

As Introduced

128th General Assembly
Regular Session
2009-2010

H. B. No. 386

Representative Yates

—

A BILL

To amend sections 109.42, 307.93, 309.18, 926.99, 1
1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2
2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 3
2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 4
2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 5
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 6
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 7
2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 8
2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 9
2929.01, 2929.13, 2929.14, 2929.20, 2929.26, 10
2929.34, 2930.16, 2930.17, 2950.99, 2951.041, 11
2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 12
4507.51, 5120.07, 5120.10, 5120.111, 5120.59, 13
5120.60, 5120.66, 5149.01, 5149.10, 5149.33, and 14
5149.34 and to enact sections 307.932, 2967.19, 15
5120.035, and 5120.113 of the Revised Code to 16
increase from \$500 to \$1,000 the threshold amount 17
for determining increased penalties for 18
theft-related offenses and for certain elements of 19
"vandalism" and "engaging in a pattern of corrupt 20
activity"; to increase by 50% the other threshold 21
amounts for determining increased penalties for 22
those offenses; to provide that if "nonsupport of 23
dependents" is based on an abandonment of or 24

failure to support a child or a person to whom a 25
court order requires support and is a felony the 26
sentencing court generally must first consider 27
placing the offender on one or more community 28
control sanctions; to eliminate the difference in 29
criminal penalties for crack cocaine and powder 30
cocaine; to revise some of the penalties for 31
trafficking in marihuana or hashish and for 32
possession of marihuana, cocaine, or hashish; to 33
revise procedures for notification of victims when 34
violent offenders escape from the Department of 35
Rehabilitation and Correction; to remove the 36
authority of the victim-related member of the 37
Parole Board to approve the hiring of employees of 38
the Office of Victims' Services; to modify the 39
number of Parole Board members required to conduct 40
a full Board hearing; to limit a member of the 41
Parole Board who is not the Chairperson or a 42
victim representative to two six-year terms; to 43
revise the eligibility criteria for, and 44
procedures governing, intervention in lieu of 45
conviction; to revise the eligibility criteria for 46
judicial release; to remove from the offense of 47
"escape" certain conduct by a person under 48
supervised release by the Department and specify 49
the method of sanctioning a person under 50
Department supervision who engages in that type of 51
conduct; to revise the procedure for prisoners in 52
state correctional institutions to earn days of 53
credit for productive participation in specified 54
prison programs and the number of days of credit 55
that may be earned; to require GPS monitoring of a 56
prisoner placed on post-release control who was 57

released early from prison due to earning 60 or 58
more days of credit; to enact a new mechanism for 59
the possible release with sentencing court 60
approval of Department inmates who have served at 61
least 85% of their prison term; to expand the 62
membership of a county's local corrections 63
planning board; to make changes regarding halfway 64
houses and community residential centers and 65
authorize reentry centers; to provide for the 66
placement in a skilled nursing facility of an 67
inmate who is in imminent danger of death, 68
medically incapacitated, or terminally ill for 69
care; to provide for the establishment and 70
operation of community alternative sentencing 71
centers for misdemeanants sentenced directly to 72
the centers under a community residential sanction 73
or an OVI term of confinement not exceeding 30 74
days; to change the membership of the Ex-offender 75
Reentry Coalition by reducing the number and 76
functions of members from the Governor's office 77
and adding the Director of Veterans Services; to 78
remove judges from the membership of a corrections 79
commission and instead have them form an advisory 80
board; to require the Department to develop a 81
reentry plan for each inmate committed to the 82
Department who was not sentenced to a term of life 83
without parole or a sentence of death and who is 84
expected to be imprisoned for more than 30 days; 85
to revise the procedures governing the 86
Department's issuance of an inmate identification 87
card upon an inmate's release and the use of such 88
a card to obtain a state identification card; to 89
authorize, instead of require, the Department to 90

discontinue subsidy payment to a political 91
subdivision that reduces local funding for 92
corrections by the amount of a community-based 93
corrections subsidy or that uses a subsidy for 94
capital improvements; and to require the 95
Department, together with the Department of 96
Alcohol and Drug Addiction Services, to develop an 97
implementation plan related to funding through the 98
federal Second Chance Act related to community 99
reentry of offenders. 100

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

Section 1. That sections 109.42, 307.93, 309.18, 926.99, 101
1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2909.05, 2909.11, 102
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 103
2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 104
2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 105
2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 106
2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 2929.13, 107
2929.14, 2929.20, 2929.26, 2929.34, 2930.16, 2930.17, 2950.99, 108
2951.041, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 4507.51, 109
5120.07, 5120.10, 5120.111, 5120.59, 5120.60, 5120.66, 5149.01, 110
5149.10, 5149.33, and 5149.34 be amended and sections 307.932, 111
2967.19, 5120.035, and 5120.113 of the Revised Code be enacted to 112
read as follows: 113

Sec. 109.42. (A) The attorney general shall prepare and have 114
printed a pamphlet that contains a compilation of all statutes 115
relative to victim's rights in which the attorney general lists 116
and explains the statutes in the form of a victim's bill of 117
rights. The attorney general shall distribute the pamphlet to all 118
sheriffs, marshals, municipal corporation and township police 119

departments, constables, and other law enforcement agencies, to 120
all prosecuting attorneys, city directors of law, village 121
solicitors, and other similar chief legal officers of municipal 122
corporations, and to organizations that represent or provide 123
services for victims of crime. The victim's bill of rights set 124
forth in the pamphlet shall contain a description of all of the 125
rights of victims that are provided for in Chapter 2930. or in any 126
other section of the Revised Code and shall include, but not be 127
limited to, all of the following: 128

(1) The right of a victim or a victim's representative to 129
attend a proceeding before a grand jury, in a juvenile case, or in 130
a criminal case pursuant to a subpoena without being discharged 131
from the victim's or representative's employment, having the 132
victim's or representative's employment terminated, having the 133
victim's or representative's pay decreased or withheld, or 134
otherwise being punished, penalized, or threatened as a result of 135
time lost from regular employment because of the victim's or 136
representative's attendance at the proceeding pursuant to the 137
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 138
2945.451 of the Revised Code; 139

(2) The potential availability pursuant to section 2151.359 140
or 2152.61 of the Revised Code of a forfeited recognizance to pay 141
damages caused by a child when the delinquency of the child or 142
child's violation of probation or community control is found to be 143
proximately caused by the failure of the child's parent or 144
guardian to subject the child to reasonable parental authority or 145
to faithfully discharge the conditions of probation or community 146
control; 147

(3) The availability of awards of reparations pursuant to 148
sections 2743.51 to 2743.72 of the Revised Code for injuries 149
caused by criminal offenses; 150

(4) The right of the victim in certain criminal or juvenile 151

cases or a victim's representative to receive, pursuant to section 152
2930.06 of the Revised Code, notice of the date, time, and place 153
of the trial or delinquency proceeding in the case or, if there 154
will not be a trial or delinquency proceeding, information from 155
the prosecutor, as defined in section 2930.01 of the Revised Code, 156
regarding the disposition of the case; 157

