1, 2002, a sexually oriented offense or a child-victim oriented 1115
offense, who is fourteen years of age or older at the time of 1116
committing the offense, and who a juvenile court judge, pursuant 1117
to an order issued under section 2152.82, 2152.83, 2152.84, 1118
2152.85, or 2152.86 of the Revised Code, classifies a juvenile 1119
offender registrant and specifies has a duty to comply with 1120
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1121
Code. "Juvenile offender registrant" includes a person who prior 1122
to January 1, 2008, was a "juvenile offender registrant" under the 1123
definition of the term in existence prior to January 1, 2008, and 1124
a person who prior to July 31, 2003, was a "juvenile sex offender 1125
registrant" under the former definition of that former term. 1126
1127

(N) "Public registry-qualified juvenile offender registrant" 1128
means a person who is adjudicated a delinquent child and on whom a 1129
juvenile court has imposed a serious youthful offender 1130
dispositional sentence under section 2152.13 of the Revised Code 1131
before, on, or after January 1, 2008, and to whom all of the 1132
following apply: 1133

(1) The person is adjudicated a delinquent child for 1134
committing, attempting to commit, conspiring to commit, or 1135
complicity in committing one of the following acts: 1136

(a) A violation of section 2907.02 of the Revised Code, 1137
division (B) of section 2907.05 of the Revised Code, or section 1138
2907.03 of the Revised Code if the victim of the violation was 1139
less than twelve years of age; 1140

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1141
the Revised Code that was committed with a purpose to gratify the 1142
sexual needs or desires of the child; 1143

(c) A violation of division (B) of section 2903.03 of the 1144
Revised Code. 1145

(2) The person was fourteen, fifteen, sixteen, or seventeen 1146
years of age at the time of committing the act. 1147

(3) A juvenile court judge, pursuant to an order issued under 1148
section 2152.86 of the Revised Code, classifies the person a 1149
juvenile offender registrant, specifies the person has a duty to 1150
comply with sections 2950.04, 2950.05, and 2950.06 of the Revised 1151
Code, and classifies the person a public registry-qualified 1152
juvenile offender registrant, and the classification of the person 1153
as a public registry-qualified juvenile offender registrant has 1154
not been terminated pursuant to division (D) of section 2152.86 of 1155
the Revised Code. 1156

(O) "Secure facility" means any facility that is designed and 1157
operated to ensure that all of its entrances and exits are locked 1158
and under the exclusive control of its staff and to ensure that, 1159
because of that exclusive control, no person who is 1160
institutionalized or confined in the facility may leave the 1161
facility without permission or supervision. 1162

(P) "Out-of-state juvenile offender registrant" means a 1163
person who is adjudicated a delinquent child in a court in another 1164
state, in a federal court, military court, or Indian tribal court, 1165
or in a court in any nation other than the United States for 1166
committing a sexually oriented offense or a child-victim oriented 1167
offense, who on or after January 1, 2002, moves to and resides in 1168
this state or temporarily is domiciled in this state for more than 1169
five days, and who has a duty under section 2950.04 or 2950.041 of 1170
the Revised Code to register in this state and the duty to 1171
otherwise comply with that applicable section and sections 2950.05 1172
and 2950.06 of the Revised Code. "Out-of-state juvenile offender 1173
registrant" includes a person who prior to January 1, 2008, was an 1174
"out-of-state juvenile offender registrant" under the definition 1175
of the term in existence prior to January 1, 2008, and a person 1176
who prior to July 31, 2003, was an "out-of-state juvenile sex 1177

offender registrant" under the former definition of that former 1178
term. 1179

(Q) "Juvenile court judge" includes a magistrate to whom the 1180
juvenile court judge confers duties pursuant to division (A)(15) 1181
of section 2151.23 of the Revised Code. 1182

(R) "Adjudicated a delinquent child for committing a sexually 1183
oriented offense" includes a child who receives a serious youthful 1184
offender dispositional sentence under section 2152.13 of the 1185
Revised Code for committing a sexually oriented offense. 1186

(S) "School" and "school premises" have the same meanings as 1187
in section 2925.01 of the Revised Code. 1188

(T) "Residential premises" means the building in which a 1189
residential unit is located and the grounds upon which that 1190
building stands, extending to the perimeter of the property. 1191
"Residential premises" includes any type of structure in which a 1192
residential unit is located, including, but not limited to, 1193
multi-unit buildings and mobile and manufactured homes. 1194

(U) "Residential unit" means a dwelling unit for residential 1195
use and occupancy, and includes the structure or part of a 1196
structure that is used as a home, residence, or sleeping place by 1197
one person who maintains a household or two or more persons who 1198
maintain a common household. "Residential unit" does not include a 1199
halfway house or a community-based correctional facility. 1200

(V) "Multi-unit building" means a building in which is 1201
located more than twelve residential units that have entry doors 1202
that open directly into the unit from a hallway that is shared 1203
with one or more other units. A residential unit is not considered 1204
located in a multi-unit building if the unit does not have an 1205
entry door that opens directly into the unit from a hallway that 1206
is shared with one or more other units or if the unit is in a 1207
building that is not a multi-unit building as described in this 1208

division. 1209

(W) "Community control sanction" has the same meaning as in 1210
section 2929.01 of the Revised Code. 1211

(X) "Halfway house" and "community-based correctional 1212
facility" have the same meanings as in section 2929.01 of the 1213
Revised Code. 1214

Sec. 2967.03. The adult parole authority may exercise its 1215
functions and duties in relation to the pardon, commutation of 1216
sentence, or reprieve of a convict upon direction of the governor 1217
or upon its own initiative. It may exercise its functions and 1218
duties in relation to the parole of a prisoner who is eligible for 1219
parole upon the initiative of the head of the institution in which 1220
the prisoner is confined or upon its own initiative. When a 1221
prisoner becomes eligible for parole, the head of the institution 1222
in which the prisoner is confined shall notify the authority in 1223
the manner prescribed by the authority. The authority may 1224
investigate and examine, or cause the investigation and 1225
examination of, prisoners confined in state correctional 1226
institutions concerning their conduct in the institutions, their 1227
mental and moral qualities and characteristics, their knowledge of 1228
a trade or profession, their former means of livelihood, their 1229
family relationships, and any other matters affecting their 1230
fitness to be at liberty without being a threat to society. 1231

