

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 538

Representative Patton

—

A BILL

To amend sections 2743.191, 2929.13, 2929.15, 1
2929.23, 2929.25, 2967.28, 2971.03, and 2971.05 2
and to enact section 2967.29 of the Revised Code 3
to require the imposition at sentencing or upon 4
release from prison of lifetime active global 5
positioning system device monitoring for Tier III 6
sex offenders/child-victim offenders. 7

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

Section 1. That sections 2743.191, 2929.13, 2929.15, 2929.23, 8
2929.25, 2967.28, 2971.03, and 2971.05 be amended and section 9
2967.29 of the Revised Code be enacted to read as follows: 10

Sec. 2743.191. (A)(1) There is hereby created in the state 11
treasury the reparations fund, which shall be used only for the 12
following purposes: 13

(a) The payment of awards of reparations that are granted by 14
the attorney general; 15

(b) The compensation of any personnel needed by the attorney 16
general to administer sections 2743.51 to 2743.72 of the Revised 17
Code; 18

(c) The compensation of witnesses as provided in division (J) 19

of section 2743.65 of the Revised Code;	20
(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;	21 22
(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;	23 24
(f) The costs of investigation and decision-making as certified by the attorney general;	25 26
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	27 28 29
(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;	30 31 32
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	33 34 35
(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;	36 37 38 39 40 41
(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of the Revised Code, of performing DNA analysis of those DNA specimens, and of entering the resulting DNA records regarding those analyses into the DNA database pursuant to section 109.573 of the Revised Code;	42 43 44 45 46 47
(l) The payment of actual costs associated with initiatives by the attorney general for the apprehension, prosecution, and	48 49

accountability of offenders, and the enhancing of services to 50
crime victims. The amount of payments made pursuant to division 51
(A)(1)(1) of this section during any given fiscal year shall not 52
exceed five per cent of the balance of the reparations fund at the 53
close of the immediately previous fiscal year; 54

(m) The costs of administering the adult parole authority's 55
supervision pursuant to division (E) of section 2971.05 of the 56
Revised Code of sexually violent predators who are sentenced to a 57
prison term pursuant to division (A)(3) of section 2971.03 of the 58
Revised Code and of offenders who are sentenced to a prison term 59
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 60
(c), or (B)(3)(a), (b), (c), or (d) of that section; 61

(n) The costs of active global positioning system device 62
monitoring of an offender who is a tier III sex 63
offender/child-victim offender and who is indigent, under a 64
requirement imposed pursuant to division (L) of section 2929.13, 65
division (C) of section 2929.23, division (A)(5) or (B)(4) of 66
section 2971.03, or section 2967.29 of the Revised Code. 67

(2) All costs paid pursuant to section 2743.70 of the Revised 68
Code, the portions of license reinstatement fees mandated by 69
division (F)(2)(b) of section 4511.191 of the Revised Code to be 70
credited to the fund, the portions of the proceeds of the sale of 71
a forfeited vehicle specified in division (C)(2) of section 72
4503.234 of the Revised Code, payments collected by the department 73
of rehabilitation and correction from prisoners who voluntarily 74
participate in an approved work and training program pursuant to 75
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 76
all moneys collected by the state pursuant to its right of 77
subrogation provided in section 2743.72 of the Revised Code shall 78
be deposited in the fund. 79

(B) In making an award of reparations, the attorney general 80
shall render the award against the state. The award shall be 81

accomplished only through the following procedure, and the 82
following procedure may be enforced by writ of mandamus directed 83
to the appropriate official: 84

(1) The attorney general shall provide for payment of the 85
claimant or providers in the amount of the award only if the 86
amount of the award is fifty dollars or more. 87

(2) The expense shall be charged against all available 88
unencumbered moneys in the fund. 89

(3) If sufficient unencumbered moneys do not exist in the 90
fund, the attorney general shall make application for payment of 91
the award out of the emergency purposes account or any other 92
appropriation for emergencies or contingencies, and payment out of 93
this account or other appropriation shall be authorized if there 94
are sufficient moneys greater than the sum total of then pending 95
emergency purposes account requests or requests for releases from 96
the other appropriations. 97

(4) If sufficient moneys do not exist in the account or any 98
other appropriation for emergencies or contingencies to pay the 99
award, the attorney general shall request the general assembly to 100
make an appropriation sufficient to pay the award, and no payment 101
shall be made until the appropriation has been made. The attorney 102
general shall make this appropriation request during the current 103
biennium and during each succeeding biennium until a sufficient 104
appropriation is made. If, prior to the time that an appropriation 105
is made by the general assembly pursuant to this division, the 106
fund has sufficient unencumbered funds to pay the award or part of 107
the award, the available funds shall be used to pay the award or 108
part of the award, and the appropriation request shall be amended 109
to request only sufficient funds to pay that part of the award 110
that is unpaid. 111

(C) The attorney general shall not make payment on a decision 112

or order granting an award until all appeals have been determined 113
and all rights to appeal exhausted, except as otherwise provided 114
in this section. If any party to a claim for an award of 115
reparations appeals from only a portion of an award, and a 116
remaining portion provides for the payment of money by the state, 117
that part of the award calling for the payment of money by the 118
state and not a subject of the appeal shall be processed for 119
payment as described in this section. 120

(D) The attorney general shall prepare itemized bills for the 121
costs of printing and distributing the pamphlet the attorney 122
general prepares pursuant to section 109.42 of the Revised Code. 123
The itemized bills shall set forth the name and address of the 124
persons owed the amounts set forth in them. 125

(E) As used in this section, "DNA analysis" and "DNA 126
specimen" have the same meanings as in section 109.573 of the 127
Revised Code. 128

Sec. 2929.13. (A) Except as provided in division (E), (F), or 129
(G) of this section and unless a specific sanction is required to 130
be imposed or is precluded from being imposed pursuant to law, a 131
court that imposes a sentence upon an offender for a felony may 132
impose any sanction or combination of sanctions on the offender 133
that are provided in sections 2929.14 to 2929.18 of the Revised 134
Code. The sentence shall not impose an unnecessary burden on state 135
or local government resources. 136

If the offender is eligible to be sentenced to community 137
control sanctions, the court shall consider the appropriateness of 138
imposing a financial sanction pursuant to section 2929.18 of the 139
Revised Code or a sanction of community service pursuant to 140
section 2929.17 of the Revised Code as the sole sanction for the 141
offense. Except as otherwise provided in this division, if the 142
court is required to impose a mandatory prison term for the 143

offense for which sentence is being imposed, the court also may 144
impose a financial sanction pursuant to section 2929.18 of the 145
Revised Code but may not impose any additional sanction or 146
combination of sanctions under section 2929.16 or 2929.17 of the 147
Revised Code. 148

If the offender is being sentenced for a fourth degree felony 149
OVI offense or for a third degree felony OVI offense, in addition 150
to the mandatory term of local incarceration or the mandatory 151
prison term required for the offense by division (G)(1) or (2) of 152
this section, the court shall impose upon the offender a mandatory 153
fine in accordance with division (B)(3) of section 2929.18 of the 154
Revised Code and may impose whichever of the following is 155
applicable: 156

(1) For a fourth degree felony OVI offense for which sentence 157
is imposed under division (G)(1) of this section, an additional 158
community control sanction or combination of community control 159
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 160
the court imposes upon the offender a community control sanction 161
and the offender violates any condition of the community control 162
sanction, the court may take any action prescribed in division (B) 163
of section 2929.15 of the Revised Code relative to the offender, 164
including imposing a prison term on the offender pursuant to that 165
division. 166

(2) For a third or fourth degree felony OVI offense for which 167
sentence is imposed under division (G)(2) of this section, an 168
additional prison term as described in division (D)(4) of section 169
2929.14 of the Revised Code or a community control sanction as 170
described in division (G)(2) of this section. 171

(B)(1) Except as provided in division (B)(2), (E), (F), or 172
(G) of this section, in sentencing an offender for a felony of the 173
fourth or fifth degree, the sentencing court shall determine 174
whether any of the following apply: 175

(a) In committing the offense, the offender caused physical harm to a person.	176 177
(b) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.	178 179 180
(c) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.	181 182 183 184
(d) The offender held a public office or position of trust and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.	185 186 187 188 189 190
(e) The offender committed the offense for hire or as part of an organized criminal activity.	191 192
(f) The offense is a sex offense that is a fourth or fifth degree felony violation of section 2907.03, 2907.04, 2907.05, 2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the Revised Code.	193 194 195 196
(g) The offender at the time of the offense was serving, or the offender previously had served, a prison term.	197 198
(h) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance.	199 200 201
(i) The offender committed the offense while in possession of a firearm.	202 203
(2)(a) If the court makes a finding described in division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this	204 205

section and if the court, after considering the factors set forth 206
in section 2929.12 of the Revised Code, finds that a prison term 207
is consistent with the purposes and principles of sentencing set 208
forth in section 2929.11 of the Revised Code and finds that the 209
offender is not amenable to an available community control 210
sanction, the court shall impose a prison term upon the offender. 211

(b) Except as provided in division (E), (F), or (G) of this 212
section, if the court does not make a finding described in 213
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 214
this section and if the court, after considering the factors set 215
forth in section 2929.12 of the Revised Code, finds that a 216
community control sanction or combination of community control 217
sanctions is consistent with the purposes and principles of 218
sentencing set forth in section 2929.11 of the Revised Code, the 219
court shall impose a community control sanction or combination of 220
community control sanctions upon the offender. 221

(C) Except as provided in division (D), (E), (F), or (G) of 222
this section, in determining whether to impose a prison term as a 223
sanction for a felony of the third degree or a felony drug offense 224
that is a violation of a provision of Chapter 2925. of the Revised 225
Code and that is specified as being subject to this division for 226
purposes of sentencing, the sentencing court shall comply with the 227
purposes and principles of sentencing under section 2929.11 of the 228
Revised Code and with section 2929.12 of the Revised Code. 229

(D)(1) Except as provided in division (E) or (F) of this 230
section, for a felony of the first or second degree, for a felony 231
drug offense that is a violation of any provision of Chapter 232
2925., 3719., or 4729. of the Revised Code for which a presumption 233
in favor of a prison term is specified as being applicable, and 234
for a violation of division (A)(4) or (B) of section 2907.05 of 235
the Revised Code for which a presumption in favor of a prison term 236
is specified as being applicable, it is presumed that a prison 237

term is necessary in order to comply with the purposes and 238
principles of sentencing under section 2929.11 of the Revised 239
Code. Division (D)(2) of this section does not apply to a 240
presumption established under this division for a violation of 241
division (A)(4) of section 2907.05 of the Revised Code. 242