(5) The right of the victim in certain criminal or juvenile 158
cases or a victim's representative to receive, pursuant to section 159
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 160
name of the person charged with the violation, the case or docket 161
number assigned to the charge, and a telephone number or numbers 162
that can be called to obtain information about the disposition of 163
the case; 164

(6) The right of the victim in certain criminal or juvenile 165
cases or of the victim's representative pursuant to section 166
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 167
terms set by the court as authorized under section 2930.14 of the 168
Revised Code, to make a statement about the victimization and, if 169
applicable, a statement relative to the sentencing or disposition 170
of the offender; 171

(7) The opportunity to obtain a court order, pursuant to 172
section 2945.04 of the Revised Code, to prevent or stop the 173
commission of the offense of intimidation of a crime victim or 174
witness or an offense against the person or property of the 175
complainant, or of the complainant's ward or child; 176

(8) The right of the victim in certain criminal or juvenile 177
cases or a victim's representative pursuant to sections 2151.38, 178
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 179
receive notice of a pending motion for judicial release, release 180
pursuant to section 2967.19 of the Revised Code, or other early 181
release of the person who committed the offense against the 182
victim, to make an oral or written statement at the court hearing 183

on the motion, and to be notified of the court's decision on the 184
motion; 185

(9) The right of the victim in certain criminal or juvenile 186
cases or a victim's representative pursuant to section 2930.16, 187
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 188
of any pending commutation, pardon, parole, transitional control, 189
discharge, other form of authorized release, post-release control, 190
or supervised release for the person who committed the offense 191
against the victim or any application for release of that person 192
and to send a written statement relative to the victimization and 193
the pending action to the adult parole authority or the release 194
authority of the department of youth services; 195

(10) The right of the victim to bring a civil action pursuant 196
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 197
from the offender's profit fund; 198

(11) The right, pursuant to section 3109.09 of the Revised 199
Code, to maintain a civil action to recover compensatory damages 200
not exceeding ten thousand dollars and costs from the parent of a 201
minor who willfully damages property through the commission of an 202
act that would be a theft offense, as defined in section 2913.01 203
of the Revised Code, if committed by an adult; 204

(12) The right, pursuant to section 3109.10 of the Revised 205
Code, to maintain a civil action to recover compensatory damages 206
not exceeding ten thousand dollars and costs from the parent of a 207
minor who willfully and maliciously assaults a person; 208

(13) The possibility of receiving restitution from an 209
offender or a delinquent child pursuant to section 2152.20, 210
2929.18, or 2929.28 of the Revised Code; 211

(14) The right of the victim in certain criminal or juvenile 212
cases or a victim's representative, pursuant to section 2930.16 of 213
the Revised Code, to receive notice of the escape from confinement 214

or custody of the person who committed the offense, to receive 215
that notice from the custodial agency of the person at the 216
victim's last address or telephone number provided to the 217
custodial agency, and to receive notice that, if either the 218
victim's address or telephone number changes, it is in the 219
victim's interest to provide the new address or telephone number 220
to the custodial agency; 221

(15) The right of a victim of domestic violence to seek the 222
issuance of a civil protection order pursuant to section 3113.31 223
of the Revised Code, the right of a victim of a violation of 224
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 225
of the Revised Code, a violation of a substantially similar 226
municipal ordinance, or an offense of violence who is a family or 227
household member of the offender at the time of the offense to 228
seek the issuance of a temporary protection order pursuant to 229
section 2919.26 of the Revised Code, and the right of both types 230
of victims to be accompanied by a victim advocate during court 231
proceedings; 232

(16) The right of a victim of a sexually oriented offense or 233
of a child-victim oriented offense that is committed by a person 234
who is convicted of, pleads guilty to, or is adjudicated a 235
delinquent child for committing the offense and who is in a 236
category specified in division (B) of section 2950.10 of the 237
Revised Code to receive, pursuant to that section, notice that the 238
person has registered with a sheriff under section 2950.04, 239
2950.041, or 2950.05 of the Revised Code and notice of the 240
person's name, the person's residence that is registered, and the 241
offender's school, institution of higher education, or place of 242
employment address or addresses that are registered, the person's 243
photograph, and a summary of the manner in which the victim must 244
make a request to receive the notice. As used in this division, 245
"sexually oriented offense" and "child-victim oriented offense" 246

have the same meanings as in section 2950.01 of the Revised Code. 247

(17) The right of a victim of certain sexually violent 248
offenses committed by an offender who also is convicted of or 249
pleads guilty to a sexually violent predator specification and who 250
is sentenced to a prison term pursuant to division (A)(3) of 251
section 2971.03 of the Revised Code, of a victim of a violation of 252
division (A)(1)(b) of section 2907.02 of the Revised Code 253
committed on or after January 2, 2007, by an offender who is 254
sentenced for the violation pursuant to division (B)(1)(a), (b), 255
or (c) of section 2971.03 of the Revised Code, of a victim of an 256
attempted rape committed on or after January 2, 2007, by an 257
offender who also is convicted of or pleads guilty to a 258
specification of the type described in section 2941.1418, 259
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 260
the violation pursuant to division (B)(2)(a), (b), or (c) of 261
section 2971.03 of the Revised Code, and of a victim of an offense 262
that is described in division (B)(3)(a), (b), (c), or (d) of 263
section 2971.03 of the Revised Code and is committed by an 264
offender who is sentenced pursuant to one of those divisions to 265
receive, pursuant to section 2930.16 of the Revised Code, notice 266
of a hearing to determine whether to modify the requirement that 267
the offender serve the entire prison term in a state correctional 268
facility, whether to continue, revise, or revoke any existing 269
modification of that requirement, or whether to terminate the 270
prison term. As used in this division, "sexually violent offense" 271
and "sexually violent predator specification" have the same 272
meanings as in section 2971.01 of the Revised Code. 273

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 274
prosecuting attorney, assistant prosecuting attorney, city 275
director of law, assistant city director of law, village 276
solicitor, assistant village solicitor, or similar chief legal 277
officer of a municipal corporation or an assistant of any of those 278

officers who prosecutes an offense committed in this state, upon 279
first contact with the victim of the offense, the victim's family, 280
or the victim's dependents, shall give the victim, the victim's 281
family, or the victim's dependents a copy of the pamphlet prepared 282
pursuant to division (A) of this section and explain, upon 283
request, the information in the pamphlet to the victim, the 284
victim's family, or the victim's dependents. 285

(b) Subject to division (B)(1)(c) of this section, a law 286
enforcement agency that investigates an offense or delinquent act 287
committed in this state shall give the victim of the offense or 288
delinquent act, the victim's family, or the victim's dependents a 289
copy of the pamphlet prepared pursuant to division (A) of this 290
section at one of the following times: 291

(i) Upon first contact with the victim, the victim's family, 292
or the victim's dependents; 293