The authority may recommend to the governor the pardon, 1232
commutation of sentence, or reprieve of any convict or prisoner or 1233
grant a parole to any prisoner for whom parole is authorized, if 1234
in its judgment there is reasonable ground to believe that 1235
granting a pardon, commutation, or reprieve to the convict or 1236
paroling the prisoner would further the interests of justice and 1237
be consistent with the welfare and security of society. However, 1238
the authority shall not recommend a pardon or commutation of 1239

sentence of, or grant a parole to, any convict or prisoner until 1240
the authority has complied with the applicable notice requirements 1241
of sections 2930.16 and 2967.12 of the Revised Code and until it 1242
has considered any statement made by a victim or a victim's 1243
representative that is relevant to the convict's or prisoner's 1244
case and that was sent to the authority pursuant to section 1245
2930.17 of the Revised Code, any other statement made by a victim 1246
or a victim's representative that is relevant to the convict's or 1247
prisoner's case and that was received by the authority after it 1248
provided notice of the pendency of the action under sections 1249
2930.16 and 2967.12 of the Revised Code, and any written statement 1250
of any person submitted to the court pursuant to division ~~(H)~~(I) 1251
of section 2967.12 of the Revised Code. If a victim, victim's 1252
representative, or the victim's spouse, parent, sibling, or child 1253
appears at a full board hearing of the parole board and gives 1254
testimony as authorized by section 5149.101 of the Revised Code, 1255
the authority shall consider the testimony in determining whether 1256
to grant a parole. The trial judge and prosecuting attorney of the 1257
trial court in which a person was convicted shall furnish to the 1258
authority, at the request of the authority, a summarized statement 1259
of the facts proved at the trial and of all other facts having 1260
reference to the propriety of recommending a pardon or 1261
commutation, or granting a parole, together with a recommendation 1262
for or against a pardon, commutation, or parole, and the reasons 1263
for the recommendation. The trial judge, the prosecuting attorney, 1264
specified law enforcement agency members, and a representative of 1265
the prisoner may appear at a full board hearing of the parole 1266
board and give testimony in regard to the grant of a parole to the 1267
prisoner as authorized by section 5149.101 of the Revised Code. 1268
All state and local officials shall furnish information to the 1269
authority, when so requested by it in the performance of its 1270
duties. 1271

The adult parole authority shall exercise its functions and 1272

duties in relation to the release of prisoners who are serving a 1273
stated prison term in accordance with section 2967.28 of the 1274
Revised Code. 1275

Sec. 2967.12. (A) Except as provided in division (G) of this 1276
section, at least ~~three weeks~~ sixty days before the adult parole 1277
authority recommends any pardon or commutation of sentence, or 1278
grants any parole, the authority shall send a notice of the 1279
pendency of the pardon, commutation, or parole, setting forth the 1280
name of the person on whose behalf it is made, the offense of 1281
which the person was convicted or to which the person pleaded 1282
guilty, the time of conviction or the guilty plea, and the term of 1283
the person's sentence, to the prosecuting attorney and the judge 1284
of the court of common pleas of the county in which the indictment 1285
against the person was found. If there is more than one judge of 1286
that court of common pleas, the authority shall send the notice to 1287
the presiding judge. The department of rehabilitation and 1288
correction, at the same time that it provides the notice to the 1289
prosecuting attorney and judge under this division, also shall 1290
post on the database it maintains pursuant to section 5120.66 of 1291
the Revised Code the offender's name and all of the information 1292
specified in division (A)(1)(c)(iii) of that section. 1293

(B) If a request for notification has been made pursuant to 1295
section 2930.16 of the Revised Code or if division (H) of this 1296
section applies, the adult parole authority also shall give notice 1297
to the victim or the victim's representative prior to recommending 1298
any pardon or commutation of sentence for, or granting any parole 1299
to, the person. The authority shall provide the notice at the same 1300
time as the notice required by division (A) of this section and 1301
shall include in the notice the information required to be set 1302
forth in that notice. The notice also shall inform the victim or 1303
the victim's representative that the victim or representative may 1304

send a written statement relative to the victimization and the 1305
pending action to the adult parole authority and that, if the 1306
authority receives any written statement prior to recommending a 1307
pardon or commutation or granting a parole for a person, the 1308
authority will consider the statement before it recommends a 1309
pardon or commutation or grants a parole. If the person is being 1310
considered for parole, the notice shall inform the victim or the 1311
victim's representative that a full board hearing of the parole 1312
board may be held and that the victim or victim's representative 1313
may contact the office of victims' services for further 1314
information. If the person being considered for parole was 1315
convicted of or pleaded guilty to violating section 2903.01 or 1316
2903.02 of the Revised Code, the notice shall inform the victim of 1317
that offense, the victim's representative, or a member of the 1318
victim's immediate family that the victim, the victim's 1319
representative, and the victim's immediate family have the right 1320
to give testimony at a full board hearing of the parole board and 1321
that the victim or victim's representative may contact the office 1322
of victims' services for further information. As used in this 1323
division, "the victim's immediate family" means the mother, 1324
father, spouse, sibling, or child of the victim. 1325

(C) When notice of the pendency of any pardon, commutation of 1326
sentence, or parole has been given to a judge or prosecutor or 1327
posted on the database as provided in division (A) of this section 1328
and a hearing on the pardon, commutation, or parole is continued 1329
to a date certain, the authority shall provide notice of the 1330
further consideration of the pardon, commutation, or parole at 1331
least ten days before the further consideration. The notice of the 1332
further consideration shall be provided to the proper judge and 1333
prosecuting attorney by mail at least ten days before the further 1334
consideration, and, if the initial notice was posted on the 1335
database as provided in division (A) of this section, the notice 1336
of the further consideration shall be posted on the database at 1337

least ten days before the further consideration. When notice of 1338
the pendency of any pardon, commutation, or parole has been given 1339
as provided in division (B) of this section and the hearing on it 1340
is continued to a date certain, the authority shall give notice of 1341
the further consideration to the victim or the victim's 1342
representative in accordance with section 2930.03 of the Revised 1343
Code. 1344

(D) In case of an application for the pardon or commutation 1345
of sentence of a person sentenced to capital punishment, the 1346
governor may modify the requirements of notification and 1347
publication if there is not sufficient time for compliance with 1348
the requirements before the date fixed for the execution of 1349
sentence. 1350

(E) If an offender is serving a prison term imposed under 1351
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1352
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1353
Code and if the parole board terminates its control over the 1354
offender's service of that term pursuant to section 2971.04 of the 1355
Revised Code, the parole board immediately shall provide written 1356
notice of its termination of control or the transfer of control to 1357
the entities and persons specified in section 2971.04 of the 1358
Revised Code. 1359

(F) The failure of the adult parole authority to comply with 1360
the notice or posting provisions of division (A), (B), or (C) of 1361
this section or the failure of the parole board to comply with the 1362
notice provisions of division (E) of this section do not give any 1363
rights or any grounds for appeal or post-conviction relief to the 1364
person serving the sentence. 1365

(G) Divisions (A), (B), and (C) of this section do not apply 1366
to any release of a person that is of the type described in 1367
division (B)(2)(b) of section 5120.031 of the Revised Code. 1368

(H) If a defendant is incarcerated for the commission of an offense of violence that is a felony of the first, second, or third degree, the notices described in divisions (A) and (B) of this section shall be given regardless of whether the victim requested notice. The adult parole authority shall give similar notice to the law enforcement agency that arrested the defendant and to any other person who requests notification. The authority shall attempt to identify a mailing address for the victim and send notice to that address. The authority may give notice to the law enforcement agency and to other persons who request notice by any reasonable means, including telephone and electronic mail. Division (H) of this section, and the notice-related provisions of divisions (D)(2) and (I) of section 2929.20, division (D)(1) of section 2930.16, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which division (H) of this section was enacted, shall be known as "Roberta's Law."