(2) Notwithstanding the presumption established under 243
division (D)(1) of this section for the offenses listed in that 244
division other than a violation of division (A)(4) or (B) of 245
section 2907.05 of the Revised Code, the sentencing court may 246
impose a community control sanction or a combination of community 247
control sanctions instead of a prison term on an offender for a 248
felony of the first or second degree or for a felony drug offense 249
that is a violation of any provision of Chapter 2925., 3719., or 250
4729. of the Revised Code for which a presumption in favor of a 251
prison term is specified as being applicable if it makes both of 252
the following findings: 253

(a) A community control sanction or a combination of 254
community control sanctions would adequately punish the offender 255
and protect the public from future crime, because the applicable 256
factors under section 2929.12 of the Revised Code indicating a 257
lesser likelihood of recidivism outweigh the applicable factors 258
under that section indicating a greater likelihood of recidivism. 259

(b) A community control sanction or a combination of 260
community control sanctions would not demean the seriousness of 261
the offense, because one or more factors under section 2929.12 of 262
the Revised Code that indicate that the offender's conduct was 263
less serious than conduct normally constituting the offense are 264
applicable, and they outweigh the applicable factors under that 265
section that indicate that the offender's conduct was more serious 266
than conduct normally constituting the offense. 267

(E)(1) Except as provided in division (F) of this section, 268
for any drug offense that is a violation of any provision of 269

Chapter 2925. of the Revised Code and that is a felony of the 270
third, fourth, or fifth degree, the applicability of a presumption 271
under division (D) of this section in favor of a prison term or of 272
division (B) or (C) of this section in determining whether to 273
impose a prison term for the offense shall be determined as 274
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 275
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 276
Revised Code, whichever is applicable regarding the violation. 277

(2) If an offender who was convicted of or pleaded guilty to 278
a felony violates the conditions of a community control sanction 279
imposed for the offense solely by reason of producing positive 280
results on a drug test, the court, as punishment for the violation 281
of the sanction, shall not order that the offender be imprisoned 282
unless the court determines on the record either of the following: 283

(a) The offender had been ordered as a sanction for the 284
felony to participate in a drug treatment program, in a drug 285
education program, or in narcotics anonymous or a similar program, 286
and the offender continued to use illegal drugs after a reasonable 287
period of participation in the program. 288

(b) The imprisonment of the offender for the violation is 289
consistent with the purposes and principles of sentencing set 290
forth in section 2929.11 of the Revised Code. 291

(F) Notwithstanding divisions (A) to (E) of this section, the 292
court shall impose a prison term or terms under sections 2929.02 293
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 294
of the Revised Code and except as specifically provided in section 295
2929.20 or 2967.191 of the Revised Code or when parole is 296
authorized for the offense under section 2967.13 of the Revised 297
Code shall not reduce the term or terms pursuant to section 298
2929.20, section 2967.193, or any other provision of Chapter 2967. 299
or Chapter 5120. of the Revised Code for any of the following 300
offenses: 301

(1) Aggravated murder when death is not imposed or murder;	302
(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;	303 304 305 306 307 308
(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:	309 310 311
(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;	312 313 314 315 316
(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.	317 318 319 320
(c) Regarding sexual battery, either of the following applies:	321 322
(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.	323 324 325 326 327
(ii) The offense was committed on or after August 3, 2006.	328
(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, or 2903.13 of the Revised Code if the section requires the imposition of a prison term;	329 330 331

(5) A first, second, or third degree felony drug offense for 332
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 333
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 334
4729.99 of the Revised Code, whichever is applicable regarding the 335
violation, requires the imposition of a mandatory prison term; 336

(6) Any offense that is a first or second degree felony and 337
that is not set forth in division (F)(1), (2), (3), or (4) of this 338
section, if the offender previously was convicted of or pleaded 339
guilty to aggravated murder, murder, any first or second degree 340
felony, or an offense under an existing or former law of this 341
state, another state, or the United States that is or was 342
substantially equivalent to one of those offenses; 343

(7) Any offense that is a third degree felony and either is a 344
violation of section 2903.04 of the Revised Code or an attempt to 345
commit a felony of the second degree that is an offense of 346
violence and involved an attempt to cause serious physical harm to 347
a person or that resulted in serious physical harm to a person if 348
the offender previously was convicted of or pleaded guilty to any 349
of the following offenses: 350

(a) Aggravated murder, murder, involuntary manslaughter, 351
rape, felonious sexual penetration as it existed under section 352
2907.12 of the Revised Code prior to September 3, 1996, a felony 353
of the first or second degree that resulted in the death of a 354
person or in physical harm to a person, or complicity in or an 355
attempt to commit any of those offenses; 356

(b) An offense under an existing or former law of this state, 357
another state, or the United States that is or was substantially 358
equivalent to an offense listed in division (F)(7)(a) of this 359
section that resulted in the death of a person or in physical harm 360
to a person. 361

(8) Any offense, other than a violation of section 2923.12 of 362

the Revised Code, that is a felony, if the offender had a firearm 363
on or about the offender's person or under the offender's control 364
while committing the felony, with respect to a portion of the 365
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 366
of the Revised Code for having the firearm; 367

(9) Any offense of violence that is a felony, if the offender 368
wore or carried body armor while committing the felony offense of 369
violence, with respect to the portion of the sentence imposed 370
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 371
Code for wearing or carrying the body armor; 372

(10) Corrupt activity in violation of section 2923.32 of the 373
Revised Code when the most serious offense in the pattern of 374
corrupt activity that is the basis of the offense is a felony of 375
the first degree; 376

(11) Any violent sex offense or designated homicide, assault, 377
or kidnapping offense if, in relation to that offense, the 378
offender is adjudicated a sexually violent predator; 379

(12) A violation of division (A)(1) or (2) of section 2921.36 380
of the Revised Code, or a violation of division (C) of that 381
section involving an item listed in division (A)(1) or (2) of that 382
section, if the offender is an officer or employee of the 383
department of rehabilitation and correction; 384

(13) A violation of division (A)(1) or (2) of section 2903.06 385
of the Revised Code if the victim of the offense is a peace 386
officer, as defined in section 2935.01 of the Revised Code, or an 387
investigator of the bureau of criminal identification and 388
investigation, as defined in section 2903.11 of the Revised Code, 389
with respect to the portion of the sentence imposed pursuant to 390
division (D)(5) of section 2929.14 of the Revised Code; 391

(14) A violation of division (A)(1) or (2) of section 2903.06 392
of the Revised Code if the offender has been convicted of or 393

pleaded guilty to three or more violations of division (A) or (B) 394
of section 4511.19 of the Revised Code or an equivalent offense, 395
as defined in section 2941.1415 of the Revised Code, or three or 396
more violations of any combination of those divisions and 397
offenses, with respect to the portion of the sentence imposed 398
pursuant to division (D)(6) of section 2929.14 of the Revised 399
Code; 400

(15) Kidnapping, in the circumstances specified in section 401
2971.03 of the Revised Code and when no other provision of 402
division (F) of this section applies. 403

(G) Notwithstanding divisions (A) to (E) of this section, if 404
an offender is being sentenced for a fourth degree felony OVI 405
offense or for a third degree felony OVI offense, the court shall 406
impose upon the offender a mandatory term of local incarceration 407
or a mandatory prison term in accordance with the following: 408

(1) If the offender is being sentenced for a fourth degree 409
felony OVI offense and if the offender has not been convicted of 410
and has not pleaded guilty to a specification of the type 411
described in section 2941.1413 of the Revised Code, the court may 412
impose upon the offender a mandatory term of local incarceration 413
of sixty days or one hundred twenty days as specified in division 414
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 415
not reduce the term pursuant to section 2929.20, 2967.193, or any 416
other provision of the Revised Code. The court that imposes a 417
mandatory term of local incarceration under this division shall 418
specify whether the term is to be served in a jail, a 419
community-based correctional facility, a halfway house, or an 420
alternative residential facility, and the offender shall serve the 421
term in the type of facility specified by the court. A mandatory 422
term of local incarceration imposed under division (G)(1) of this 423
section is not subject to extension under section 2967.11 of the 424
Revised Code, to a period of post-release control under section 425

2967.28 of the Revised Code, or to any other Revised Code 426
provision that pertains to a prison term except as provided in 427
division (A)(1) of this section. 428

(2) If the offender is being sentenced for a third degree 429
felony OVI offense, or if the offender is being sentenced for a 430
fourth degree felony OVI offense and the court does not impose a 431
mandatory term of local incarceration under division (G)(1) of 432
this section, the court shall impose upon the offender a mandatory 433
prison term of one, two, three, four, or five years if the 434
offender also is convicted of or also pleads guilty to a 435
specification of the type described in section 2941.1413 of the 436
Revised Code or shall impose upon the offender a mandatory prison 437
term of sixty days or one hundred twenty days as specified in 438
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 439
if the offender has not been convicted of and has not pleaded 440
guilty to a specification of that type. The court shall not reduce 441
the term pursuant to section 2929.20, 2967.193, or any other 442
provision of the Revised Code. The offender shall serve the one-, 443
two-, three-, four-, or five-year mandatory prison term 444
consecutively to and prior to the prison term imposed for the 445
underlying offense and consecutively to any other mandatory prison 446
term imposed in relation to the offense. In no case shall an 447
offender who once has been sentenced to a mandatory term of local 448
incarceration pursuant to division (G)(1) of this section for a 449
fourth degree felony OVI offense be sentenced to another mandatory 450
term of local incarceration under that division for any violation 451
of division (A) of section 4511.19 of the Revised Code. In 452
addition to the mandatory prison term described in division (G)(2) 453
of this section, the court may sentence the offender to a 454
community control sanction under section 2929.16 or 2929.17 of the 455
Revised Code, but the offender shall serve the prison term prior 456
to serving the community control sanction. The department of 457
rehabilitation and correction may place an offender sentenced to a 458

mandatory prison term under this division in an intensive program 459
prison established pursuant to section 5120.033 of the Revised 460
Code if the department gave the sentencing judge prior notice of 461
its intent to place the offender in an intensive program prison 462
established under that section and if the judge did not notify the 463
department that the judge disapproved the placement. Upon the 464
establishment of the initial intensive program prison pursuant to 465
section 5120.033 of the Revised Code that is privately operated 466
and managed by a contractor pursuant to a contract entered into 467
under section 9.06 of the Revised Code, both of the following 468
apply: 469

(a) The department of rehabilitation and correction shall 470
make a reasonable effort to ensure that a sufficient number of 471
offenders sentenced to a mandatory prison term under this division 472
are placed in the privately operated and managed prison so that 473
the privately operated and managed prison has full occupancy. 474

(b) Unless the privately operated and managed prison has full 475
occupancy, the department of rehabilitation and correction shall 476
not place any offender sentenced to a mandatory prison term under 477
this division in any intensive program prison established pursuant 478
to section 5120.033 of the Revised Code other than the privately 479
operated and managed prison. 480