(ii) If the offense or delinquent act is an offense of 294
violence, if the circumstances of the offense or delinquent act 295
and the condition of the victim, the victim's family, or the 296
victim's dependents indicate that the victim, the victim's family, 297
or the victim's dependents will not be able to understand the 298
significance of the pamphlet upon first contact with the agency, 299
and if the agency anticipates that it will have an additional 300
contact with the victim, the victim's family, or the victim's 301
dependents, upon the agency's second contact with the victim, the 302
victim's family, or the victim's dependents. 303

If the agency does not give the victim, the victim's family, 304
or the victim's dependents a copy of the pamphlet upon first 305
contact with them and does not have a second contact with the 306
victim, the victim's family, or the victim's dependents, the 307
agency shall mail a copy of the pamphlet to the victim, the 308
victim's family, or the victim's dependents at their last known 309
address. 310

(c) In complying on and after December 9, 1994, with the 311
duties imposed by division (B)(1)(a) or (b) of this section, an 312
official or a law enforcement agency shall use copies of the 313
pamphlet that are in the official's or agency's possession on 314
December 9, 1994, until the official or agency has distributed all 315
of those copies. After the official or agency has distributed all 316
of those copies, the official or agency shall use only copies of 317
the pamphlet that contain at least the information described in 318
divisions (A)(1) to (17) of this section. 319

(2) The failure of a law enforcement agency or of a 320
prosecuting attorney, assistant prosecuting attorney, city 321
director of law, assistant city director of law, village 322
solicitor, assistant village solicitor, or similar chief legal 323
officer of a municipal corporation or an assistant to any of those 324
officers to give, as required by division (B)(1) of this section, 325
the victim of an offense or delinquent act, the victim's family, 326
or the victim's dependents a copy of the pamphlet prepared 327
pursuant to division (A) of this section does not give the victim, 328
the victim's family, the victim's dependents, or a victim's 329
representative any rights under section 2743.51 to 2743.72, 330
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 331
Revised Code or under any other provision of the Revised Code and 332
does not affect any right under those sections. 333

(3) A law enforcement agency, a prosecuting attorney or 334
assistant prosecuting attorney, or a city director of law, 335
assistant city director of law, village solicitor, assistant 336
village solicitor, or similar chief legal officer of a municipal 337
corporation that distributes a copy of the pamphlet prepared 338
pursuant to division (A) of this section shall not be required to 339
distribute a copy of an information card or other printed material 340
provided by the clerk of the court of claims pursuant to section 341
2743.71 of the Revised Code. 342

(C) The cost of printing and distributing the pamphlet prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section.

(D) As used in this section:

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

(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.

Sec. 307.93. (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal corporations located in that county or those counties for the joint establishment of a municipal-county or multicounty-municipal correctional center. The center shall augment county and, where applicable, municipal jail programs and facilities by providing custody and rehabilitative programs for those persons under the charge of the sheriff of any of the contracting counties or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility who, in the opinion of the sentencing court, need programs of custody and rehabilitation not available at the county or municipal jail and by providing custody and rehabilitative programs in accordance with division (C) of this section, if applicable. The contract may include, but need not be limited to, provisions regarding the acquisition, construction, maintenance, repair, termination of operations, and administration of the center. The contract shall

prescribe the manner of funding of, and debt assumption for, the 374
center and the standards and procedures to be followed in the 375
operation of the center. Except as provided in division (H) of 376
this section, the contracting counties and municipal corporations 377
shall form a corrections commission to oversee the administration 378
of the center. Members of the commission shall consist of the 379
sheriff of each participating county, ~~the president~~ a member of 380
the board of county commissioners of each participating county, 381
~~the presiding judge of the court of common pleas of each~~ 382
~~participating county, or, if the court of common pleas of a~~ 383
~~participating county has only one judge, then that judge,~~ the 384
chief of police of each participating municipal corporation, and 385
the mayor or city manager of each participating municipal 386
corporation, ~~and the presiding judge or the sole judge of the~~ 387
~~municipal court of each participating municipal corporation.~~ Any 388
of the foregoing officers may appoint a designee to serve in the 389
officer's place on the corrections commission. The standards and 390
procedures shall be formulated and agreed to by the commission and 391
may be amended at any time during the life of the contract by 392
agreement of the parties to the contract upon the advice of the 393
commission. The standards and procedures formulated by the 394
commission shall include, but need not be limited to, designation 395
of the person in charge of the center, designation of a fiscal 396
agent, the categories of employees to be employed at the center, 397
the appointing authority of the center, and the standards of 398
treatment and security to be maintained at the center. The person 399
in charge of, and all persons employed to work at, the center 400
shall have all the powers of police officers that are necessary 401
for the proper performance of the duties relating to their 402
positions at the center. 403

(B)(1) Upon the establishment of a corrections commission 404
under division (A) of this section, the judges specified in this 405
division shall form a judicial advisory board for the purpose of 406

making recommendations to the corrections commission on issues of 407
bed allocation, expansion of the center that the corrections 408
commission oversees, and other issues concerning the 409
administration of sentences or any other matter determined to be 410
appropriate by the corrections commission. The judges who shall 411
form the judicial advisory board for a corrections commission are 412
the administrative judge of the general division of the court of 413
common pleas of each county participating in the corrections 414
center, the presiding judge of the municipal court of each 415
municipal corporation participating in the corrections center, and 416
the presiding judge of each county court of each county 417
participating in the corrections center. Any of the foregoing 418
judges may appoint a designee to serve in the judge's place on the 419
judicial advisory board, provided that the designee shall be a 420
judge of the same court as the judge who makes the appointment. 421
The judicial advisory board for a corrections commission shall 422
meet with the corrections commission at least once each year. 423

(2) Each board of county commissioners that enters a contract 424
under division (A) of this section may appoint a building 425
commission pursuant to section 153.21 of the Revised Code. If any 426
commissions are appointed, they shall function jointly in the 427
construction of a multicounty or multicounty-municipal 428
correctional center with all the powers and duties authorized by 429
law. 430

(C) Prior to the acceptance for custody and rehabilitation 431
into a center established under this section of any persons who 432
are designated by the department of rehabilitation and correction, 433
who plead guilty to or are convicted of a felony of the fourth or 434
fifth degree, and who satisfy the other requirements listed in 435
section 5120.161 of the Revised Code, the corrections commission 436
of a center established under this section shall enter into an 437
agreement with the department of rehabilitation and correction 438

under section 5120.161 of the Revised Code for the custody and 439
rehabilitation in the center of persons who are designated by the 440
department, who plead guilty to or are convicted of a felony of 441
the fourth or fifth degree, and who satisfy the other requirements 442
listed in that section, in exchange for a per diem fee per person. 443
Persons incarcerated in the center pursuant to an agreement 444
entered into under this division shall be subject to supervision 445
and control in the manner described in section 5120.161 of the 446
Revised Code. This division does not affect the authority of a 447
court to directly sentence a person who is convicted of or pleads 448
guilty to a felony to the center in accordance with section 449
2929.16 of the Revised Code. 450