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

Sec. 2967.121. (A) Subject to division ~~(C)~~(D) of this

section, at least two weeks before any convict who is serving a sentence for committing a felony of the first, second, or third degree or who is serving a sentence of life imprisonment is released from confinement in any state correctional institution pursuant to a pardon, commutation of sentence, parole, or completed prison term, the adult parole authority shall send notice of the release to the prosecuting attorney of the county in which the indictment of the convict was found. The

~~(B) The notice required by this division (A) of this section may be contained in a weekly list of all felons of the first, second, or third degree or who are serving a sentence of life imprisonment and who are scheduled for release. The notice~~

(B) Subject to division (D) of this section, if a convict who is serving a sentence for committing a felony of the first, second, or third degree or who is serving a sentence of life imprisonment is released from confinement pursuant to a pardon, commutation of sentence, parole, or completed prison term, the adult parole authority shall send notice of the release to the prosecuting attorney of the county in which the indictment of the convict was filed. The notice required by this division shall be sent to the appropriate prosecuting attorney at the end of the month in which the convict is released and may be contained in a monthly list of all convicts who are released in that month and for whom this division requires a notice to be sent to that prosecuting attorney.

(C) The notices required by divisions (A) and (B) of this section shall contain all of the following:

- (1) The name of the convict being released;
- (2) The date of the convict's release;
- (3) The offense for the violation of which the convict was convicted and incarcerated;

(4) The date of the convict's conviction pursuant to which 1432
the convict was incarcerated; 1433

(5) The sentence imposed for that conviction; 1434

(6) The length of any supervision that the convict will be 1435
under; 1436

(7) The name, business address, and business phone number of 1437
the convict's supervising officer; 1438

(8) The address at which the convict will reside. 1439

~~(C)~~(D) Divisions (A) ~~and~~, (B), and (C) of this section do not 1440
apply to the release from confinement of an offender if the 1441
offender is serving a prison term imposed under division (A)(3), 1442
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1443
(c), or (d) of section 2971.03 of the Revised Code, if the court 1444
pursuant to section 2971.05 of the Revised Code modifies the 1445
requirement that the offender serve that entire term in a state 1446
correctional institution, and if the release from confinement is 1447
pursuant to that modification. In a case of that type, the court 1448
that modifies the requirement promptly shall provide written 1449
notice of the modification and the order that modifies the 1450
requirement or revises the modification to the offender, the 1451
department of rehabilitation and correction, the prosecuting 1452
attorney, and any state agency or political subdivision that is 1453
affected by the order. 1454

Sec. 2967.26. (A)(1) The department of rehabilitation and 1455
correction, by rule, may establish a transitional control program 1456
for the purpose of closely monitoring a prisoner's adjustment to 1457
community supervision during the final one hundred eighty days of 1458
the prisoner's confinement. If the department establishes a 1459
transitional control program under this division, the adult parole 1460
authority may transfer eligible prisoners to transitional control 1461

status under the program during the final one hundred eighty days 1462
of their confinement and under the terms and conditions 1463
established by the department, shall provide for the confinement 1464
as provided in this division of each eligible prisoner so 1465
transferred, and shall supervise each eligible prisoner so 1466
transferred in one or more community control sanctions. Each 1467
eligible prisoner who is transferred to transitional control 1468
status under the program shall be confined in a suitable facility 1469
that is licensed pursuant to division (C) of section 2967.14 of 1470
the Revised Code, or shall be confined in a residence the 1471
department has approved for this purpose and be monitored pursuant 1472
to an electronic monitoring device, as defined in section 2929.01 1473
of the Revised Code. If the department establishes a transitional 1474
control program under this division, the rules establishing the 1475
program shall include criteria that define which prisoners are 1476
eligible for the program, criteria that must be satisfied to be 1477
approved as a residence that may be used for confinement under the 1478
program of a prisoner that is transferred to it and procedures for 1479
the department to approve residences that satisfy those criteria, 1480
and provisions of the type described in division (C) of this 1481
section. At a minimum, the criteria that define which prisoners 1482
are eligible for the program shall provide all of the following: 1483

(a) That a prisoner is eligible for the program if the 1484
prisoner is serving a prison term or term of imprisonment for an 1485
offense committed prior to March 17, 1998, and if, at the time at 1486
which eligibility is being determined, the prisoner would have 1487
been eligible for a furlough under this section as it existed 1488
immediately prior to March 17, 1998, or would have been eligible 1489
for conditional release under former section 2967.23 of the 1490
Revised Code as that section existed immediately prior to March 1491
17, 1998; 1492

(b) That no prisoner who is serving a mandatory prison term 1493

is eligible for the program until after expiration of the 1494
mandatory term; 1495

(c) That no prisoner who is serving a prison term or term of 1496
life imprisonment without parole imposed pursuant to section 1497
2971.03 of the Revised Code is eligible for the program. 1498

(2) At least ~~three weeks~~ sixty days prior to transferring to 1499
transitional control under this section a prisoner who is serving 1500
a term of imprisonment or prison term for an offense committed on 1501
or after July 1, 1996, the adult parole authority shall give 1502
notice of the pendency of the transfer to transitional control to 1503
the court of common pleas of the county in which the indictment 1504
against the prisoner was found and of the fact that the court may 1505
disapprove the transfer of the prisoner to transitional control 1506
and shall include a report prepared by the head of the state 1507
correctional institution in which the prisoner is confined. The 1508
head of the state correctional institution in which the prisoner 1509
is confined, upon the request of the adult parole authority, shall 1510
provide to the authority for inclusion in the notice sent to the 1511
court under this division a report on the prisoner's conduct in 1512
the institution and in any institution from which the prisoner may 1513
have been transferred. The report shall cover the prisoner's 1514
participation in school, vocational training, work, treatment, and 1515
other rehabilitative activities and any disciplinary action taken 1516
against the prisoner. If the court disapproves of the transfer of 1517
the prisoner to transitional control, the court shall notify the 1518
authority of the disapproval within thirty days after receipt of 1519
the notice. If the court timely disapproves the transfer of the 1520
prisoner to transitional control, the authority shall not proceed 1521
with the transfer. If the court does not timely disapprove the 1522
transfer of the prisoner to transitional control, the authority 1523
may transfer the prisoner to transitional control. 1524

(3)(a) If the victim of an offense for which a prisoner was 1525

sentenced to a prison term or term of imprisonment has requested 1526
notification under section 2930.16 of the Revised Code and has 1527
provided the department of rehabilitation and correction with the 1528
victim's name and address and if division (A)(3)(b) of this 1529
section applies, the adult parole authority, at least ~~three weeks~~ 1530
sixty days prior to transferring the prisoner to transitional 1531
control pursuant to this section, shall notify the victim of the 1532
pendency of the transfer and of the victim's right to submit a 1533
statement to the authority regarding the impact of the transfer of 1534
the prisoner to transitional control. If the victim subsequently 1535
submits a statement of that nature to the authority, the authority 1536
shall consider the statement in deciding whether to transfer the 1537
prisoner to transitional control. 1538