(H) If an offender is being sentenced for a sexually oriented 481
offense or child-victim oriented offense that is a felony 482
committed on or after January 1, 1997, the judge shall require the 483
offender to submit to a DNA specimen collection procedure pursuant 484
to section 2901.07 of the Revised Code. 485

(I) If an offender is being sentenced for a sexually oriented 486
offense or a child-victim oriented offense committed on or after 487
January 1, 1997, the judge shall include in the sentence a summary 488
of the offender's duties imposed under sections 2950.04, 2950.041, 489
2950.05, and 2950.06 of the Revised Code and the duration of the 490

duties. The judge shall inform the offender, at the time of 491
sentencing, of those duties and of their duration. If required 492
under division (A)(2) of section 2950.03 of the Revised Code, the 493
judge shall perform the duties specified in that section, or, if 494
required under division (A)(6) of section 2950.03 of the Revised 495
Code, the judge shall perform the duties specified in that 496
division. 497

(J)(1) Except as provided in division (J)(2) of this section, 498
when considering sentencing factors under this section in relation 499
to an offender who is convicted of or pleads guilty to an attempt 500
to commit an offense in violation of section 2923.02 of the 501
Revised Code, the sentencing court shall consider the factors 502
applicable to the felony category of the violation of section 503
2923.02 of the Revised Code instead of the factors applicable to 504
the felony category of the offense attempted. 505

(2) When considering sentencing factors under this section in 506
relation to an offender who is convicted of or pleads guilty to an 507
attempt to commit a drug abuse offense for which the penalty is 508
determined by the amount or number of unit doses of the controlled 509
substance involved in the drug abuse offense, the sentencing court 510
shall consider the factors applicable to the felony category that 511
the drug abuse offense attempted would be if that drug abuse 512
offense had been committed and had involved an amount or number of 513
unit doses of the controlled substance that is within the next 514
lower range of controlled substance amounts than was involved in 515
the attempt. 516

(K) As used in this section, "drug abuse offense" has the 517
same meaning as in section 2925.01 of the Revised Code. 518

(L) At the time of sentencing an offender for any sexually 519
oriented offense or child-victim oriented offense, if the offender 520
is a tier III sex offender/child-victim offender relative to that 521
offense ~~and the offender does not serve a prison term or jail~~ 522

~~term, in addition to imposing on the offender any penalty, sanction, or other restriction or duty that is authorized or required by law, the court may shall~~ require that the offender be monitored by means of ~~a~~ an active global positioning system device. If the court requires such monitoring, during the entire duration, as determined pursuant to division (B) of section 2950.07 of the Revised Code, of the offender's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. The court shall include the requirement in the offender's sentence and shall describe it in the summary required under division (I) of this section. If the court sentences the offender to a prison term or jail term, the court shall order that the monitoring commence on the date of the offender's release from prison or jail. If the court does not sentence the offender to a prison term or jail term, the court shall order that the monitoring commence on the date of entry of the judgment of conviction of the sexually oriented offense or child-victim oriented offense. The offender shall bear the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

The court shall place the offender under the general control and supervision of the adult parole authority for purposes of the monitoring and the reporting to the court of a violation of the monitoring requirement, including the offender's unauthorized removal of the monitoring device. Divisions (A)(2)(b) and (B) of section 2929.15 of the Revised Code apply to the monitoring requirement as if it were a community control sanction imposed upon an offender under that section. For all other purposes, including the five-year duration limitation set forth in division (A)(1) of section 2929.15 of the Revised Code, the monitoring requirement shall not be considered to be a community control sanction.

Sec. 2929.15. (A)(1) If in sentencing an offender for a 556
felony the court is not required to impose a prison term, a 557
mandatory prison term, or a term of life imprisonment upon the 558
offender, the court may directly impose a sentence that consists 559
of one or more community control sanctions authorized pursuant to 560
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 561
court is sentencing an offender for a fourth degree felony OVI 562
offense under division (G)(1) of section 2929.13 of the Revised 563
Code, in addition to the mandatory term of local incarceration 564
imposed under that division and the mandatory fine required by 565
division (B)(3) of section 2929.18 of the Revised Code, the court 566
may impose upon the offender a community control sanction or 567
combination of community control sanctions in accordance with 568
sections 2929.16 and 2929.17 of the Revised Code. If the court is 569
sentencing an offender for a third or fourth degree felony OVI 570
offense under division (G)(2) of section 2929.13 of the Revised 571
Code, in addition to the mandatory prison term or mandatory prison 572
term and additional prison term imposed under that division, the 573
court also may impose upon the offender a community control 574
sanction or combination of community control sanctions under 575
section 2929.16 or 2929.17 of the Revised Code, but the offender 576
shall serve all of the prison terms so imposed prior to serving 577
the community control sanction. If the court is sentencing an 578
offender for a sexually oriented offense or child-victim oriented 579
offense and the offender is a tier III sex offender/child-victim 580
offender relative to that offense, no community control sanction 581
imposed upon the offender under this division shall interfere with 582
the mandatory active global positioning system device monitoring 583
of the offender required by division (L) of section 2929.13 of the 584
Revised Code. 585

The duration of all community control sanctions imposed upon 586
an offender under this division shall not exceed five years. If 587

the offender absconds or otherwise leaves the jurisdiction of the 588
court in which the offender resides without obtaining permission 589
from the court or the offender's probation officer to leave the 590
jurisdiction of the court, or if the offender is confined in any 591
institution for the commission of any offense while under a 592
community control sanction, the period of the community control 593
sanction ceases to run until the offender is brought before the 594
court for its further action. If the court sentences the offender 595
to one or more nonresidential sanctions under section 2929.17 of 596
the Revised Code, the court shall impose as a condition of the 597
nonresidential sanctions that, during the period of the sanctions, 598
the offender must abide by the law and must not leave the state 599
without the permission of the court or the offender's probation 600
officer. The court may impose any other conditions of release 601
under a community control sanction that the court considers 602
appropriate, including, but not limited to, requiring that the 603
offender not ingest or be injected with a drug of abuse and submit 604
to random drug testing as provided in division (D) of this section 605
to determine whether the offender ingested or was injected with a 606
drug of abuse and requiring that the results of the drug test 607
indicate that the offender did not ingest or was not injected with 608
a drug of abuse. 609

(2)(a) If a court sentences an offender to any community 610
control sanction or combination of community control sanctions 611
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 612
Revised Code, the court shall place the offender under the general 613
control and supervision of a department of probation in the county 614
that serves the court for purposes of reporting to the court a 615
violation of any condition of the sanctions, any condition of 616
release under a community control sanction imposed by the court, a 617
violation of law, or the departure of the offender from this state 618
without the permission of the court or the offender's probation 619
officer. Alternatively, if the offender resides in another county 620

and a county department of probation has been established in that 621
county or that county is served by a multicounty probation 622
department established under section 2301.27 of the Revised Code, 623
the court may request the court of common pleas of that county to 624
receive the offender into the general control and supervision of 625
that county or multicounty department of probation for purposes of 626
reporting to the court a violation of any condition of the 627
sanctions, any condition of release under a community control 628
sanction imposed by the court, a violation of law, or the 629
departure of the offender from this state without the permission 630
of the court or the offender's probation officer, subject to the 631
jurisdiction of the trial judge over and with respect to the 632
person of the offender, and to the rules governing that department 633
of probation. 634

If there is no department of probation in the county that 635
serves the court, the court shall place the offender, regardless 636
of the offender's county of residence, under the general control 637
and supervision of the adult parole authority for purposes of 638
reporting to the court a violation of any of the sanctions, any 639
condition of release under a community control sanction imposed by 640
the court, a violation of law, or the departure of the offender 641
from this state without the permission of the court or the 642
offender's probation officer. 643

(b) If the court imposing sentence upon an offender sentences 644
the offender to any community control sanction or combination of 645
community control sanctions authorized pursuant to section 646
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 647
offender violates any condition of the sanctions, any condition of 648
release under a community control sanction imposed by the court, 649
violates any law, or departs the state without the permission of 650
the court or the offender's probation officer, the public or 651
private person or entity that operates or administers the sanction 652

or the program or activity that comprises the sanction shall 653
report the violation or departure directly to the sentencing 654
court, or shall report the violation or departure to the county or 655
multicounty department of probation with general control and 656
supervision over the offender under division (A)(2)(a) of this 657
section or the officer of that department who supervises the 658
offender, or, if there is no such department with general control 659
and supervision over the offender under that division, to the 660
adult parole authority. If the public or private person or entity 661
that operates or administers the sanction or the program or 662
activity that comprises the sanction reports the violation or 663
departure to the county or multicounty department of probation or 664
the adult parole authority, the department's or authority's 665
officers may treat the offender as if the offender were on 666
probation and in violation of the probation, and shall report the 667
violation of the condition of the sanction, any condition of 668
release under a community control sanction imposed by the court, 669
the violation of law, or the departure from the state without the 670
required permission to the sentencing court. 671

(B) If the conditions of a community control sanction are 672
violated or if the offender violates a law or leaves the state 673
without the permission of the court or the offender's probation 674
officer, the sentencing court may impose a longer time under the 675
same sanction if the total time under the sanctions does not 676
exceed the five-year limit specified in division (A) of this 677
section, may impose a more restrictive sanction under section 678
2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a 679
prison term on the offender pursuant to section 2929.14 of the 680
Revised Code. The prison term, if any, imposed upon a violator 681
pursuant to this division shall be within the range of prison 682
terms available for the offense for which the sanction that was 683
violated was imposed and shall not exceed the prison term 684
specified in the notice provided to the offender at the sentencing 685

hearing pursuant to division (B)(3) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to this division by the time the offender successfully spent under the sanction that was initially imposed.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation or the adult parole authority that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (D)(1) of this section has entered into a contract as specified in that division, the department of probation or the adult parole authority that has general control and supervision of the offender under division (A)(2)(a) of this section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject

of the drug test ingested or was injected with a drug of abuse. 718

(3) A laboratory or entity that has entered into a contract 719
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 720
shall perform the random drug tests under division (D)(1) of this 721
section in accordance with the applicable standards that are 722
included in the terms of that contract. A public laboratory shall 723
perform the random drug tests under division (D)(2) of this 724
section in accordance with the standards set forth in the policies 725
and procedures established by the department of rehabilitation and 726
correction pursuant to section 5120.63 of the Revised Code. An 727
offender who is required under division (A)(1) of this section to 728
submit to random drug testing as a condition of release under a 729
community control sanction and whose test results indicate that 730
the offender ingested or was injected with a drug of abuse shall 731
pay the fee for the drug test if the department of probation or 732
the adult parole authority that has general control and 733
supervision of the offender requires payment of a fee. A 734
laboratory or entity that performs the random drug testing on an 735
offender under division (D)(1) or (2) of this section shall 736
transmit the results of the drug test to the appropriate 737
department of probation or the adult parole authority that has 738
general control and supervision of the offender under division 739
(A)(2)(a) of this section. 740