(D) Pursuant to section 2929.37 of the Revised Code, each 451
board of county commissioners and the legislative authority of 452
each municipal corporation that enters into a contract under 453
division (A) of this section may require a person who was 454
convicted of an offense, who is under the charge of the sheriff of 455
their county or of the officer or officers of the contracting 456
municipal corporation or municipal corporations having charge of 457
persons incarcerated in the municipal jail, workhouse, or other 458
correctional facility, and who is confined in the multicounty, 459
municipal-county, or multicounty-municipal correctional center as 460
provided in that division, to reimburse the applicable county or 461
municipal corporation for its expenses incurred by reason of the 462
person's confinement in the center. 463

(E) Notwithstanding any contrary provision in this section or 464
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 465
corrections commission of a center may establish a policy that 466
complies with section 2929.38 of the Revised Code and that 467
requires any person who is not indigent and who is confined in the 468
multicounty, municipal-county, or multicounty-municipal 469
correctional center to pay a reception fee, a fee for medical 470

treatment or service requested by and provided to that person, or 471
the fee for a random drug test assessed under division (E) of 472
section 341.26 of the Revised Code. 473

(F)(1) The corrections commission of a center established 474
under this section may establish a commissary for the center. The 475
commissary may be established either in-house or by another 476
arrangement. If a commissary is established, all persons 477
incarcerated in the center shall receive commissary privileges. A 478
person's purchases from the commissary shall be deducted from the 479
person's account record in the center's business office. The 480
commissary shall provide for the distribution to indigent persons 481
incarcerated in the center of necessary hygiene articles and 482
writing materials. 483

(2) If a commissary is established, the corrections 484
commission of a center established under this section shall 485
establish a commissary fund for the center. The management of 486
funds in the commissary fund shall be strictly controlled in 487
accordance with procedures adopted by the auditor of state. 488
Commissary fund revenue over and above operating costs and reserve 489
shall be considered profits. All profits from the commissary fund 490
shall be used to purchase supplies and equipment for the benefit 491
of persons incarcerated in the center and to pay salary and 492
benefits for employees of the center, or for any other persons, 493
who work in or are employed for the sole purpose of providing 494
service to the commissary. The corrections commission shall adopt 495
rules and regulations for the operation of any commissary fund it 496
establishes. 497

(G) In lieu of forming a corrections commission to administer 498
a multicounty correctional center or a municipal-county or 499
multicounty-municipal correctional center, the boards of county 500
commissioners and the legislative authorities of the municipal 501
corporations contracting to establish the center may also agree to 502

contract for the private operation and management of the center as 503
provided in section 9.06 of the Revised Code, but only if the 504
center houses only misdemeanor inmates. In order to enter into a 505
contract under section 9.06 of the Revised Code, all the boards 506
and legislative authorities establishing the center shall approve 507
and be parties to the contract. 508

(H) If a person who is convicted of or pleads guilty to an 509
offense is sentenced to a term in a multicounty correctional 510
center or a municipal-county or multicounty-municipal correctional 511
center or is incarcerated in the center in the manner described in 512
division (C) of this section, or if a person who is arrested for 513
an offense, and who has been denied bail or has had bail set and 514
has not been released on bail is confined in a multicounty 515
correctional center or a municipal-county or multicounty-municipal 516
correctional center pending trial, at the time of reception and at 517
other times the officer, officers, or other person in charge of 518
the operation of the center determines to be appropriate, the 519
officer, officers, or other person in charge of the operation of 520
the center may cause the convicted or accused offender to be 521
examined and tested for tuberculosis, HIV infection, hepatitis, 522
including but not limited to hepatitis A, B, and C, and other 523
contagious diseases. The officer, officers, or other person in 524
charge of the operation of the center may cause a convicted or 525
accused offender in the center who refuses to be tested or treated 526
for tuberculosis, HIV infection, hepatitis, including but not 527
limited to hepatitis A, B, and C, or another contagious disease to 528
be tested and treated involuntarily. 529

(I) As used in this section, "multicounty-municipal" means 530
more than one county and a municipal corporation, or more than one 531
municipal corporation and a county, or more than one municipal 532
corporation and more than one county. 533

Sec. 307.932. (A) As used in this section: 534

(1) "Division of parole and community services" means the 535
division of parole and community services of the department of 536
rehabilitation and correction. 537

(2) "Eligible offender" means, in relation to a particular 538
community alternative sentencing center or district community 539
alternative sentencing center established and operated under 540
division (E) of this section, an offender who has been convicted 541
of or pleaded guilty to a qualifying misdemeanor offense, for whom 542
no provision of the Revised Code or ordinance of a municipal 543
corporation other than section 4511.19 of the Revised Code or an 544
ordinance of a municipal corporation that provides the penalties 545
for a municipal OVI offense of the municipal corporation requires 546
the imposition of a mandatory jail term for that qualifying 547
misdemeanor offense, and who is eligible to be sentenced directly 548
to that center and admitted to it under rules adopted under 549
division (G) of this section by the board of county commissioners 550
or affiliated group of boards of county commissioners that 551
established and operates that center. 552

(3) "Municipal OVI offense" has the same meaning as in 553
section 4511.181 of the Revised Code. 554

(4) "OVI term of confinement" means a term of confinement 555
imposed for a violation of section 4511.19 of the Revised Code or 556
for a municipal OVI offense, including any mandatory jail term or 557
mandatory term of local incarceration imposed for that violation 558
or offense. 559

(5) "Community residential sanction" means a community 560
residential sanction imposed under section 2929.26 of the Revised 561
Code for a misdemeanor violation of a section of the Revised Code 562
or a term of confinement imposed for a misdemeanor violation of a 563
municipal ordinance that is not a jail term. 564

(6) "Qualifying misdemeanor offense" means a violation of any section of the Revised Code that is a misdemeanor or a violation of any ordinance of a municipal corporation located in the county that is a misdemeanor. 565
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(B)(1) The board of county commissioners of any county, in consultation with the sheriff of the county, may formulate a proposal for a community alternative sentencing center that, upon implementation by the county or being subcontracted to or operated by a nonprofit organization, would be used for the confinement of eligible offenders sentenced directly to the center by a court located in the county pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than thirty days, and for the purpose of closely monitoring those eligible offenders' adjustment to community supervision. A board that formulates a proposal pursuant to this division shall do so by resolution. 569
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(2) The boards of county commissioners of two or more adjoining or neighboring counties, in consultation with the sheriffs of each of those counties, may affiliate and formulate by resolution adopted by each of them a proposal for a district community alternative sentencing center that, upon implementation by the counties or being subcontracted to or operated by a nonprofit organization, would be used for the confinement of eligible offenders sentenced directly to the center by a court located in any of those counties pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than thirty days, and for the purpose of closely monitoring those eligible offenders' adjustment to community supervision. Each board that affiliates with one or more other boards to formulate a proposal pursuant to this division shall formulate the proposal by resolution. 581
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(C) Each proposal for a community alternative sentencing 596

center or a district community alternative sentencing center that 597
is formulated under division (B)(1) or (2) of this section shall 598
include proposals for operation of the center and for criteria to 599
define which offenders are eligible to be sentenced directly to 600
the center and admitted to it. At a minimum, the proposed criteria 601
that define which offenders are eligible to be sentenced directly 602
to the center and admitted to it shall provide all of the 603
following: 604