(b) If a prisoner is incarcerated for the commission of an 1539
offense of violence that is a felony of the first, second, or 1540
third degree, the notice described in division (A)(3)(a) of this 1541
section shall be given regardless of whether the victim requested 1542
notice. The authority shall send the notice by ordinary mail to an 1543
address previously provided by the victim. If the victim has not 1544
provided an address, the authority shall attempt to identify a 1545
mailing address for the victim and send notice to that address. 1546
Division (A)(3)(b) of this section, and the notice-related 1547
provisions of divisions (D)(2) and (I) of section 2929.20, 1548
division (D)(1) of section 2930.16, division (H) of section 1549
2967.12, division (D)(1) of section 2967.28, and division (A)(2) 1550
of section 5149.101 of the Revised Code enacted in the act in 1551
which division (A)(3)(b) of this section was enacted, shall be 1552
known as "Roberta's Law." 1553

(4) The department of rehabilitation and correction, at least 1554
~~three weeks~~ sixty days prior to a hearing to transfer the prisoner 1555
to transitional control pursuant to this section, shall post on 1556
the database it maintains pursuant to section 5120.66 of the 1557

Revised Code the prisoner's name and all of the information 1558
specified in division (A)(1)(c)(iv) of that section. In addition 1559
to and independent of the right of a victim to submit a statement 1560
as described in division (A)(3) of this section or to otherwise 1561
make a statement and in addition to and independent of any other 1562
right or duty of a person to present information or make a 1563
statement, any person may send to the adult parole authority at 1564
any time prior to the authority's transfer of the prisoner to 1565
transitional control a written statement regarding the transfer of 1566
the prisoner to transitional control. In addition to the 1567
information, reports, and statements it considers under divisions 1568
(A)(2) and (3) of this section or that it otherwise considers, the 1569
authority shall consider each statement submitted in accordance 1570
with this division in deciding whether to transfer the prisoner to 1571
transitional control. 1572

(B) Each prisoner transferred to transitional control under 1573
this section shall be confined in the manner described in division 1574
(A) of this section during any period of time that the prisoner is 1575
not actually working at the prisoner's approved employment, 1576
engaged in a vocational training or another educational program, 1577
engaged in another program designated by the director, or engaged 1578
in other activities approved by the department. 1579

(C) The department of rehabilitation and correction shall 1580
adopt rules for transferring eligible prisoners to transitional 1581
control, supervising and confining prisoners so transferred, 1582
administering the transitional control program in accordance with 1583
this section, and using the moneys deposited into the transitional 1584
control fund established under division (E) of this section. 1585

(D) The department of rehabilitation and correction may adopt 1586
rules for the issuance of passes for the limited purposes 1587
described in this division to prisoners who are transferred to 1588
transitional control under this section. If the department adopts 1589

rules of that nature, the rules shall govern the granting of the passes and shall provide for the supervision of prisoners who are temporarily released pursuant to one of those passes. Upon the adoption of rules under this division, the department may issue passes to prisoners who are transferred to transitional control status under this section in accordance with the rules and the provisions of this division. All passes issued under this division shall be for a maximum of forty-eight hours and may be issued only for the following purposes:

(1) To visit a relative in imminent danger of death;

(2) To have a private viewing of the body of a deceased relative;

(3) To visit with family;

(4) To otherwise aid in the rehabilitation of the prisoner.

(E) The adult parole authority may require a prisoner who is transferred to transitional control to pay to the division of parole and community services the reasonable expenses incurred by the division in supervising or confining the prisoner while under transitional control. Inability to pay those reasonable expenses shall not be grounds for refusing to transfer an otherwise eligible prisoner to transitional control. Amounts received by the division of parole and community services under this division shall be deposited into the transitional control fund, which is hereby created in the state treasury and which hereby replaces and succeeds the furlough services fund that formerly existed in the state treasury. All moneys that remain in the furlough services fund on March 17, 1998, shall be transferred on that date to the transitional control fund. The transitional control fund shall be used solely to pay costs related to the operation of the transitional control program established under this section. The director of rehabilitation and correction shall adopt rules in

accordance with section 111.15 of the Revised Code for the use of 1621
the fund. 1622

(F) A prisoner who violates any rule established by the 1623
department of rehabilitation and correction under division (A), 1624
(C), or (D) of this section may be transferred to a state 1625
correctional institution pursuant to rules adopted under division 1626
(A), (C), or (D) of this section, but the prisoner shall receive 1627
credit towards completing the prisoner's sentence for the time 1628
spent under transitional control. 1629

If a prisoner is transferred to transitional control under 1630
this section, upon successful completion of the period of 1631
transitional control, the prisoner may be released on parole or 1632
under post-release control pursuant to section 2967.13 or 2967.28 1633
of the Revised Code and rules adopted by the department of 1634
rehabilitation and correction. If the prisoner is released under 1635
post-release control, the duration of the post-release control, 1636
the type of post-release control sanctions that may be imposed, 1637
the enforcement of the sanctions, and the treatment of prisoners 1638
who violate any sanction applicable to the prisoner are governed 1639
by section 2967.28 of the Revised Code. 1640

Sec. 2967.28. (A) As used in this section: 1641

(1) "Monitored time" means the monitored time sanction 1642
specified in section 2929.17 of the Revised Code. 1643

(2) "Deadly weapon" and "dangerous ordnance" have the same 1644
meanings as in section 2923.11 of the Revised Code. 1645

(3) "Felony sex offense" means a violation of a section 1646
contained in Chapter 2907. of the Revised Code that is a felony. 1647

(B) Each sentence to a prison term for an offense that is a 1648
felony of the first degree, ~~for~~ a felony of the second degree, ~~for~~ 1649
a felony sex offense, or ~~for~~ a felony of the third degree that is 1650

not a felony sex offense and that is either an offense of violence 1651
or an offense in the commission of which the offender caused or 1652
threatened to cause physical harm to a person shall include a 1653
requirement that the offender be subject to a period of 1654
post-release control imposed by the parole board after the 1655
offender's release from imprisonment. If a court imposes a 1656
sentence including a prison term of a type described in this 1657
division on or after ~~the effective date of this amendment~~ July 11, 1658
2006, the failure of a sentencing court to notify the offender 1659
pursuant to division (B)(3)(c) of section 2929.19 of the Revised 1660
Code of this requirement or to include in the judgment of 1661
conviction entered on the journal a statement that the offender's 1662
sentence includes this requirement does not negate, limit, or 1663
otherwise affect the mandatory period of supervision that is 1664
required for the offender under this division. Section 2929.191 of 1665
the Revised Code applies if, prior to ~~the effective date of this~~ 1666
~~amendment~~ July 11, 2006, a court imposed a sentence including a 1667
prison term of a type described in this division and failed to 1668
notify the offender pursuant to division (B)(3)(c) of section 1669
2929.19 of the Revised Code regarding post-release control or to 1670
include in the judgment of conviction entered on the journal or in 1671
the sentence pursuant to division (F)(1) of section 2929.14 of the 1672
Revised Code a statement regarding post-release control. Unless 1673
reduced by the parole board pursuant to division (D) of this 1674
section when authorized under that division, a period of 1675
post-release control required by this division for an offender 1676
shall be of one of the following periods: 1677

(1) For a felony of the first degree ~~or for~~, a felony sex 1678
offense, or an offense of violence that is a felony of the first, 1679
second, or third degree, five years; 1680

(2) For a felony of the second degree that is not a felony 1681
sex offense or an offense of violence, three years; 1682

(3) For a felony of the third degree that is not a felony sex offense or an offense of violence and in the commission of which the offender caused or threatened physical harm to a person, three years.