Sec. 2929.23. (A) If an offender is being sentenced for a 741
sexually oriented offense or child-victim oriented offense that is 742
a misdemeanor committed on or after January 1, 1997, and the 743
offender is a tier III sex offender/child-victim offender relative 744
to the offense or the offense is any offense listed in division 745
(D)(1) to (3) of section 2901.07 of the Revised Code, the judge 746
shall include in the offender's sentence a statement that the 747
offender is a tier III sex offender/child-victim offender, shall 748
comply with the requirements of section 2950.03 of the Revised 749

Code, and shall require the offender to submit to a DNA specimen 750
collection procedure pursuant to section 2901.07 of the Revised 751
Code. 752

(B) If an offender is being sentenced for a sexually oriented 753
offense or a child-victim oriented offense that is a misdemeanor 754
committed on or after January 1, 1997, the judge shall include in 755
the sentence a summary of the offender's duties imposed under 756
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 757
Code and the duration of the duties. The judge shall inform the 758
offender, at the time of sentencing, of those duties and of their 759
duration. If required under division (A)(2) of section 2950.03 of 760
the Revised Code, the judge shall perform the duties specified in 761
that section or, if required under division (A)(6) of section 762
2950.03 of the Revised Code, the judge shall perform the duties 763
specified in that division. 764

(C) At the time of sentencing an offender for any sexually 765
oriented offense or child-victim oriented offense that is a 766
misdemeanor, if the offender is a tier III sex 767
offender/child-victim offender relative to that offense, in 768
addition to imposing on the offender any penalty, sanction, or 769
other restriction or duty that is authorized or required by law, 770
the court shall require that the offender be monitored by means of 771
an active global positioning system device during the entire 772
duration, as determined pursuant to division (B) of section 773
2950.07 of the Revised Code, of the offender's duty to comply with 774
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 775
Code. The court shall include the requirement in the offender's 776
sentence and shall describe it in the summary required under 777
division (B) of this section. If the court sentences the offender 778
to a jail term, the court shall order that the monitoring commence 779
on the date of the offender's release from jail. If the court does 780
not sentence the offender to a jail term, the court shall order 781

that the monitoring commence on the date of entry of the judgment 782
of conviction of the sexually oriented offense or child-victim 783
oriented offense. The offender shall bear the cost of monitoring. 784
If the offender is indigent, the crime victims reparations fund 785
shall pay the cost of compliance. 786

The court shall place the offender under the general control 787
and supervision of the adult parole authority for purposes of the 788
monitoring and the reporting to the court of a violation of the 789
monitoring requirement, including the offender's unauthorized 790
removal of the monitoring device. Divisions (C)(1) and (2) of 791
section 2929.25 of the Revised Code apply to the monitoring 792
requirement as if it were a community control sanction imposed 793
upon an offender under that section. For all other purposes, 794
including the five-year duration limitation set forth in division 795
(A)(2) of section 2929.25 of the Revised Code, the monitoring 796
requirement shall not be considered to be a community control 797
sanction. 798

Sec. 2929.25. (A)(1) Except as provided in sections 2929.22 799
and 2929.23 of the Revised Code or when a jail term is required by 800
law, in sentencing an offender for a misdemeanor, other than a 801
minor misdemeanor, the sentencing court may do either of the 802
following: 803

(a) Directly impose a sentence that consists of one or more 804
community control sanctions authorized by section 2929.26, 805
2929.27, or 2929.28 of the Revised Code. The court may impose any 806
other conditions of release under a community control sanction 807
that the court considers appropriate. If the court imposes a jail 808
term upon the offender, the court may impose any community control 809
sanction or combination of community control sanctions in addition 810
to the jail term. If the court is sentencing an offender for a 811
sexually oriented offense or child-victim oriented offense and the 812

offender is a tier III sex offender/child-victim offender relative 813
to that offense, no community control sanction imposed upon the 814
offender under this division shall interfere with the mandatory 815
active global positioning system device monitoring of the offender 816
required by division (C) of section 2929.23 of the Revised Code. 817

(b) Impose a jail term under section 2929.24 of the Revised 818
Code from the range of jail terms authorized under that section 819
for the offense, suspend all or a portion of the jail term 820
imposed, and place the offender under a community control sanction 821
or combination of community control sanctions authorized under 822
section 2929.26, 2929.27, or 2929.28 of the Revised Code. 823

(2) The duration of all community control sanctions imposed 824
upon an offender and in effect for an offender at any time shall 825
not exceed five years. 826

(3) At sentencing, if a court directly imposes a community 827
control sanction or combination of community control sanctions 828
pursuant to division (A)(1)(a) of this section, the court shall 829
state the duration of the community control sanctions imposed and 830
shall notify the offender that if any of the conditions of the 831
community control sanctions are violated the court may do any of 832
the following: 833

(a) Impose a longer time under the same community control 834
sanction if the total time under all of the offender's community 835
control sanctions does not exceed the five-year limit specified in 836
division (A)(2) of this section; 837

(b) Impose a more restrictive community control sanction 838
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 839
but the court is not required to impose any particular sanction or 840
sanctions; 841

(c) Impose a definite jail term from the range of jail terms 842
authorized for the offense under section 2929.24 of the Revised 843

Code. 844

(B)(1) If a court sentences an offender to any community 845
control sanction or combination of community control sanctions 846
authorized under section 2929.26, 2929.27, or 2929.28 of the 847
Revised Code, the court shall place the offender under the general 848
control and supervision of the court or of a department of 849
probation in the jurisdiction that serves the court for purposes 850
of reporting to the court a violation of any of the conditions of 851
the sanctions imposed. If the offender resides in another 852
jurisdiction and a department of probation has been established to 853
serve the municipal court or county court in that jurisdiction, 854
the sentencing court may request the municipal court or the county 855
court to receive the offender into the general control and 856
supervision of that department of probation for purposes of 857
reporting to the sentencing court a violation of any of the 858
conditions of the sanctions imposed. The sentencing court retains 859
jurisdiction over any offender whom it sentences for the duration 860
of the sanction or sanctions imposed. 861

(2) The sentencing court shall require as a condition of any 862
community control sanction that the offender abide by the law and 863
not leave the state without the permission of the court or the 864
offender's probation officer. In the interests of doing justice, 865
rehabilitating the offender, and ensuring the offender's good 866
behavior, the court may impose additional requirements on the 867
offender. The offender's compliance with the additional 868
requirements also shall be a condition of the community control 869
sanction imposed upon the offender. 870

(C)(1) If the court imposing sentence upon an offender 871
sentences the offender to any community control sanction or 872
combination of community control sanctions authorized under 873
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 874
the offender violates any of the conditions of the sanctions, the 875

public or private person or entity that supervises or administers 876
the program or activity that comprises the sanction shall report 877
the violation directly to the sentencing court or to the 878
department of probation or probation officer with general control 879
and supervision over the offender. If the public or private person 880
or entity reports the violation to the department of probation or 881
probation officer, the department or officer shall report the 882
violation to the sentencing court. 883

(2) If an offender violates any condition of a community 884
control sanction, the sentencing court may impose upon the 885
violation a longer time under the same community control sanction 886
if the total time under all of the community control sanctions 887
imposed on the violator does not exceed the five-year limit 888
specified in division (A)(2) of this section or may impose on the 889
violation a more restrictive community control sanction or 890
combination of community control sanctions, including a jail term. 891
If the court imposes a jail term upon a violator pursuant to this 892
division, the total time spent in jail for the misdemeanor offense 893
and the violation of a condition of the community control sanction 894
shall not exceed the maximum jail term available for the offense 895
for which the sanction that was violated was imposed. The court 896
may reduce the longer period of time that the violator is required 897
to spend under the longer sanction or the more restrictive 898
sanction by all or part of the time the violator successfully 899
spent under the sanction that was initially imposed. 900

(D) Except as otherwise provided in this division, if an 901
offender, for a significant period of time, fulfills the 902
conditions of a community control sanction imposed pursuant to 903
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 904
exemplary manner, the court may reduce the period of time under 905
the community control sanction or impose a less restrictive 906
community control sanction. Fulfilling the conditions of a 907

community control sanction does not relieve the offender of a duty 908
to make restitution under section 2929.28 of the Revised Code. 909

Sec. 2967.28. (A) As used in this section: 910

(1) "Monitored time" means the monitored time sanction 911
specified in section 2929.17 of the Revised Code. 912

(2) "Deadly weapon" and "dangerous ordnance" have the same 913
meanings as in section 2923.11 of the Revised Code. 914

(3) "Felony sex offense" means a violation of a section 915
contained in Chapter 2907. of the Revised Code that is a felony. 916

(B) Each sentence to a prison term for a felony of the first 917
degree, for a felony of the second degree, for a felony sex 918
offense, or for a felony of the third degree that is not a felony 919
sex offense and in the commission of which the offender caused or 920
threatened to cause physical harm to a person shall include a 921
requirement that the offender be subject to a period of 922
post-release control imposed by the parole board after the 923
offender's release from imprisonment. If a court imposes a 924
sentence including a prison term of a type described in this 925
division on or after ~~the effective date of this amendment~~ July 11, 926
2006, the failure of a sentencing court to notify the offender 927
pursuant to division (B)(3)(c) of section 2929.19 of the Revised 928
Code of this requirement or to include in the judgment of 929
conviction entered on the journal a statement that the offender's 930
sentence includes this requirement does not negate, limit, or 931
otherwise affect the mandatory period of supervision that is 932
required for the offender under this division. Section 2929.191 of 933
the Revised Code applies if, prior to ~~the effective date of this~~ 934
~~amendment~~ July 11, 2006, a court imposed a sentence including a 935
prison term of a type described in this division and failed to 936
notify the offender pursuant to division (B)(3)(c) of section 937
2929.19 of the Revised Code regarding post-release control or to 938

include in the judgment of conviction entered on the journal or in 939
the sentence pursuant to division (F)(1) of section 2929.14 of the 940
Revised Code a statement regarding post-release control. Unless 941
reduced by the parole board pursuant to division (D) of this 942
section when authorized under that division, a period of 943
post-release control required by this division for an offender 944
shall be of one of the following periods: 945

(1) For a felony of the first degree or for a felony sex 946
offense, five years; 947

(2) For a felony of the second degree that is not a felony 948
sex offense, three years; 949

(3) For a felony of the third degree that is not a felony sex 950
offense and in the commission of which the offender caused or 951
threatened physical harm to a person, three years. 952