(1) That an offender is eligible to be sentenced directly to 605
the center and admitted to it if the offender has been convicted 606
of or pleaded guilty to a qualifying misdemeanor offense and is 607
sentenced directly to the center for the qualifying misdemeanor 608
offense pursuant to a community residential sanction of not more 609
than thirty days or pursuant to an OVI term of confinement of not 610
more than thirty days by a court that is located in the county or 611
one of the counties served by the board of county commissioners or 612
by any of the affiliated group of boards of county commissioners 613
that submits the proposal; 614

(2) That no offender is eligible to be sentenced directly to 615
the center or admitted to it if, in addition to the community 616
residential sanction or OVI term of confinement described in 617
division (C)(1) of this section, the offender is serving or has 618
been sentenced to serve any other jail term, prison term, or 619
community residential sanction. 620

(D)(1) If a board of county commissioners formulates a 621
proposal for a community alternative sentencing center pursuant to 622
division (B)(1) of this section or an affiliated group of boards 623
of county commissioners formulates a proposal for a district 624
community alternative sentencing center pursuant to division 625
(B)(2) of this section, prior to establishing or operating the 626
center, the board or the affiliated group of boards shall submit 627
the proposal for certification to the division of parole and 628

community services of the department of rehabilitation and 629
correction for approval and certification pursuant to division (F) 630
of section 5120.10 of the Revised Code. The division may approve 631
and certify a center as a suitable facility for the care and 632
treatment of adult offenders only if the center complies with the 633
standards for the certification of the centers that the division 634
adopts by rule in accordance with Chapter 119. of the Revised 635
Code. The division shall inspect each center to which a proposal 636
submitted under this division applies and annually shall inspect 637
each center established or operated under an approved and 638
certified proposal to determine if the proposed or certified 639
center is in compliance with the certification standards. A board 640
or affiliated group of boards shall not establish or operate a 641
center without the division's approval and certification. The 642
approval and certification of a center by the division is not a 643
requirement for, and is not an affirmation that the division or 644
the department of rehabilitation and correction must or will 645
provide, funding for the operation of the center. 646

(2) If a proposal for a community alternative sentencing 647
center or a district community alternative sentencing center that 648
is formulated under division (B)(1) or (2) of this section 649
contemplates the use of an existing facility, or a part of an 650
existing facility, as the center, nothing in this section limits, 651
restricts, or precludes the use of the facility, the part of the 652
facility, or any other part of the facility for any purpose other 653
than as a community alternative sentencing center or district 654
community alternative sentencing center. 655

(E) Upon approval and certification by the division of parole 656
and community services of a proposal for a community alternative 657
sentencing center or for a district community alternative 658
sentencing center submitted to the division under division (D) of 659
this section, the board of county commissioners or the affiliated 660

group of boards of county commissioners that submitted the 661
proposal may establish and operate the center in accordance with 662
the approved and certified proposal, division (G) of this section, 663
and rules adopted under that division. The establishment and 664
operation of the center may be done by subcontracting with a 665
nonprofit organization for the operation of the center. 666

If a board of county commissioners or an affiliated group of 667
boards of county commissioners establishes and operates a 668
community alternative sentencing center or district community 669
alternative sentencing center under this division, except as 670
otherwise provided in this division, the center is not a minimum 671
security jail under section 341.14, section 753.21, or any other 672
provision of the Revised Code, is not a jail or alternative 673
residential facility as defined in section 2929.01 of the Revised 674
Code, is not required to satisfy or comply with minimum standards 675
for minimum security jails or other jails that are promulgated 676
under division (A) of section 5120.10 of the Revised Code, is not 677
a local detention facility as defined in section 2929.36 of the 678
Revised Code, and is not a residential unit as defined in section 679
2950.01 of the Revised Code. The center is a detention facility as 680
defined in sections 2921.01 and 2923.124 of the Revised Code, and 681
an eligible offender confined in the center is under detention as 682
defined in section 2921.01 of the Revised Code. Regarding persons 683
sentenced directly to the center under an OVI term of confinement, 684
the center shall be considered a "jail" or "local correctional 685
facility" for purposes of any provision in section 4511.19 of the 686
Revised Code or in an ordinance of a municipal corporation that 687
requires a mandatory jail term or mandatory term of local 688
incarceration for the violation of section 4511.19 of the Revised 689
Code or the municipal OVI offense, and a direct sentence of a 690
person to the center under an OVI term of confinement shall be 691
considered to be a sentence to a "jail" or "local correctional 692
facility" for purposes of any such provision in section 4511.19 of 693

the Revised Code or in an ordinance of a municipal corporation. 694

(F)(1) If the board of county commissioners of a county that 695
is being served by a community alternative sentencing center 696
established pursuant to division (E) of this section determines 697
that it no longer wants to be served by the center, the board may 698
dissolve the center by adopting a resolution evidencing the 699
determination to dissolve the center and notifying, in writing, 700
the division of parole and community services of the determination 701
to dissolve the center. 702

(2) If the boards of county commissioners of all of the 703
counties served by any district community alternative sentencing 704
center established pursuant to division (E) of this section 705
determine that they no longer want to be served by the center, the 706
boards may dissolve the center by adopting in each county a 707
resolution evidencing the determination to dissolve the center and 708
notifying, in writing, the division of parole and community 709
services of the determination to dissolve the center. 710

(3) If at least one, but not all, of the boards of county 711
commissioners of the counties being served by any district 712
community alternative sentencing center established pursuant to 713
division (E) of this section determines that it no longer wants to 714
be served by the center, the board may terminate its involvement 715
with the center by adopting a resolution evidencing the 716
determination to terminate its involvement with the center and 717
notifying, in writing, the division of parole and community 718
services of the determination to terminate its involvement with 719
the center. If at least one, but not all, of the boards of county 720
commissioners of the counties being served by any community 721
alternative sentencing center terminates its involvement with the 722
center in accordance with this division, the other boards of 723
county commissioners of the counties being served by the center 724
may continue to be served by the center. 725

(G) Upon approval and certification by the division of parole and community services of a proposal for a community alternative sentencing center or for a district community alternative sentencing center submitted to it under division (D) of this section, prior to establishing or operating the center, the board of county commissioners or the affiliated group of boards of county commissioners that submitted the proposal shall adopt rules for the operation of the center. The rules shall include criteria that define which offenders are eligible to be sentenced directly to the center and admitted to it and the criteria so included shall be consistent with the proposed criteria included in the proposal approved and certified by the division. 726
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(H) If a board of county commissioners establishes and operates a community alternative sentencing center under division (E) of this section, or an affiliated group of boards of county commissioners establishes and operates a district community alternative sentencing center under that division, all of the following apply: 738
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(1) Any court located within the county served by the board that establishes and operates a community correctional center may directly sentence eligible offenders to the center pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than thirty days. Any court located within a county served by any of the boards that establishes and operates a district community correctional center may directly sentence eligible offenders to the center pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than thirty days. 744
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(2) Each eligible offender who is sentenced to the center as described in division (H)(1) of this section and admitted to it shall be offered during the eligible offender's confinement at the 755
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center educational and vocational services and reentry planning 758
and may be offered any other treatment and rehabilitative services 759
that are available and that the court that sentenced the 760
particular eligible offender to the center and the administrator 761
of the center determine are appropriate based upon the offense for 762
which the eligible offender was sentenced to the community 763
residential sanction and the length of the sanction. 764