(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or (3) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. Section 2929.191 of the Revised Code applies if, prior to ~~the effective date of this amendment~~ July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(3)(d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (F)(2) of section 2929.14 of the Revised Code a statement regarding post-release control.

(D)(1) Before the prisoner is released from imprisonment, the parole board shall impose upon a prisoner described in division (B) of this section, may impose upon a prisoner described in division (C) of this section, and shall impose upon a prisoner described in division (B)(2)(b) of section 5120.031 or in division (B)(1) of section 5120.032 of the Revised Code, one or more post-release control sanctions to apply during the prisoner's period of post-release control. Whenever the board imposes one or more post-release control sanctions upon a prisoner, the board, in addition to imposing the sanctions, also shall include as a condition of the post-release control that the individual or felon not leave the state without permission of the court or the

individual's or felon's parole or probation officer and that the 1715
individual or felon abide by the law. The board may impose any 1716
other conditions of release under a post-release control sanction 1717
that the board considers appropriate, and the conditions of 1718
release may include any community residential sanction, community 1719
nonresidential sanction, or financial sanction that the sentencing 1720
court was authorized to impose pursuant to sections 2929.16, 1721
2929.17, and 2929.18 of the Revised Code. Prior to the release of 1722
a prisoner for whom it will impose one or more post-release 1723
control sanctions under this division, the parole board shall 1724
review the prisoner's criminal history, all juvenile court 1725
adjudications finding the prisoner, while a juvenile, to be a 1726
delinquent child, and the record of the prisoner's conduct while 1727
imprisoned. The parole board shall consider any recommendation 1728
regarding post-release control sanctions for the prisoner made by 1729
the office of victims' services. After considering those 1730
materials, the board shall determine, for a prisoner described in 1731
division (B) of this section, division (B)(2)(b) of section 1732
5120.031, or division (B)(1) of section 5120.032 of the Revised 1733
Code, which post-release control sanction or combination of 1734
post-release control sanctions is reasonable under the 1735
circumstances or, for a prisoner described in division (C) of this 1736
section, whether a post-release control sanction is necessary and, 1737
if so, which post-release control sanction or combination of 1738
post-release control sanctions is reasonable under the 1739
circumstances. In the case of a prisoner convicted of a felony of 1740
the fourth or fifth degree other than a felony sex offense, the 1741
board shall presume that monitored time is the appropriate 1742
post-release control sanction unless the board determines that a 1743
more restrictive sanction is warranted. A post-release control 1744
sanction imposed under this division takes effect upon the 1745
prisoner's release from imprisonment. 1746

Regardless of whether the prisoner was sentenced to the 1747

prison term prior to, on, or after ~~the effective date of this~~ 1748
~~amendment July 11, 2006,~~ prior to the release of a prisoner for 1749
whom it will impose one or more post-release control sanctions 1750
under this division, the parole board shall notify the prisoner 1751
that, if the prisoner violates any sanction so imposed or any 1752
condition of post-release control described in division (B) of 1753
section 2967.131 of the Revised Code that is imposed on the 1754
prisoner, the parole board may impose a prison term of up to 1755
one-half of the stated prison term originally imposed upon the 1756
prisoner. 1757

At least thirty days before the prisoner is released from 1758
imprisonment, the department of rehabilitation and correction 1759
shall send notice by ordinary mail to the victim, the victim's 1760
family, the prosecuting attorney in the case, the law enforcement 1761
agency that arrested the prisoner, and any other person who 1762
requests notification of the date on which the prisoner will be 1763
released, the period for which the prisoner will be under parole 1764
or post-release control supervision, and the terms and conditions 1765
of the prisoner's parole or post-release control. This paragraph, 1766
and the notice-related provisions of divisions (D)(2) and (I) of 1767
section 2929.20, division (D)(1) of section 2930.16, division (H) 1768
of section 2967.12, division (A)(3)(b) of section 2967.26, and 1769
division (A)(2) of section 5149.101 of the Revised Code enacted in 1770
the act in which this paragraph was enacted, shall be known as 1771
"Roberta's Law." 1772

(2) At any time after a prisoner is released from 1773
imprisonment and during the period of post-release control 1774
applicable to the releasee, the adult parole authority may review 1775
the releasee's behavior under the post-release control sanctions 1776
imposed upon the releasee under this section. The authority may 1777
determine, based upon the review and in accordance with the 1778
standards established under division (E) of this section, that a 1779

more restrictive or a less restrictive sanction is appropriate and 1780
may impose a different sanction. Unless the period of post-release 1781
control was imposed for an offense described in division (B)(1) of 1782
this section, the authority also may recommend that the parole 1783
board reduce the duration of the period of post-release control 1784
imposed by the court. If the authority recommends that the board 1785
reduce the duration of control for an offense described in 1786
division (B)(2), (B)(3), or (C) of this section, the board shall 1787
review the releasee's behavior and may reduce the duration of the 1788
period of control imposed by the court. In no case shall the board 1789
reduce the duration of the period of control imposed by the court 1790
for an offense described in division (B)(1) of this section, and 1791
in no case shall the board permit the releasee to leave the state 1792
without permission of the court or the releasee's parole or 1793
probation officer. 1794

(E) The department of rehabilitation and correction, in 1795
accordance with Chapter 119. of the Revised Code, shall adopt 1796
rules that do all of the following: 1797

(1) Establish standards for the imposition by the parole 1798
board of post-release control sanctions under this section that 1799
are consistent with the overriding purposes and sentencing 1800
principles set forth in section 2929.11 of the Revised Code and 1801
that are appropriate to the needs of releasees; 1802

(2) Establish standards by which the parole board can 1803
determine which prisoners described in division (C) of this 1804
section should be placed under a period of post-release control; 1805