(C) Any sentence to a prison term for a felony of the third, 953
fourth, or fifth degree that is not subject to division (B)(1) or 954
(3) of this section shall include a requirement that the offender 955
be subject to a period of post-release control of up to three 956
years after the offender's release from imprisonment, if the 957
parole board, in accordance with division (D) of this section, 958
determines that a period of post-release control is necessary for 959
that offender. Section 2929.191 of the Revised Code applies if, 960
prior to ~~the effective date of this amendment~~ July 11, 2006, a 961
court imposed a sentence including a prison term of a type 962
described in this division and failed to notify the offender 963
pursuant to division (B)(3)(d) of section 2929.19 of the Revised 964
Code regarding post-release control or to include in the judgment 965
of conviction entered on the journal or in the sentence pursuant 966
to division (F)(2) of section 2929.14 of the Revised Code a 967
statement regarding post-release control. 968

(D)(1) Before the prisoner is released from imprisonment, the 969

parole board shall impose upon a prisoner described in division 970
(B) of this section, may impose upon a prisoner described in 971
division (C) of this section, and shall impose upon a prisoner 972
described in division (B)(2)(b) of section 5120.031 or in division 973
(B)(1) of section 5120.032 of the Revised Code, one or more 974
post-release control sanctions to apply during the prisoner's 975
period of post-release control. Whenever the board imposes one or 976
more post-release control sanctions upon a prisoner, the board, in 977
addition to imposing the sanctions, also shall include as a 978
condition of the post-release control that the individual or felon 979
not leave the state without permission of the court or the 980
individual's or felon's parole or probation officer and that the 981
individual or felon abide by the law. The board may impose any 982
other conditions of release under a post-release control sanction 983
that the board considers appropriate, and the conditions of 984
release may include any community residential sanction, community 985
nonresidential sanction, or financial sanction that the sentencing 986
court was authorized to impose pursuant to sections 2929.16, 987
2929.17, and 2929.18 of the Revised Code. Prior to the release of 988
a prisoner for whom it will impose one or more post-release 989
control sanctions under this division, the parole board shall 990
review the prisoner's criminal history, all juvenile court 991
adjudications finding the prisoner, while a juvenile, to be a 992
delinquent child, and the record of the prisoner's conduct while 993
imprisoned. The parole board shall consider any recommendation 994
regarding post-release control sanctions for the prisoner made by 995
the office of victims' services. After considering those 996
materials, the board shall determine, for a prisoner described in 997
division (B) of this section, division (B)(2)(b) of section 998
5120.031, or division (B)(1) of section 5120.032 of the Revised 999
Code, which post-release control sanction or combination of 1000
post-release control sanctions is reasonable under the 1001
circumstances or, for a prisoner described in division (C) of this 1002

section, whether a post-release control sanction is necessary and, 1003
if so, which post-release control sanction or combination of 1004
post-release control sanctions is reasonable under the 1005
circumstances. In the case of a prisoner convicted of a felony of 1006
the fourth or fifth degree other than a felony sex offense, the 1007
board shall presume that monitored time is the appropriate 1008
post-release control sanction unless the board determines that a 1009
more restrictive sanction is warranted. A post-release control 1010
sanction imposed under this division takes effect upon the 1011
prisoner's release from imprisonment. 1012

Regardless of whether the prisoner was sentenced to the 1013
prison term prior to, on, or after ~~the effective date of this~~ 1014
~~amendment~~ July 11, 2006, prior to the release of a prisoner for 1015
whom it will impose one or more post-release control sanctions 1016
under this division, the parole board shall notify the prisoner 1017
that, if the prisoner violates any sanction so imposed or any 1018
condition of post-release control described in division (B) of 1019
section 2967.131 of the Revised Code that is imposed on the 1020
prisoner, the parole board may impose a prison term of up to 1021
one-half of the stated prison term originally imposed upon the 1022
prisoner. 1023

If the court is sentencing an offender for a sexually 1024
oriented offense or child-victim oriented offense and the offender 1025
is a tier III sex offender/child-victim offender relative to that 1026
offense, no community control sanction imposed upon the offender 1027
under this division shall interfere with the mandatory active 1028
global positioning system device monitoring of the offender 1029
required by division (L) of section 2929.13 of the Revised Code. 1030

(2) At any time after a prisoner is released from 1031
imprisonment and during the period of post-release control 1032
applicable to the releasee, the adult parole authority may review 1033
the releasee's behavior under the post-release control sanctions 1034

imposed upon the releasee under this section. The authority may 1035
determine, based upon the review and in accordance with the 1036
standards established under division (E) of this section, that a 1037
more restrictive or a less restrictive sanction is appropriate and 1038
may impose a different sanction. Unless the period of post-release 1039
control was imposed for an offense described in division (B)(1) of 1040
this section, the authority also may recommend that the parole 1041
board reduce the duration of the period of post-release control 1042
imposed by the court. If the authority recommends that the board 1043
reduce the duration of control for an offense described in 1044
division (B)(2), (B)(3), or (C) of this section, the board shall 1045
review the releasee's behavior and may reduce the duration of the 1046
period of control imposed by the court. In no case shall the board 1047
reduce the duration of the period of control imposed by the court 1048
for an offense described in division (B)(1) of this section, and 1049
in no case shall the board permit the releasee to leave the state 1050
without permission of the court or the releasee's parole or 1051
probation officer. 1052

(E) The department of rehabilitation and correction, in 1053
accordance with Chapter 119. of the Revised Code, shall adopt 1054
rules that do all of the following: 1055

(1) Establish standards for the imposition by the parole 1056
board of post-release control sanctions under this section that 1057
are consistent with the overriding purposes and sentencing 1058
principles set forth in section 2929.11 of the Revised Code and 1059
that are appropriate to the needs of releasees; 1060

(2) Establish standards by which the parole board can 1061
determine which prisoners described in division (C) of this 1062
section should be placed under a period of post-release control; 1063

(3) Establish standards to be used by the parole board in 1064
reducing the duration of the period of post-release control 1065
imposed by the court when authorized under division (D) of this 1066

section, in imposing a more restrictive post-release control 1067
sanction than monitored time upon a prisoner convicted of a felony 1068
of the fourth or fifth degree other than a felony sex offense, or 1069
in imposing a less restrictive control sanction upon a releasee 1070
based on the releasee's activities including, but not limited to, 1071
remaining free from criminal activity and from the abuse of 1072
alcohol or other drugs, successfully participating in approved 1073
rehabilitation programs, maintaining employment, and paying 1074
restitution to the victim or meeting the terms of other financial 1075
sanctions; 1076

(4) Establish standards to be used by the adult parole 1077
authority in modifying a releasee's post-release control sanctions 1078
pursuant to division (D)(2) of this section; 1079

(5) Establish standards to be used by the adult parole 1080
authority or parole board in imposing further sanctions under 1081
division (F) of this section on releasees who violate post-release 1082
control sanctions, including standards that do the following: 1083

(a) Classify violations according to the degree of 1084
seriousness; 1085

(b) Define the circumstances under which formal action by the 1086
parole board is warranted; 1087

(c) Govern the use of evidence at violation hearings; 1088

(d) Ensure procedural due process to an alleged violator; 1089

(e) Prescribe nonresidential community control sanctions for 1090
most misdemeanor and technical violations; 1091

(f) Provide procedures for the return of a releasee to 1092
imprisonment for violations of post-release control. 1093

(F)(1) Whenever the parole board imposes one or more 1094
post-release control sanctions upon an offender under this 1095
section, the offender upon release from imprisonment shall be 1096

under the general jurisdiction of the adult parole authority and 1097
generally shall be supervised by the field services section 1098
through its staff of parole and field officers as described in 1099
section 5149.04 of the Revised Code, as if the offender had been 1100
placed on parole. If the offender upon release from imprisonment 1101
violates the post-release control sanction or any conditions 1102
described in division (A) of section 2967.131 of the Revised Code 1103
that are imposed on the offender, the public or private person or 1104
entity that operates or administers the sanction or the program or 1105
activity that comprises the sanction shall report the violation 1106
directly to the adult parole authority or to the officer of the 1107
authority who supervises the offender. The authority's officers 1108
may treat the offender as if the offender were on parole and in 1109
violation of the parole, and otherwise shall comply with this 1110
section. 1111

(2) If the adult parole authority determines that a releasee 1112
has violated a post-release control sanction or any conditions 1113
described in division (A) of section 2967.131 of the Revised Code 1114
imposed upon the releasee and that a more restrictive sanction is 1115
appropriate, the authority may impose a more restrictive sanction 1116
upon the releasee, in accordance with the standards established 1117
under division (E) of this section, or may report the violation to 1118
the parole board for a hearing pursuant to division (F)(3) of this 1119
section. The authority may not, pursuant to this division, 1120
increase the duration of the releasee's post-release control or 1121
impose as a post-release control sanction a residential sanction 1122
that includes a prison term, but the authority may impose on the 1123
releasee any other residential sanction, nonresidential sanction, 1124
or financial sanction that the sentencing court was authorized to 1125
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1126
Revised Code. 1127

(3) The parole board may hold a hearing on any alleged 1128

violation by a releasee of a post-release control sanction or any 1129
conditions described in division (A) of section 2967.131 of the 1130
Revised Code that are imposed upon the releasee. If after the 1131
hearing the board finds that the releasee violated the sanction or 1132
condition, the board may increase the duration of the releasee's 1133
post-release control up to the maximum duration authorized by 1134
division (B) or (C) of this section or impose a more restrictive 1135
post-release control sanction. When appropriate, the board may 1136
impose as a post-release control sanction a residential sanction 1137
that includes a prison term. The board shall consider a prison 1138
term as a post-release control sanction imposed for a violation of 1139
post-release control when the violation involves a deadly weapon 1140
or dangerous ordnance, physical harm or attempted serious physical 1141
harm to a person, or sexual misconduct, or when the releasee 1142
committed repeated violations of post-release control sanctions. 1143
The period of a prison term that is imposed as a post-release 1144
control sanction under this division shall not exceed nine months, 1145
and the maximum cumulative prison term for all violations under 1146
this division shall not exceed one-half of the stated prison term 1147
originally imposed upon the offender as part of this sentence. The 1148
period of a prison term that is imposed as a post-release control 1149
sanction under this division shall not count as, or be credited 1150
toward, the remaining period of post-release control. 1151

If an offender is imprisoned for a felony committed while 1152
under post-release control supervision and is again released on 1153
post-release control for a period of time determined by division 1154
(F)(4)(d) of this section, the maximum cumulative prison term for 1155
all violations under this division shall not exceed one-half of 1156
the total stated prison terms of the earlier felony, reduced by 1157
any prison term administratively imposed by the parole board, plus 1158
one-half of the total stated prison term of the new felony. 1159