(3) Before accepting an eligible offender sentenced to the 765
center by a court, the board or the affiliated group of boards 766
shall enter into an agreement with a political subdivision that 767
operates that court that addresses the cost and payment of medical 768
treatment or services received by eligible offenders sentenced by 769
that court while they are confined in the center. The agreement 770
may provide for the payment of the costs by the particular 771
eligible offender who receives the treatment or services, as 772
described in division (I) of this section. 773

(4) If a court sentences an eligible offender to a center 774
under authority of division (H)(1) of this section, immediately 775
after the sentence is imposed, the eligible offender shall be 776
taken to the probation department that serves the court. The 777
department shall handle any preliminary matters regarding the 778
admission of the eligible offender to the center, including a 779
determination as to whether the eligible offender may be admitted 780
to the center under the criteria included in the rules adopted 781
under division (G) of this section that define which offenders are 782
eligible to be sentenced and admitted to the center. If the 783
eligible offender is accepted for admission to the center, the 784
department shall schedule the eligible offender for the admission 785
and shall provide for the transportation of the offender to the 786
center. If an eligible offender who is sentenced to the center 787
under a community residential sanction is not accepted for 788
admission to the center for any reason, the nonacceptance shall be 789

considered a violation of a condition of the community residential 790
sanction, the eligible offender shall be taken before the court 791
that imposed the sentence, and the court may proceed as specified 792
in division (C)(2) of section 2929.25 of the Revised Code based on 793
the violation or as provided by ordinance of the municipal 794
corporation based on the violation, whichever is applicable. If an 795
eligible offender who is sentenced to the center under an OVI term 796
of confinement is not accepted for admission to the center for any 797
reason, the eligible offender shall be taken before the court that 798
imposed the sentence, and the court shall determine the place at 799
which the offender is to serve the term of confinement. If the 800
eligible offender is admitted to the center, all of the following 801
apply: 802

(a) The admission shall be under the terms and conditions 803
established by the court and the administrator of the center, and 804
the court and the administrator of the center shall provide for 805
the confinement of the eligible offender and supervise the 806
eligible offender as provided in divisions (H)(4)(b) to (f) of 807
this section. 808

(b) The eligible offender shall be confined in the center 809
during any period of time that the eligible offender is not 810
actually working at the eligible offender's approved work release 811
described in division (H)(4)(c) of this section, engaged in 812
community service activities described in division (H)(4)(d) of 813
this section, engaged in authorized vocational training or another 814
authorized educational program, engaged in another program 815
designated by the administrator of the center, or engaged in other 816
activities approved by the court and the administrator of the 817
center. 818

(c) If the court and the administrator of the center 819
determine that work release is appropriate based upon the offense 820
for which the eligible offender was sentenced to the community 821

residential sanction or OVI term of confinement and the length of 822
the sanction or term, the eligible offender may be offered work 823
release from confinement at the center and be released from 824
confinement while engaged in the work release. 825

(d) If the administrator of the center determines that 826
community service is appropriate and if the eligible offender will 827
be confined for more than ten days at the center, the eligible 828
offender may be required to participate in community service 829
activities approved by the political subdivision served by the 830
court. Community service activities that may be required under 831
this division may take place in facilities of the political 832
subdivision that operates the court, in the community, or in both 833
such locales. The eligible offender shall be released from 834
confinement while engaged in the community service activities. 835
Community service activities required under this division shall be 836
supervised by the court or an official designated by the board of 837
county commissioners or affiliated group of boards of county 838
commissioners that established and is operating the center. 839
Community service activities required under this division shall 840
not exceed in duration the period for which the eligible offender 841
will be confined at the center under the community residential 842
sanction or the OVI term of confinement. 843

(e) The confinement of the eligible offender in the center 844
shall be considered for purposes of this division and division 845
(H)(4)(f) of this section as including any period of time 846
described in division (H)(4)(b) of this section when the eligible 847
offender may be outside of the center and shall continue until the 848
expiration of the community residential sanction or OVI term of 849
confinement that the eligible offender is serving upon admission 850
to the center. 851

(f) After the admission and until the expiration of the 852
community residential sanction or OVI term of confinement that the 853

eligible offender is serving upon admission to the center, the 854
eligible offender shall be considered for purposes of any 855
provision in Title XXIX of the Revised Code to be serving the 856
community residential sanction or OVI term of confinement. 857

(5) The administrator of the center, or the administrator's 858
designee, shall post a sign as described in division (A)(4) of 859
section 2923.1212 of the Revised Code in a conspicuous location at 860
the center. 861

(I) The board of county commissioners that establishes and 862
operates a community alternative sentencing center under division 863
(E) of this section, or the affiliated group of boards of county 864
commissioners that establishes and operates a district community 865
alternative sentencing center under that division, may require an 866
eligible offender who is sentenced directly to the center and 867
admitted to it to pay to the county served by the board or the 868
counties served by the affiliated group of boards or the entity 869
operating the center the reasonable expenses incurred by the 870
county or counties, whichever is applicable, in supervising or 871
confining the eligible offender after being sentenced to the 872
center and admitted. Inability to pay those reasonable expenses 873
shall not be grounds for refusing to admit an otherwise eligible 874
offender to the center. 875

(J)(1) If an eligible offender who is directly sentenced to a 876
community alternative sentencing center or district community 877
alternative sentencing center and admitted to the center 878
successfully completes the service of the community residential 879
sanction in the center, the administrator of the center shall 880
notify the court that imposed the sentence, and the court shall 881
enter into the journal that the eligible offender successfully 882
completed the service of the sanction. 883