(3) Establish standards to be used by the parole board in 1806
reducing the duration of the period of post-release control 1807
imposed by the court when authorized under division (D) of this 1808
section, in imposing a more restrictive post-release control 1809
sanction than monitored time upon a prisoner convicted of a felony 1810
of the fourth or fifth degree other than a felony sex offense, or 1811

in imposing a less restrictive control sanction upon a releasee 1812
based on the releasee's activities including, but not limited to, 1813
remaining free from criminal activity and from the abuse of 1814
alcohol or other drugs, successfully participating in approved 1815
rehabilitation programs, maintaining employment, and paying 1816
restitution to the victim or meeting the terms of other financial 1817
sanctions; 1818

(4) Establish standards to be used by the adult parole 1819
authority in modifying a releasee's post-release control sanctions 1820
pursuant to division (D)(2) of this section; 1821

(5) Establish standards to be used by the adult parole 1822
authority or parole board in imposing further sanctions under 1823
division (F) of this section on releasees who violate post-release 1824
control sanctions, including standards that do the following: 1825

(a) Classify violations according to the degree of 1826
seriousness; 1827

(b) Define the circumstances under which formal action by the 1828
parole board is warranted; 1829

(c) Govern the use of evidence at violation hearings; 1830

(d) Ensure procedural due process to an alleged violator; 1831

(e) Prescribe nonresidential community control sanctions for 1832
most misdemeanor and technical violations; 1833

(f) Provide procedures for the return of a releasee to 1834
imprisonment for violations of post-release control. 1835

(F)(1) Whenever the parole board imposes one or more 1836
post-release control sanctions upon an offender under this 1837
section, the offender upon release from imprisonment shall be 1838
under the general jurisdiction of the adult parole authority and 1839
generally shall be supervised by the field services section 1840
through its staff of parole and field officers as described in 1841

section 5149.04 of the Revised Code, as if the offender had been 1842
placed on parole. If the offender upon release from imprisonment 1843
violates the post-release control sanction or any conditions 1844
described in division (A) of section 2967.131 of the Revised Code 1845
that are imposed on the offender, the public or private person or 1846
entity that operates or administers the sanction or the program or 1847
activity that comprises the sanction shall report the violation 1848
directly to the adult parole authority or to the officer of the 1849
authority who supervises the offender. The authority's officers 1850
may treat the offender as if the offender were on parole and in 1851
violation of the parole, and otherwise shall comply with this 1852
section. 1853

(2) If the adult parole authority determines that a releasee 1854
has violated a post-release control sanction or any conditions 1855
described in division (A) of section 2967.131 of the Revised Code 1856
imposed upon the releasee and that a more restrictive sanction is 1857
appropriate, the authority may impose a more restrictive sanction 1858
upon the releasee, in accordance with the standards established 1859
under division (E) of this section, or may report the violation to 1860
the parole board for a hearing pursuant to division (F)(3) of this 1861
section. The authority may not, pursuant to this division, 1862
increase the duration of the releasee's post-release control or 1863
impose as a post-release control sanction a residential sanction 1864
that includes a prison term, but the authority may impose on the 1865
releasee any other residential sanction, nonresidential sanction, 1866
or financial sanction that the sentencing court was authorized to 1867
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1868
Revised Code. 1869

(3) The parole board may hold a hearing on any alleged 1870
violation by a releasee of a post-release control sanction or any 1871
conditions described in division (A) of section 2967.131 of the 1872
Revised Code that are imposed upon the releasee. If after the 1873

hearing the board finds that the releasee violated the sanction or 1874
condition, the board may increase the duration of the releasee's 1875
post-release control up to the maximum duration authorized by 1876
division (B) or (C) of this section or impose a more restrictive 1877
post-release control sanction. When appropriate, the board may 1878
impose as a post-release control sanction a residential sanction 1879
that includes a prison term. The board shall consider a prison 1880
term as a post-release control sanction imposed for a violation of 1881
post-release control when the violation involves a deadly weapon 1882
or dangerous ordnance, physical harm or attempted serious physical 1883
harm to a person, or sexual misconduct, or when the releasee 1884
committed repeated violations of post-release control sanctions. 1885
The period of a prison term that is imposed as a post-release 1886
control sanction under this division shall not exceed nine months, 1887
and the maximum cumulative prison term for all violations under 1888
this division shall not exceed one-half of the stated prison term 1889
originally imposed upon the offender as part of this sentence. The 1890
period of a prison term that is imposed as a post-release control 1891
sanction under this division shall not count as, or be credited 1892
toward, the remaining period of post-release control. 1893

If an offender is imprisoned for a felony committed while 1894
under post-release control supervision and is again released on 1895
post-release control for a period of time determined by division 1896
(F)(4)(d) of this section, the maximum cumulative prison term for 1897
all violations under this division shall not exceed one-half of 1898
the total stated prison terms of the earlier felony, reduced by 1899
any prison term administratively imposed by the parole board, plus 1900
one-half of the total stated prison term of the new felony. 1901

(4) Any period of post-release control shall commence upon an 1902
offender's actual release from prison. If an offender is serving 1903
an indefinite prison term or a life sentence in addition to a 1904
stated prison term, the offender shall serve the period of 1905

post-release control in the following manner: 1906

(a) If a period of post-release control is imposed upon the 1907
offender and if the offender also is subject to a period of parole 1908
under a life sentence or an indefinite sentence, and if the period 1909
of post-release control ends prior to the period of parole, the 1910
offender shall be supervised on parole. The offender shall receive 1911
credit for post-release control supervision during the period of 1912
parole. The offender is not eligible for final release under 1913
section 2967.16 of the Revised Code until the post-release control 1914
period otherwise would have ended. 1915

(b) If a period of post-release control is imposed upon the 1916
offender and if the offender also is subject to a period of parole 1917
under an indefinite sentence, and if the period of parole ends 1918
prior to the period of post-release control, the offender shall be 1919
supervised on post-release control. The requirements of parole 1920
supervision shall be satisfied during the post-release control 1921
period. 1922

(c) If an offender is subject to more than one period of 1923
post-release control, the period of post-release control for all 1924
of the sentences shall be the period of post-release control that 1925
expires last, as determined by the parole board. Periods of 1926
post-release control shall be served concurrently and shall not be 1927
imposed consecutively to each other. 1928

(d) The period of post-release control for a releasee who 1929
commits a felony while under post-release control for an earlier 1930
felony shall be the longer of the period of post-release control 1931
specified for the new felony under division (B) or (C) of this 1932
section or the time remaining under the period of post-release 1933
control imposed for the earlier felony as determined by the parole 1934
board. 1935

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 1936

but not before January 1, 2006, the department of rehabilitation 1937
and correction shall establish and operate on the internet a 1938
database that contains all of the following: 1939

(1) For each inmate in the custody of the department under a 1940
sentence imposed for a conviction of or plea of guilty to any 1941
offense, all of the following information: 1942