(4) Any period of post-release control shall commence upon an 1160

offender's actual release from prison. If an offender is serving 1161
an indefinite prison term or a life sentence in addition to a 1162
stated prison term, the offender shall serve the period of 1163
post-release control in the following manner: 1164

(a) If a period of post-release control is imposed upon the 1165
offender and if the offender also is subject to a period of parole 1166
under a life sentence or an indefinite sentence, and if the period 1167
of post-release control ends prior to the period of parole, the 1168
offender shall be supervised on parole. The offender shall receive 1169
credit for post-release control supervision during the period of 1170
parole. The offender is not eligible for final release under 1171
section 2967.16 of the Revised Code until the post-release control 1172
period otherwise would have ended. 1173

(b) If a period of post-release control is imposed upon the 1174
offender and if the offender also is subject to a period of parole 1175
under an indefinite sentence, and if the period of parole ends 1176
prior to the period of post-release control, the offender shall be 1177
supervised on post-release control. The requirements of parole 1178
supervision shall be satisfied during the post-release control 1179
period. 1180

(c) If an offender is subject to more than one period of 1181
post-release control, the period of post-release control for all 1182
of the sentences shall be the period of post-release control that 1183
expires last, as determined by the parole board. Periods of 1184
post-release control shall be served concurrently and shall not be 1185
imposed consecutively to each other. 1186

(d) The period of post-release control for a releasee who 1187
commits a felony while under post-release control for an earlier 1188
felony shall be the longer of the period of post-release control 1189
specified for the new felony under division (B) or (C) of this 1190
section or the time remaining under the period of post-release 1191
control imposed for the earlier felony as determined by the parole 1192

board. 1193

Sec. 2967.29. If a prisoner is serving a prison term for a sexually oriented offense or child-victim oriented offense, if the prisoner is a tier III sex offender/child-victim offender relative to that offense, and if the prisoner's sentence does not include a requirement imposed on or after the effective date of this section pursuant to division (L) of section 2929.13 or division (C) of section 2929.23 of the Revised Code that the prisoner be monitored by means of an active global positioning system device, before the prisoner is released from imprisonment, the parole board shall impose upon the prisoner a requirement that the prisoner be monitored by means of an active global positioning system device during the entire duration, as determined pursuant to division (B) of section 2950.07 of the Revised Code, of the prisoner's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. The monitoring shall commence upon the prisoner's release from imprisonment. The prisoner shall bear the cost of monitoring. If the prisoner is indigent, the crime victims reparations fund shall pay the cost of compliance. The monitoring requirement shall be in addition to, and independent of, any post-release control sanction imposed on the offender under section 2967.28 of the Revised Code. 1194
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The prisoner upon release from imprisonment shall be under the general control and supervision of the adult parole authority for purposes of the monitoring and the reporting of a violation of the monitoring requirement, including the offender's unauthorized removal of the monitoring device. Divisions (F)(1) to (3) of section 2967.28 of the Revised Code apply to the monitoring requirement as if it were a post-release control sanction imposed upon an offender under that section. For all other purposes, including the duration limitations set forth in divisions (B)(1) to (3) of section 2967.28 of the Revised Code, the monitoring 1215
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requirement shall not be considered to be a post-release control 1225
sanction. 1226

The monitoring requirement imposed by this section is an 1227
adjunct to the registration duties and other duties imposed on sex 1228
offenders and child-victim offenders under sections 2950.04, 1229
2950.041, 2950.05, and 2950.06 of the Revised Code and is imposed 1230
for the additional protection of members of the public from the 1231
risks of engaging in future criminal activity that is posed by 1232
those offenders. 1233

Sec. 2971.03. (A) Notwithstanding divisions (A), (B), (C), 1234
and (F) of section 2929.14, section 2929.02, 2929.03, 2929.06, 1235
2929.13, or another section of the Revised Code, other than 1236
divisions (D) and (E) of section 2929.14 of the Revised Code, that 1237
authorizes or requires a specified prison term or a mandatory 1238
prison term for a person who is convicted of or pleads guilty to a 1239
felony or that specifies the manner and place of service of a 1240
prison term or term of imprisonment, the court shall impose a 1241
sentence upon a person who is convicted of or pleads guilty to a 1242
violent sex offense and who also is convicted of or pleads guilty 1243
to a sexually violent predator specification that was included in 1244
the indictment, count in the indictment, or information charging 1245
that offense, and upon a person who is convicted of or pleads 1246
guilty to a designated homicide, assault, or kidnapping offense 1247
and also is convicted of or pleads guilty to both a sexual 1248
motivation specification and a sexually violent predator 1249
specification that were included in the indictment, count in the 1250
indictment, or information charging that offense, as follows: 1251

(1) If the offense for which the sentence is being imposed is 1252
aggravated murder and if the court does not impose upon the 1253
offender a sentence of death, it shall impose upon the offender a 1254
term of life imprisonment without parole. If the court sentences 1255

the offender to death and the sentence of death is vacated, 1256
overturned, or otherwise set aside, the court shall impose upon 1257
the offender a term of life imprisonment without parole. 1258

(2) If the offense for which the sentence is being imposed is 1259
murder; or if the offense is rape committed in violation of 1260
division (A)(1)(b) of section 2907.02 of the Revised Code when the 1261
offender purposely compelled the victim to submit by force or 1262
threat of force, when the victim was less than ten years of age, 1263
when the offender previously has been convicted of or pleaded 1264
guilty to either rape committed in violation of that division or a 1265
violation of an existing or former law of this state, another 1266
state, or the United States that is substantially similar to 1267
division (A)(1)(b) of section 2907.02 of the Revised Code, or when 1268
the offender during or immediately after the commission of the 1269
rape caused serious physical harm to the victim; or if the offense 1270
is an offense other than aggravated murder or murder for which a 1271
term of life imprisonment may be imposed, it shall impose upon the 1272
offender a term of life imprisonment without parole. 1273

(3)(a) Except as otherwise provided in division (A)(3)(b), 1274
(c), (d), or (e) or (A)(4) of this section, if the offense for 1275
which the sentence is being imposed is an offense other than 1276
aggravated murder, murder, or rape and other than an offense for 1277
which a term of life imprisonment may be imposed, it shall impose 1278
an indefinite prison term consisting of a minimum term fixed by 1279
the court from among the range of terms available as a definite 1280
term for the offense, but not less than two years, and a maximum 1281
term of life imprisonment. 1282

(b) Except as otherwise provided in division (A)(4) of this 1283
section, if the offense for which the sentence is being imposed is 1284
kidnapping that is a felony of the first degree, it shall impose 1285
an indefinite prison term as follows: 1286

(i) If the kidnapping is committed on or after ~~the effective~~ 1287

~~date of this amendment~~ January 1, 2008, and the victim of the 1288
offense is less than thirteen years of age, except as otherwise 1289
provided in this division, it shall impose an indefinite prison 1290
term consisting of a minimum term of fifteen years and a maximum 1291
term of life imprisonment. If the kidnapping is committed on or 1292
after ~~the effective date of this amendment~~ January 1, 2008, the 1293
victim of the offense is less than thirteen years of age, and the 1294
offender released the victim in a safe place unharmed, it shall 1295
impose an indefinite prison term consisting of a minimum term of 1296
ten years and a maximum term of life imprisonment. 1297

(ii) If the kidnapping is committed prior to ~~the effective~~ 1298
~~date of this amendment~~ January 1, 2008, or division (A)(3)(b)(i) 1299
of this section does not apply, it shall impose an indefinite term 1300
consisting of a minimum term fixed by the court that is not less 1301
than ten years and a maximum term of life imprisonment. 1302

(c) Except as otherwise provided in division (A)(4) of this 1303
section, if the offense for which the sentence is being imposed is 1304
kidnapping that is a felony of the second degree, it shall impose 1305
an indefinite prison term consisting of a minimum term fixed by 1306
the court that is not less than eight years, and a maximum term of 1307
life imprisonment. 1308

(d) Except as otherwise provided in division (A)(4) of this 1309
section, if the offense for which the sentence is being imposed is 1310
rape for which a term of life imprisonment is not imposed under 1311
division (A)(2) of this section or division (B) of section 2907.02 1312
of the Revised Code, it shall impose an indefinite prison term as 1313
follows: 1314

(i) If the rape is committed on or after January 2, 2007, in 1315
violation of division (A)(1)(b) of section 2907.02 of the Revised 1316
Code, it shall impose an indefinite prison term consisting of a 1317
minimum term of twenty-five years and a maximum term of life 1318
imprisonment. 1319

(ii) If the rape is committed prior to January 2, 2007, or 1320
the rape is committed on or after January 2, 2007, other than in 1321
violation of division (A)(1)(b) of section 2907.02 of the Revised 1322
Code, it shall impose an indefinite prison term consisting of a 1323
minimum term fixed by the court that is not less than ten years, 1324
and a maximum term of life imprisonment. 1325

(e) Except as otherwise provided in division (A)(4) of this 1326
section, if the offense for which sentence is being imposed is 1327
attempted rape, it shall impose an indefinite prison term as 1328
follows: 1329

(i) Except as otherwise provided in division (A)(3)(e)(ii), 1330
(iii), or (iv) of this section, it shall impose an indefinite 1331
prison term pursuant to division (A)(3)(a) of this section. 1332

(ii) If the attempted rape for which sentence is being 1333
imposed was committed on or after January 2, 2007, and if the 1334
offender also is convicted of or pleads guilty to a specification 1335
of the type described in section 2941.1418 of the Revised Code, it 1336
shall impose an indefinite prison term consisting of a minimum 1337
term of five years and a maximum term of twenty-five years. 1338

(iii) If the attempted rape for which sentence is being 1339
imposed was committed on or after January 2, 2007, and if the 1340
offender also is convicted of or pleads guilty to a specification 1341
of the type described in section 2941.1419 of the Revised Code, it 1342
shall impose an indefinite prison term consisting of a minimum 1343
term of ten years and a maximum of life imprisonment. 1344

(iv) If the attempted rape for which sentence is being 1345
imposed was committed on or after January 2, 2007, and if the 1346
offender also is convicted of or pleads guilty to a specification 1347
of the type described in section 2941.1420 of the Revised Code, it 1348
shall impose an indefinite prison term consisting of a minimum 1349
term of fifteen years and a maximum of life imprisonment. 1350

(4) For any offense for which the sentence is being imposed, 1351
if the offender previously has been convicted of or pleaded guilty 1352
to a violent sex offense and also to a sexually violent predator 1353
specification that was included in the indictment, count in the 1354
indictment, or information charging that offense, or previously 1355
has been convicted of or pleaded guilty to a designated homicide, 1356
assault, or kidnapping offense and also to both a sexual 1357
motivation specification and a sexually violent predator 1358
specification that were included in the indictment, count in the 1359
indictment, or information charging that offense, it shall impose 1360
upon the offender a term of life imprisonment without parole. 1361