(2) If an eligible offender who is directly sentenced to a 884
community alternative sentencing center or district community 885

alternative sentencing center and admitted to the center violates 886
any rule established under this section by the board of county 887
commissioners or the affiliated group of boards of county 888
commissioners that establishes and operates the center, violates 889
any condition of the community residential sanction or OVI term of 890
confinement imposed by the sentencing court, or otherwise does not 891
successfully complete the service of the community residential 892
sanction or OVI term of confinement in the center, the 893
administrator of the center shall report the violation or failure 894
to successfully complete the sanction or term directly to the 895
court or to the probation department or probation officer with 896
general control and supervision over the eligible offender. A 897
failure to successfully complete the service of the community 898
residential sanction or OVI term of confinement in the center 899
shall be considered a violation of a condition of the community 900
residential sanction or the OVI term of confinement. If the 901
administrator reports the violation to the probation department or 902
probation officer, the department or officer shall report the 903
violation to the court. Upon its receipt under this division of a 904
report of a violation or failure to complete the sanction by a 905
person sentenced to the center under a community residential 906
sanction, the court may proceed as specified in division (C)(2) of 907
section 2929.25 of the Revised Code based on the violation or as 908
provided by ordinance of the municipal corporation based on the 909
violation, whichever is applicable. Upon its receipt under this 910
division of a report of a violation or failure to complete the 911
term by a person sentenced to the center under an OVI term of 912
confinement, the court shall determine the place at which the 913
offender is to serve the remainder of the term of confinement. The 914
eligible offender shall receive credit towards completing the 915
eligible offender's sentence for the time spent in the center 916
after admission to it. 917

Sec. 309.18. (A) If a prosecuting attorney of a county 918
receives notice from the ~~department of rehabilitation and~~ 919
~~correction pursuant to section 5120.14 of the Revised Code that a~~ 920
~~person indicted in that county for an offense of violence that is~~ 921
~~a felony has escaped from a correctional institution under the~~ 922
~~control of the department or otherwise has escaped from the~~ 923
~~e custody of the department, receives notice from the sheriff of the~~ 924
county pursuant to section 341.011 of the Revised Code that a 925
person indicted for or otherwise charged with an offense of 926
violence that is a felony and that was committed in the county has 927
escaped from the county jail or workhouse or otherwise has escaped 928
from the custody of the sheriff, or receives notice from a chief 929
of police or other chief law enforcement officer of a municipal 930
corporation pursuant to section 753.19 of the Revised Code that a 931
person indicted for or otherwise charged with an offense of 932
violence that is a felony and that was committed in the county has 933
escaped from a jail or workhouse of that municipal corporation or 934
otherwise has escaped from the custody of that municipal 935
corporation, the prosecuting attorney shall notify each victim of 936
an offense of violence that is a felony committed by that person 937
of the person's escape and, if applicable, of ~~his~~ the person's 938
subsequent apprehension. The notice of escape shall be given as 939
soon as possible after receipt of the notice from the department, 940
sheriff, or chief law enforcement officer of the municipal 941
corporation and shall be given by telephone or in person, except 942
that, if a prosecuting attorney tries and fails to give the notice 943
of escape by telephone at the victim's last known telephone number 944
or tries and fails to give the notice of escape in person at the 945
victim's last known address, the notice of escape shall be given 946
to the victim at ~~his~~ the victim's last known address by certified 947
mail, return receipt requested. The notice of apprehension shall 948
be given as soon as possible after the person is apprehended and 949

shall be given in the same manner as is the notice of escape. 950

Any prosecuting attorney who fails to give any notice 951
required by this ~~section~~ division is immune from civil liability 952
for any injury, death, or loss to person or property that might be 953
incurred as a result of that failure to give notice. 954

(B) If a prosecuting attorney of a county receives notice 955
from the department of rehabilitation and correction pursuant to 956
section 5120.14 of the Revised Code or otherwise receives notice 957
from the department that a person who was convicted of or pleaded 958
guilty in that county to an offense of violence that is a felony 959
has escaped from a correctional institution under the control of 960
the department or otherwise has escaped from the custody of the 961
department, and if the office of victim services of the department 962
requests assistance from the prosecuting attorney in identifying 963
and locating the victim of the offense, the prosecuting attorney 964
promptly shall provide the information requested, if available, to 965
the office of victim services. 966

Sec. 926.99. (A)(1) Except as provided in division (A)(2) of 967
this section, whoever violates section 926.04 of the Revised Code 968
is guilty of a misdemeanor of the first degree on a first offense 969
and a felony of the fifth degree on each subsequent offense. 970

(2) A person who violates section 926.04 of the Revised Code 972
and who is insolvent and financially unable to satisfy a claimant 973
as defined in section 926.021 of the Revised Code is guilty of a 974
felony of the fifth degree if the financial obligation owed by the 975
offender to the claimant is ~~five hundred~~ one thousand dollars or 976
more and is less than ~~five~~ seven thousand five hundred dollars. If 977
the financial obligation is ~~five~~ seven thousand five hundred 978
dollars or more and is less than one hundred fifty thousand 979
dollars, the offender is guilty of a felony of the fourth degree. 980

If the financial obligation is one hundred fifty thousand dollars 981
or more, the offender is guilty of a felony of the third degree. 982

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(B) Whoever violates division (E) or (F) of section 926.20 or 984
division (A) of section 926.22 of the Revised Code is guilty of a 985
minor misdemeanor on a first offense and a misdemeanor of the 986
second degree on each subsequent offense. 987

(C) Whoever violates division (G) of section 926.20 or 988
section 926.34 or 926.35 of the Revised Code is guilty of a felony 989
of the fourth degree. 990

(D) Whoever violates division (A) of section 926.28 or 991
division (B) of section 926.29 of the Revised Code is guilty of a 992
felony of the fifth degree. 993

(E) Whoever violates section 926.31 of the Revised Code is 994
guilty of a misdemeanor of the fourth degree. 995

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 996
1333.04 of the Revised Code is guilty of a minor misdemeanor. 997

(B) Whoever violates section 1333.12 or 1333.71 of the 998
Revised Code is guilty of a misdemeanor of the fourth degree. 999

(C) Whoever violates section 1333.36 of the Revised Code is 1000
guilty of a misdemeanor of the third degree. 1001

(D) A prosecuting attorney may file an action to restrain any 1002
person found in violation of section 1333.36 of the Revised Code. 1003
Upon the filing of such an action, the common pleas court may 1004
receive evidence of such violation and forthwith grant a temporary 1005
restraining order as may be prayed for, pending a hearing on the 1006
merits of said cause. 1007

(E) Whoever violates division (A)(1) of section 1333.52 or 1008
section 1333.81 of the Revised Code is guilty of a misdemeanor of 1009
the first degree. 1010

(F) Whoever violates division (A)(2) or (B) of section 1011
1333.52 of the Revised Code is guilty of a misdemeanor of the 1012
second degree. 1013

(G) Except as otherwise provided in this division, whoever 1014
violates section 1333.92 of the Revised Code is guilty of a 1015
misdemeanor of the first degree. If the value of the compensation 1016
is ~~five hundred~~ one thousand dollars or more and less than ~~five~~ 1017
seven thousand five hundred dollars, whoever violates section 1018
1333.92 of the Revised Code is guilty of a felony of the fifth 1019
degree. If the value of the compensation is ~~five~~ seven thousand 1020
five hundred dollars or more and less than one hundred fifty 1021
thousand dollars, whoever violates section 1333.92 of the Revised 1022
Code is guilty of a felony of the fourth degree. If the value of 1023
the compensation is one hundred fifty thousand dollars or more, 1024
whoever violates section 1333.92 of the Revised Code is guilty of 1025
a felony of the third degree. 1026