(a) The inmate's name; 1943

(b) For each offense for which the inmate was sentenced to a 1944
prison term or term of imprisonment and is in the department's 1945
custody, the name of the offense, the Revised Code section of 1946
which the offense is a violation, the gender of each victim of the 1947
offense if those facts are known, whether each victim of the 1948
offense was an adult or child if those facts are known, the range 1949
of the possible prison terms or term of imprisonment that could 1950
have been imposed for the offense, the actual prison term or term 1951
of imprisonment imposed for the offense, the county in which the 1952
offense was committed, the date on which the inmate began serving 1953
the prison term or term of imprisonment imposed for the offense, 1954
and either the date on which the inmate will be eligible for 1955
parole relative to the offense if the prison term or term of 1956
imprisonment is an indefinite term or life term or the date on 1957
which the term ends if the prison term is a definite term; 1958

(c) All of the following information that is applicable 1959
regarding the inmate: 1960

(i) If known to the department prior to the conduct of any 1961
hearing for judicial release of the defendant pursuant to section 1962
2929.20 of the Revised Code in relation to any prison term or term 1963
of imprisonment the inmate is serving for any offense, notice of 1964
the fact that the inmate will be having a hearing regarding a 1965
possible grant of judicial release, the date of the hearing, and 1966
the right of any person pursuant to division (J) of that section 1967

to submit to the court a written statement regarding the possible 1968
judicial release; 1969

(ii) If the inmate is serving a prison term pursuant to 1970
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 1971
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 1972
Code, prior to the conduct of any hearing pursuant to section 1973
2971.05 of the Revised Code to determine whether to modify the 1974
requirement that the inmate serve the entire prison term in a 1975
state correctional facility in accordance with division (C) of 1976
that section, whether to continue, revise, or revoke any existing 1977
modification of that requirement, or whether to terminate the 1978
prison term in accordance with division (D) of that section, 1979
notice of the fact that the inmate will be having a hearing 1980
regarding those determinations and of the date of the hearing; 1981

(iii) At least ~~three weeks~~ sixty days before the adult parole 1982
authority recommends a pardon or commutation of sentence for the 1983
inmate or at least ~~three weeks~~ sixty days prior to a hearing 1984
before the adult parole authority regarding a grant of parole to 1985
the inmate in relation to any prison term or term of imprisonment 1986
the inmate is serving for any offense, notice of the fact that the 1987
inmate might be under consideration for a pardon or commutation of 1988
sentence or will be having a hearing regarding a possible grant of 1989
parole, of the date of any hearing regarding a possible grant of 1990
parole, and of the right of any person to submit a written 1991
statement regarding the pending action; 1992

(iv) At least ~~three weeks~~ sixty days before the inmate has a 1993
hearing regarding a transfer to transitional control under section 1994
2967.26 of the Revised Code in relation to any prison term or term 1995
of imprisonment the inmate is serving for any offense, notice of 1996
the pendency of the transfer, of the date of the possible 1997
transfer, and of the right of any person to submit a statement 1998
regarding the possible transfer; 1999

(v) Prompt notice of the inmate's escape from any facility in which the inmate was incarcerated and of the capture of the inmate after an escape;	2000 2001 2002
(vi) Notice of the inmate's death while in confinement;	2003
(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release;	2004 2005 2006 2007
(viii) Notice of the inmate's judicial release.	2008
(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section.	2009 2010 2011
(B)(1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current.	2012 2013 2014
(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department.	2015 2016 2017 2018 2019 2020
(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division.	2021 2022 2023 2024
(4) No information included on the database required under division (A) of this section shall identify or enable the identification of any victim of any offense committed by an inmate.	2025 2026 2027 2028
(C) <u>For ten years after the final discharge of an inmate who</u>	2029

was imprisoned for the commission of an offense of violence that 2030
is a felony of the first, second, or third degree, the department 2031
shall keep on the database required under division (A) of this 2032
section all the information that it is required to include on the 2033
database relative to the inmate. 2034

(D) The failure of the department to comply with the 2035
requirements of division (A) or (B) of this section does not give 2036
any rights or any grounds for appeal or post-conviction relief to 2037
any inmate. 2038

~~(D)~~(E) This section, and the related provisions of sections 2039
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 2040
in the act in which this section was enacted, shall be known as 2041
"Laura's Law." 2042

Sec. 5149.07. The department of rehabilitation and correction 2043
shall maintain central files and records pertaining to the work of 2044
the adult parole authority, and shall coordinate the department's 2045
record-keeping with that of the adult parole authority. 2046
Additionally, the department shall not later than the first Monday 2047
of January of odd-numbered years prepare and submit to the 2048
governor for ~~his~~ the governor's approval and signature a written 2049
report showing each case of pardon, commutation, or reprieve 2050
granted during the preceding biennium, stating the name and crime 2051
of the convict or prisoner, the sentence, its date, and the date 2052
of the clemency action, together with the reasons listed therefor 2053
in the governor's clemency record. The report shall conform to the 2054
requirements of Section 11 of Article III, Ohio Constitution. 2055

The department shall conduct research relative to the 2057
functioning of clemency, probation, and parole as part of the 2058
adult corrections program in this state, which research shall be 2059
designed to yield information upon which the division of parole 2060

and community services, the department of rehabilitation and 2061
correction, the governor, and the general assembly can base policy 2062
decisions. 2063

At the end of each quarter, the department shall submit to 2064
the chairpersons of the committees of the senate and the house of 2065
representatives that consider criminal justice legislation a 2066
report on the number and results of parole hearings conducted 2067
during the quarter and a list of persons incarcerated for 2068
committing offenses of violence who were granted parole and a 2069
summary of the terms and conditions of their parole. The 2070
department shall provide the committees with any documentation 2071
related to the reports that members of the committees may request. 2072

Upon request, the department shall provide a detailed 2073
statement, supported by documentation, of the reasons why a 2074
particular prisoner was granted parole to the law enforcement 2075
agency that arrested the prisoner, the prosecuting attorney who 2076
prosecuted the case, or any person who is a member of the general 2077
assembly at the time the person makes the request. 2078

Sec. 5149.10. (A) The parole board shall consist of up to 2079
twelve members, one of whom shall be designated as chairperson by 2080
the director of the department of rehabilitation and correction 2081
and who shall continue as chairperson until a successor is 2082
designated, and any other personnel that are necessary for the 2083
orderly performance of the duties of the board. In addition to the 2084
rules authorized by section 5149.02 of the Revised Code, the chief 2085
of the adult parole authority, subject to the approval of the 2086
chief of the division of parole and community services and subject 2087
to this section, shall adopt rules governing the proceedings of 2088
the parole board. The rules shall provide for the convening of 2089
full board hearings, the procedures to be followed in full board 2090
hearings, and general procedures to be followed in other hearings 2091

of the board and by the board's hearing officers. The rules shall 2092
prohibit the board from considering sentences in effect on and 2093
after July 1, 1996, in making determinations relative to the 2094
release of an inmate who is imprisoned for an offense committed 2095
before July 1, 1996. The rules also shall require agreement by a 2096
majority of all the board members to any recommendation of 2097
clemency transmitted to the governor. 2098

When the board members sit as a full board, the chairperson 2099
shall preside. The chairperson shall also allocate the work of the 2100
parole board among the board members. The full board shall meet at 2101
least once each month. In the case of a tie vote on the full 2102
board, the chief of the adult parole authority shall cast the 2103
deciding vote. The chairperson may designate a person to serve in 2104
the chairperson's place. 2105