(5) If the offense for which sentence is being imposed is a 1362
sexually oriented offense and the offender is a tier III sex 1363
offender/child-victim offender relative to that offense, the court 1364
shall include in the sentence imposed on the offender a 1365
requirement of the type described in division (L) of section 1366
2929.13 of the Revised Code. 1367

(B)(1) Notwithstanding section 2929.13, division (A), (B), 1368
(C), or (F) of section 2929.14, or another section of the Revised 1369
Code other than division (B) of section 2907.02 or divisions (D) 1370
and (E) of section 2929.14 of the Revised Code that authorizes or 1371
requires a specified prison term or a mandatory prison term for a 1372
person who is convicted of or pleads guilty to a felony or that 1373
specifies the manner and place of service of a prison term or term 1374
of imprisonment, if a person is convicted of or pleads guilty to a 1375
violation of division (A)(1)(b) of section 2907.02 of the Revised 1376
Code committed on or after January 2, 2007, if division (A) of 1377
this section does not apply regarding the person, and if the court 1378
does not impose a sentence of life without parole when authorized 1379
pursuant to division (B) of section 2907.02 of the Revised Code, 1380
the court shall impose upon the person an indefinite prison term 1381
consisting of one of the following: 1382

(a) Except as otherwise required in division (B)(1)(b) or (c) 1383
of this section, a minimum term of ten years and a maximum term of 1384
life imprisonment. 1385

(b) If the victim was less than ten years of age, a minimum 1386
term of fifteen years and a maximum of life imprisonment. 1387

(c) If the offender purposely compels the victim to submit by 1388
force or threat of force, or if the offender previously has been 1389
convicted of or pleaded guilty to violating division (A)(1)(b) of 1390
section 2907.02 of the Revised Code or to violating an existing or 1391
former law of this state, another state, or the United States that 1392
is substantially similar to division (A)(1)(b) of that section, or 1393
if the offender during or immediately after the commission of the 1394
offense caused serious physical harm to the victim, a minimum term 1395
of twenty-five years and a maximum of life imprisonment. 1396

(2) Notwithstanding section 2929.13, division (A), (B), (C), 1397
or (F) of section 2929.14, or another section of the Revised Code 1398
other than divisions (D) and (E) of section 2929.14 of the Revised 1399
Code that authorizes or requires a specified prison term or a 1400
mandatory prison term for a person who is convicted of or pleads 1401
guilty to a felony or that specifies the manner and place of 1402
service of a prison term or term of imprisonment and except as 1403
otherwise provided in division (B) of section 2907.02 of the 1404
Revised Code, if a person is convicted of or pleads guilty to 1405
attempted rape committed on or after January 2, 2007, and if 1406
division (A) of this section does not apply regarding the person, 1407
the court shall impose upon the person an indefinite prison term 1408
consisting of one of the following: 1409

(a) If the person also is convicted of or pleads guilty to a 1410
specification of the type described in section 2941.1418 of the 1411
Revised Code, the court shall impose upon the person an indefinite 1412
prison term consisting of a minimum term of five years and a 1413
maximum term of twenty-five years. 1414

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

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

(3) Notwithstanding section 2929.13, division (A), (B), (C), or (F) of section 2929.14, or another section of the Revised Code other than divisions (D) and (E) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, if a person is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of this section committed on or after ~~the effective date of this amendment~~ January 1, 2008, if the person also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and if division (A) of this section does not apply regarding the person, the court shall impose upon the person an indefinite prison term consisting of one of the following:

(a) An indefinite prison term consisting of a minimum of ten years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed;

(b) An indefinite prison term consisting of a minimum of

fifteen years and a maximum term of life imprisonment if the 1447
offense for which the sentence is being imposed is kidnapping when 1448
the victim of the offense is less than thirteen years of age and 1449
division (B)(3)(a) of this section does not apply; 1450

(c) An indefinite term consisting of a minimum of thirty 1451
years and a maximum term of life imprisonment if the offense for 1452
which the sentence is being imposed is aggravated murder, when the 1453
victim of the offense is less than thirteen years of age, a 1454
sentence of death or life imprisonment without parole is not 1455
imposed for the offense, and division (A)(2)(b)(ii) of section 1456
2929.022, division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), 1457
(D)(2)(b), (D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or 1458
division (A) or (B) of section 2929.06 of the Revised Code 1459
requires that the sentence for the offense be imposed pursuant to 1460
this division; 1461

(d) An indefinite prison term consisting of a minimum of 1462
thirty years and a maximum term of life imprisonment if the 1463
offense for which the sentence is being imposed is murder when the 1464
victim of the offense is less than thirteen years of age. 1465

(4) If the offense for which sentence is being imposed under 1466
division (B)(1)(a), (b), or (c), (2)(a), (b), or (c), or (3)(a), 1467
(b), (c), or (d) of this section is a sexually oriented offense 1468
and the offender is a tier III sex offender/child-victim offender 1469
relative to that offense, the court shall include in the sentence 1470
imposed on the offender a requirement of the type described in 1471
division (L) of section 2929.13 of the Revised Code. 1472

(C)(1) If the offender is sentenced to a prison term pursuant 1473
to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1474
(c), or (B)(3)(a), (b), (c), or (d) of this section, the parole 1475
board shall have control over the offender's service of the term 1476
during the entire term unless the parole board terminates its 1477
control in accordance with section 2971.04 of the Revised Code. 1478

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

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

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

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

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

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

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

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

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

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

(F)(1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, the conviction of or plea of guilty to the offense and the sexually violent predator specification automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

(2) If an offender is convicted of or pleads guilty to committing on or after January 2, 2007, a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and either the

offender is sentenced under section 2971.03 of the Revised Code or 1541
a sentence of life without parole is imposed under division (B) of 1542
section 2907.02 of the Revised Code, the conviction of or plea of 1543
guilty to the offense automatically classifies the offender as a 1544
tier III sex offender/child-victim offender for purposes of 1545
Chapter 2950. of the Revised Code. 1546

(3) If a person is convicted of or pleads guilty to 1547
committing on or after January 2, 2007, attempted rape and also is 1548
convicted of or pleads guilty to a specification of the type 1549
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1550
Revised Code, the conviction of or plea of guilty to the offense 1551
and the specification automatically classify the offender as a 1552
tier III sex offender/child-victim offender for purposes of 1553
Chapter 2950. of the Revised Code. 1554

(4) If a person is convicted of or pleads guilty to one of 1555
the offenses described in division (B)(3)(a), (b), (c), or (d) of 1556
this section and a sexual motivation specification related to the 1557
offense and the victim of the offense is less than thirteen years 1558
of age, the conviction of or plea of guilty to the offense 1559
automatically classifies the offender as a tier III sex 1560
offender/child-victim offender for purposes of Chapter 2950. of 1561
the Revised Code. 1562

Sec. 2971.05. (A)(1) After control over an offender's service 1563
of a prison term imposed pursuant to division (A)(3), (B)(1)(a), 1564
(b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 1565
(d) of section 2971.03 of the Revised Code has been transferred 1566
pursuant to section 2971.04 of the Revised Code to the court, the 1567
court shall schedule, within thirty days of any of the following, 1568
a hearing on whether to modify in accordance with division (C) of 1569
this section the requirement that the offender serve the entire 1570
prison term in a state correctional institution or to terminate 1571

the prison term in accordance with division (D) of this section: 1572
1573

(a) Control over the offender's service of a prison term is 1574
transferred pursuant to section 2971.04 of the Revised Code to the 1575
court, and no hearing to modify the requirement has been held; 1576

(b) Two years elapse after the most recent prior hearing held 1577
pursuant to division (A)(1) or (2) of this section; 1578

(c) The prosecuting attorney, the department of 1579
rehabilitation and correction, or the adult parole authority 1580
requests the hearing, and recommends that the requirement be 1581
modified or that the offender's prison term be terminated. 1582

(2) After control over the offender's service of a prison 1583
term has been transferred pursuant to section 2971.04 of the 1584
Revised Code to the court, the court, within thirty days of either 1585
of the following, shall conduct a hearing on whether to modify in 1586
accordance with division (C) of this section the requirement that 1587
the offender serve the entire prison term in a state correctional 1588
institution, whether to continue, revise, or revoke an existing 1589
modification of that requirement, or whether to terminate the term 1590
in accordance with division (D) of this section: 1591

(a) The requirement that the offender serve the entire prison 1592
term in a state correctional institution has been modified, and 1593
the offender is taken into custody for any reason. 1594

(b) The department of rehabilitation and correction or the 1595
prosecuting attorney notifies the court pursuant to section 1596
2971.06 of the Revised Code regarding a known or suspected 1597
violation of a term or condition of the modification or a belief 1598
that there is a substantial likelihood that the offender has 1599
committed or is about to commit a sexually violent offense. 1600

(3) After control over the offender's service of a prison 1601
term has been transferred pursuant to section 2971.04 of the 1602

Revised Code to the court, the court, in any of the following 1603
circumstances, may conduct a hearing within thirty days to 1604
determine whether to modify in accordance with division (C) of 1605
this section the requirement that the offender serve the entire 1606
prison term in a state correctional institution, whether to 1607
continue, revise, or revoke an existing modification of that 1608
requirement, or whether to terminate the sentence in accordance 1609
with division (D) of this section: 1610

(a) The offender requests the hearing; 1611

(b) Upon the court's own motion; 1612

(c) One or more examiners who have conducted a psychological 1613
examination and assessment of the offender file a statement that 1614
states that there no longer is a likelihood that the offender will 1615
engage in the future in a sexually violent offense. 1616

(B)(1) Before a court holds a hearing pursuant to division 1617
(A) of this section, the court shall provide notice of the date, 1618
time, place, and purpose of the hearing to the offender, the 1619
prosecuting attorney, the department of rehabilitation and 1620
correction, and the adult parole authority and shall request the 1621
department to prepare pursuant to section 5120.61 of the Revised 1622
Code an update of the most recent risk assessment and report 1623
relative to the offender. The offender has the right to be present 1624
at any hearing held under this section. At the hearing, the 1625
offender and the prosecuting attorney may make a statement and 1626
present evidence as to whether the requirement that the offender 1627
serve the entire prison term in a state correctional institution 1628
should or should not be modified, whether the existing 1629
modification of the requirement should be continued, revised, or 1630
revoked, and whether the prison term should or should not be 1631
terminated. 1632

(2) At a hearing held pursuant to division (A) of this 1633

section, the court may and, if the hearing is held pursuant to 1634
division (A)(1)(a), (1)(b), or (3)(c) of this section, shall 1635
determine by clear and convincing evidence whether the offender is 1636
unlikely to commit a sexually violent offense in the future. 1637

(3) At the conclusion of the hearing held pursuant to 1638
division (A) of this section, the court may order that the 1639
requirement that the offender serve the entire prison term in a 1640
state correctional institution be continued, that the requirement 1641
be modified pursuant to division (C) of this section, that an 1642
existing modification be continued, revised, or revoked pursuant 1643
to division (C) of this section, or that the prison term be 1644
terminated pursuant to division (D) of this section. 1645

(C)(1) If, at the conclusion of a hearing held pursuant to 1646
division (A) of this section, the court determines by clear and 1647
convincing evidence that the offender will not represent a 1648
substantial risk of physical harm to others, the court may modify 1649
the requirement that the offender serve the entire prison term 1650
imposed under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), 1651
(b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of 1652
the Revised Code in a state correctional institution in a manner 1653
that the court considers appropriate. If the court modifies the 1654
requirement for an offender whose prison term was imposed pursuant 1655
to division (A)(3) of section 2971.03 of the Revised Code, the 1656
court shall order the adult parole authority to supervise the 1657
offender and shall require that the authority's supervision of the 1658
offender be pursuant to division (E) of this section. If the court 1659
modifies the requirement for an offender whose prison term was 1660
imposed pursuant to division (B)(1)(a), (b), or (c), (2)(a), (b), 1661
or (c), or (3)(a), (b), (c), or (d) of section 2971.03 of the 1662
Revised Code, the court shall order the adult parole authority to 1663
supervise the offender and may require that the authority's 1664
supervision of the offender be pursuant to division (E) of this 1665

section. 1666

(2) The modification of the requirement does not terminate 1667
the prison term but serves only to suspend the requirement that 1668
the offender serve the entire term in a state correctional 1669
institution. The prison term shall remain in effect for the 1670
offender's entire life unless the court terminates the prison term 1671
pursuant to division (D) of this section. The offender shall 1672
remain under the jurisdiction of the court for the offender's 1673
entire life unless the court so terminates the prison term. The 1674
modification of the requirement does not ~~terminate~~ affect the 1675
classification of the offender, as described in division (F) of 1676
section 2971.03 of the Revised Code, as a ~~sexual predator tier III~~ 1677
sex offender/child-victim offender for purposes of Chapter 2950. 1678
of the Revised Code, and the offender is subject to supervision, 1679
including supervision under division (E) of this section if the 1680
court required the supervision of the offender to be pursuant to 1681
that division. 1682

(3) If the court revokes the modification under 1683
consideration, the court shall order that the offender be returned 1684
to the custody of the department of rehabilitation and correction 1685
to continue serving the prison term to which the modification 1686
applied, and section 2971.06 of the Revised Code applies regarding 1687
the offender. 1688

(D)(1) If, at the conclusion of a hearing held pursuant to 1689
division (A) of this section, the court determines by clear and 1690
convincing evidence that the offender is unlikely to commit a 1691
sexually violent offense in the future, the court may terminate 1692
the offender's prison term imposed under division (A)(3), 1693
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), 1694
(c), or (d) of section 2971.03 of the Revised Code, subject to the 1695
offender satisfactorily completing the period of conditional 1696
release required by this division and, if applicable, compliance 1697

with division (E) of this section. If the court terminates the 1698
prison term, the court shall place the offender on conditional 1699
release for five years, notify the adult parole authority of its 1700
determination and of the termination of the prison term, and order 1701
the adult parole authority to supervise the offender during the 1702
five-year period of conditional release or, if division (E) 1703
applies to the offender, to supervise the offender pursuant to and 1704
for the period of time specified in that division. If the court 1705
terminates the prison term for an offender whose prison term was 1706
imposed pursuant to division (A)(3) of section 2971.03 of the 1707
Revised Code, the court shall require that the authority's 1708
supervision of the offender be pursuant to division (E) of this 1709
section. If the court terminates the prison term for an offender 1710
whose prison term was imposed pursuant to division (B)(1)(a), (b), 1711
or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of 1712
section 2971.03 of the Revised Code, the court may require that 1713
the authority's supervision of the offender be pursuant to 1714
division (E) of this section. Upon receipt of a notice from a 1715
court pursuant to this division, the adult parole authority shall 1716
supervise the offender who is the subject of the notice during the 1717
five-year period of conditional release, periodically notify the 1718
court of the offender's activities during that five-year period of 1719
conditional release, and file with the court no later than thirty 1720
days prior to the expiration of the five-year period of 1721
conditional release a written recommendation as to whether the 1722
termination of the offender's prison term should be finalized, 1723
whether the period of conditional release should be extended, or 1724
whether another type of action authorized pursuant to this chapter 1725
should be taken. 1726

(2) Upon receipt of a recommendation of the adult parole 1727
authority filed pursuant to division (D)(1) of this section, the 1728
court shall hold a hearing to determine whether to finalize the 1729
termination of the offender's prison term, to extend the period of 1730

conditional release, or to take another type of action authorized 1731
pursuant to this chapter. The court shall hold the hearing no 1732
later than the date on which the five-year period of conditional 1733
release terminates and shall provide notice of the date, time, 1734
place, and purpose of the hearing to the offender and to the 1735
prosecuting attorney. At the hearing, the offender, the 1736
prosecuting attorney, and the adult parole authority employee who 1737
supervised the offender during the period of conditional release 1738
may make a statement and present evidence. 1739

If the court determines at the hearing to extend an 1740
offender's period of conditional release, it may do so for 1741
additional periods of one year in the same manner as the original 1742
period of conditional release, and, except as otherwise described 1743
in this division, all procedures and requirements that applied to 1744
the original period of conditional release apply to the additional 1745
period of extended conditional release unless the court modifies a 1746
procedure or requirement. If an offender's period of conditional 1747
release is extended as described in this division, all references 1748
to a five-year period of conditional release that are contained in 1749
division (D)(1) of this section shall be construed, in applying 1750
the provisions of that division to the extension, as being 1751
references to the one-year period of the extension of the 1752
conditional release. 1753

If the court determines at the hearing to take another type 1754
of action authorized pursuant to this chapter, it may do so in the 1755
same manner as if the action had been taken at any other stage of 1756
the proceedings under this chapter. As used in this division, 1757
"another type of action" includes the revocation of the 1758
conditional release and the return of the offender to a state 1759
correctional institution to continue to serve the prison term. 1760

If the court determines at the hearing to finalize the 1761
termination of the offender's prison term, it shall notify the 1762

department of rehabilitation and correction, the department shall 1763
enter into its records a final release and issue to the offender a 1764
certificate of final release, and the prison term thereafter shall 1765
be considered completed and terminated in every way. 1766

(3) The termination of an offender's prison term pursuant to 1767
division (D)(1) or (2) of this section does not affect the 1768
classification of the offender, as described in division (F) of 1769
section 2971.03 of the Revised Code, as a tier III sex 1770
offender/child-victim offender for purposes of Chapter 2950. of 1771
the Revised Code, does not terminate the adult parole authority's 1772
supervision of the offender, and, if the court had required the 1773
supervision of the offender to be pursuant to division (E) of this 1774
section, does not terminate the supervision of the offender with 1775
an active global positioning system device, pursuant to that 1776
division. 1777

(E)(1) If a prison term imposed upon an offender pursuant to 1778
division (A)(3) or division (B)(1)(a), (b), or (c), (2)(a), (b), 1779
or (c), or (3)(a), (b), (c), or (d) of section 2971.03 of the 1780
Revised Code for a sexually oriented offense is modified as 1781
provided in division (C) of this section or terminated as provided 1782
in division (D) of this section, and if the offender is a tier III 1783
sex offender/child-victim offender relative to that offense, the 1784
adult parole authority shall supervise the offender with an active 1785
global positioning system device during the entire duration, as 1786
determined pursuant to division (B) of section 2950.07 of the 1787
Revised Code, of the prisoner's duty to comply with sections 1788
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. The 1789
monitoring shall commence upon the prisoner's release from 1790
imprisonment. The prisoner shall bear the cost of monitoring. If 1791
the prisoner is indigent, the crime victims reparations fund shall 1792
pay the cost of compliance. 1793

(2) If a prison term imposed upon an offender pursuant to 1794

division (A)(3) of section 2971.03 of the Revised Code is modified 1795
as provided in division (C) of this section or terminated as 1796
provided in division (D) of this section and if division (E)(1) of 1797
this section does not apply, the adult parole authority shall 1798
supervise the offender with an active global positioning system 1799
device during any time period in which the offender is not 1800
incarcerated in a state correctional institution. If a prison term 1801
imposed upon an offender pursuant to division (B)(1)(a), (b), or 1802
(c), (2)(a), (b), or (c), or (3)(a), (b), (c), or (d) of section 1803
2971.03 of the Revised Code is modified as provided in division 1804
(C) of this section or terminated as provided in division (D) of 1805
this section, if division (E)(1) of this section does apply, and 1806
if the court requires that the adult parole authority's 1807
supervision of the offender be pursuant to this division, the 1808
authority shall supervise the offender with an active global 1809
positioning system device during any time period in which the 1810
offender is not incarcerated in a state correctional institution. 1811
If the adult parole authority is required to supervise the 1812
offender with an active global positioning system device as 1813
described in this division, unless the court removes the 1814
offender's classification as a sexually violent predator regarding 1815
an offender whose prison term was imposed under division (A)(3) of 1816
section 2971.03 of the Revised Code or terminates the requirement 1817
that supervision of the offender be pursuant to this division 1818
regarding an offender whose prison term was imposed under division 1819
(B)(1)(a), (b), or (c), (2)(a), (b), or (c), or (3)(a), (b), (c), 1820
or (d) of section 2971.03 of the Revised Code, the offender is 1821
subject to supervision with an active global positioning system 1822
pursuant to this division for the offender's entire life. The 1823
costs of administering the supervision of offenders with an active 1824
global positioning system device pursuant to this division shall 1825
be paid out of funds from the reparations fund, created pursuant 1826
to section 2743.191 of the Revised Code. This division shall only 1827

apply to a sexually violent predator sentenced pursuant to 1828
division (A)(3) of section 2971.03 of the Revised Code who is 1829
released from the custody of the department of rehabilitation and 1830
correction on or after September 29, 2005, or an offender 1831
sentenced pursuant to division (B)(1) or (2) of section 2971.03 of 1832
the Revised Code on or after January 2, 2007. 1833

1834

Section 2. That existing sections 2743.191, 2929.13, 2929.15, 1835
2929.23, 2929.25, 2967.28, 2971.03, and 2971.05 of the Revised 1836
Code are hereby repealed. 1837