Except as otherwise provided in division (B) of this section, 2106
no person shall be appointed a member of the board who is not 2107
qualified by education or experience in correctional work, 2108
including law enforcement, prosecution of offenses, advocating for 2109
the rights of victims of crime, probation, or parole, in law, in 2110
social work, or in a combination of the three categories. 2111

(B) The director of rehabilitation and correction, in 2112
consultation with the governor, shall appoint one member of the 2113
board, who shall be a person who has been a victim of crime or who 2114
is a member of a victim's family or who represents an organization 2115
that advocates for the rights of victims of crime. After 2116
appointment, this member shall be an unclassified employee of the 2117
department of rehabilitation and correction. 2118

The initial appointment shall be for a term ending four years 2119
after July 1, 1996. Thereafter, the term of office of the member 2120
appointed under this division shall be for four years, with each 2121
term ending on the same day of the same month as did the term that 2122
it succeeds. The member shall hold office from the date of 2123

appointment until the end of the term for which the member was 2124
appointed and may be reappointed. Vacancies shall be filled in the 2125
manner provided for original appointments. Any member appointed 2126
under this division to fill a vacancy occurring prior to the 2127
expiration date of the term for which the member's predecessor was 2128
appointed shall hold office as a member for the remainder of that 2129
term. The member appointed under this division shall continue in 2130
office subsequent to the expiration date of the member's term 2131
until the member's successor takes office or until a period of 2132
sixty days has elapsed, whichever occurs first. 2133

The member appointed under this division shall be compensated 2134
in the same manner as other board members and shall be reimbursed 2135
for actual and necessary expenses incurred in the performance of 2136
the ~~members'~~ member's duties. The member may vote on all cases 2137
heard by the full board under section 5149.101 of the Revised 2138
Code, has such duties as are assigned by the chairperson of the 2139
board, and shall coordinate the member's activities with the 2140
office of victims' services created under section 5120.60 of the 2141
Revised Code. 2142

As used in this division, "crime," "member of the victim's 2143
family," and "victim" have the meanings given in section 2930.01 2144
of the Revised Code. 2145

(C) The chairperson shall submit all recommendations for or 2146
against clemency directly to the governor. 2147

(D) The chairperson shall transmit to the chief of the adult 2148
parole authority all determinations for or against parole made by 2149
the board. Parole determinations are final and are not subject to 2150
review or change by the chief. 2151

(E) In addition to its duties pertaining to parole and 2152
clemency, if an offender is sentenced to a prison term pursuant to 2153
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 2154

or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, the parole board shall have control over the offender's service of the prison term during the entire term unless the board terminates its control in accordance with section 2971.04 of the Revised Code. The parole board may terminate its control over the offender's service of the prison term only in accordance with section 2971.04 of the Revised Code.

Sec. 5149.101. (A)(1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.

(2) A victim of ~~a violation of section 2903.01 or 2903.02 of the Revised Code~~ an offense of violence that is a felony of the first, second, or third degree, the victim's representative, or any person described in division (B)(5) of this section may request the board hold a full board hearing that relates to the proposed parole or re-parole of the person that committed the violation. If a victim, victim's representative, or other person requests a full board hearing pursuant to this division, the board shall hold a full board hearing.

At least thirty days before the full hearing, the board shall send notice of the date, time, and place of the hearing by ordinary mail to the victim, the victim's family, the prosecuting attorney in the case, and the law enforcement agency that arrested the prisoner. The authority shall send the notice to the victim and the victim's family to addresses previously provided by them. If the victim or victim's family has not provided an address, the authority shall attempt to identify a mailing address for the

victim or victim's family and send notice to that address. This 2186
paragraph, and the notice-related provisions of divisions (D)(2) 2187
and (I) of section 2929.20, division (D)(1) of section 2930.16, 2188
division (H) of section 2967.12, division (A)(3)(b) of section 2189
2967.26, and division (D)(1) of section 2967.28 of the Revised 2190
Code enacted in the act in which this paragraph was enacted, shall 2191
be known as "Roberta's Law." 2192

(B) At a full board hearing that relates to the proposed 2193
parole or re-parole of a prisoner and that has been petitioned for 2194
or requested in accordance with division (A) of this section, the 2195
parole board shall permit the following persons to appear and to 2196
give testimony or to submit written statements: 2197

(1) The prosecuting attorney of the county in which the 2198
original indictment against the prisoner was found and members of 2199
any law enforcement agency that assisted in the prosecution of the 2200
original offense; 2201

(2) The judge of the court of common pleas who imposed the 2202
original sentence of incarceration upon the prisoner, or the 2203
judge's successor; 2204

(3) The victim of the original offense for which the prisoner 2205
is serving the sentence or the victim's representative designated 2206
pursuant to section 2930.02 of the Revised Code; 2207

(4) The victim of any behavior that resulted in parole being 2208
revoked; 2209

(5) With respect to a full board hearing held pursuant to 2210
division (A)(2) of this section, all of the following: 2211

(a) The spouse of the victim of the original offense; 2212

(b) The parent or parents of the victim of the original 2213
offense; 2214

(c) The sibling of the victim of the original offense; 2215

(d) The child or children of the victim of the original offense. 2216
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(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section. 2218
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(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization. 2220
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At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner. 2227
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If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority. 2234
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(D) If the victim of the original offense died as a result of the offense and the offense was an offense of violence that is a felony of the first, second, or third degree, the family of the victim may show at a full board hearing a video recording not exceeding five minutes in length memorializing the victim. 2241
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(E) The adult parole authority shall adopt rules for the 2246

implementation of this section. The rules shall specify reasonable 2247
restrictions on the number of media representatives that may 2248
attend a hearing, based on considerations of space, and other 2249
procedures designed to accomplish an effective, orderly process 2250
for full board hearings. 2251

Section 2. That existing sections 2152.86, 2903.03, 2929.20, 2252
2930.03, 2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 2253
2967.26, 2967.28, 5120.66, 5149.07, 5149.10, and 5149.101 of the 2254
Revised Code are hereby repealed. 2255

Section 3. Sections 1 and 2 of this act shall take effect on 2256
January 1, 2008, or on the earliest date permitted by law, 2257
whichever is later. 2258

Section 4. This act is hereby declared to be an emergency 2259
measure necessary for the immediate preservation of the public 2260
peace, health, and safety. The reason for such necessity is that 2261
this act's inclusion within the coverage of state's Sex Offender 2262
Registration and Notification Law of persons who are convicted of, 2263
or found to be delinquent children for committing, voluntary 2264
manslaughter with a sexual motivation is crucially needed to 2265
provide increased protection and security for the state's 2266
residents from those offenders and delinquent children and to link 2267
that inclusion to the provisions of recently enacted Am. Sub. S.B. 2268
10 of the 127th General Assembly. Therefore, this act shall take 2269
immediate effect. 2270