Sec. 1707.99. Whoever commits any act described in division 1027
(A) of section 1707.042 or section 1707.44 of the Revised Code is 1028
guilty of a violation of sections 1707.01 to 1707.45 of the 1029
Revised Code and the following apply to the offender: 1030

(A) If the value of the funds or securities involved in the 1031
offense or the loss to the victim is less than ~~five hundred~~ one 1032
thousand dollars, the offender is guilty of a felony of the fifth 1033
degree, and the court may impose upon the offender an additional 1034
fine of not more than two thousand five hundred dollars. 1035

(B) If the value of the funds or securities involved in the 1036
offense or the loss to the victim is ~~five hundred~~ one thousand 1037
dollars or more but less than ~~five~~ seven thousand five hundred 1038
dollars, the offender is guilty of a felony of the fourth degree, 1039
and the court may impose upon the offender an additional fine of 1040
not more than five thousand dollars. 1041

(C) If the value of the funds or securities involved in the 1042
offense or the loss to the victim is ~~five~~ seven thousand ~~five~~ 1043
hundred dollars or more but less than ~~twenty-five~~ thirty-seven 1044
thousand five hundred dollars, the offender is guilty of a felony 1045
of the third degree, and the court may impose upon the offender an 1046
additional fine of not more than ten thousand dollars. 1047

(D) If the value of the funds or securities involved in the 1048
offense or the loss to the victim is ~~twenty-five~~ thirty-seven 1049
thousand five hundred dollars or more but less than one hundred 1050
fifty thousand dollars, the offender is guilty of a felony of the 1051
second degree, and the court may impose upon the offender an 1052
additional fine of not more than fifteen thousand dollars. 1053

(E) If the value of the funds or securities involved in the 1054
offense or the loss to the victim is one hundred fifty thousand 1055
dollars or more, the offender is guilty of a felony of the first 1056
degree, and the court may impose upon the offender an additional 1057
fine of not more than twenty thousand dollars. 1058

Sec. 1716.99. (A) Whoever violates any provision of sections 1059
1716.02 to 1716.17 of the Revised Code, other than division (A)(1) 1060
of section 1716.14 of the Revised Code, is guilty of a misdemeanor 1061
of the first degree. 1062

Each occurrence of a solicitation of a contribution from any 1063
person in violation of any provision of sections 1716.02 to 1064
1716.17 of the Revised Code, other than division (A)(1) of section 1065
1716.14 of the Revised Code, is considered a separate offense. 1066

(B)(1) Whoever violates division (A)(1) of section 1716.14 of 1067
the Revised Code is guilty of solicitation fraud and shall be 1068
punished as provided in divisions (B)(2) to (4) of this section. 1069

(2) Except as otherwise provided in division (B)(4) of this 1070
section, division (B)(3) of this section applies to solicitation 1071

fraud, and solicitation fraud is one of the following: 1072

(a) Except as otherwise provided in divisions (B)(2)(b) to 1073
(d) of this section, a misdemeanor of the first degree or, if the 1074
offender previously has been convicted of or pleaded guilty to a 1075
theft offense or a violation of division (A)(1) of section 1716.14 1076
of the Revised Code, a felony of the fifth degree. 1077

(b) If the value of the contribution or contributions made in 1078
the violation is ~~five hundred~~ one thousand dollars or more but 1079
less than ~~five~~ seven thousand ~~five hundred~~ dollars, a felony of 1080
the fifth degree or, if the offender previously has been convicted 1081
of or pleaded guilty to a theft offense or a violation of division 1082
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1083
fourth degree. 1084

(c) If the value of the contribution or contributions made in 1085
the violation is ~~five~~ seven thousand ~~five hundred~~ dollars or more 1086
but less than one hundred fifty thousand dollars, a felony of the 1087
fourth degree or, if the offender previously has been convicted of 1088
or pleaded guilty to a theft offense or a violation of division 1089
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1090
third degree. 1091

(d) If the value of the contribution or contributions made in 1092
the violation is one hundred fifty thousand dollars or more, a 1093
felony of the third degree. 1094

(3) When an offender commits a series of offenses in 1095
violation of division (A)(1) of section 1716.14 of the Revised 1096
Code as part of a common scheme or plan to defraud multiple 1097
victims, all of the offenses may be tried as a single offense. If 1098
the offenses are tried as a single offense, the value of the 1099
contributions for purposes of determining the value as required by 1100
division (B)(2) of this section is the aggregate value of all 1101
contributions involved in all offenses in the common scheme or 1102

plan to defraud multiple victims. In prosecuting a single offense 1103
under this division, it is not necessary to separately allege and 1104
prove each offense in the series. Rather, it is sufficient to 1105
allege and prove that the offender, within a given span of time, 1106
committed one or more offenses as part of a common scheme or plan 1107
to defraud multiple victims as described in this division. 1108

(4) If the victim of the offense is an elderly person or 1109
disabled adult, division (B)(4) of this section and section 1110
2913.61 of the Revised Code apply to solicitation fraud, and 1111
solicitation fraud is one of the following: 1112

(a) Except as otherwise provided in divisions (B)(4)(b) to 1113
(d) of this section, a felony of the fifth degree; 1114

(b) If the value of the contributions made in the violation 1115
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 1116
seven thousand five hundred dollars, a felony of the fourth 1117
degree; 1118

(c) If the value of the contributions made in the violation 1119
is ~~five~~ seven thousand five hundred dollars or more and is less 1120
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, a 1121
felony of the third degree; 1122

(d) If the value of the contributions made in the violation 1123
is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more, 1124
a felony of the second degree. 1125

(C) Any person who is found guilty of any act or omission 1126
prohibited under this chapter shall forfeit the bond described in 1127
section 1716.05 or 1716.07 of the Revised Code to the state 1128
treasury to the credit of the charitable law fund established 1129
under section 109.32 of the Revised Code and shall be prohibited 1130
from registering with the attorney general or from serving as a 1131
fund-raising counsel or professional solicitor in this state for a 1132
period of five years after conviction. 1133

Sec. 2743.191. (A)(1) There is hereby created in the state 1134
treasury the reparations fund, which shall be used only for the 1135
following purposes: 1136

(a) The payment of awards of reparations that are granted by 1137
the attorney general; 1138

(b) The compensation of any personnel needed by the attorney 1139
general to administer sections 2743.51 to 2743.72 of the Revised 1140
Code; 1141

(c) The compensation of witnesses as provided in division (J) 1142
of section 2743.65 of the Revised Code; 1143

(d) Other administrative costs of hearing and determining 1144
claims for an award of reparations by the attorney general; 1145

(e) The costs of administering sections 2907.28 and 2969.01 1146
to 2969.06 of the Revised Code; 1147

(f) The costs of investigation and decision-making as 1148
certified by the attorney general; 1149

(g) The provision of state financial assistance to victim 1150
assistance programs in accordance with sections 109.91 and 109.92 1151
of the Revised Code; 1152

(h) The costs of paying the expenses of sex offense-related 1153
examinations and antibiotics pursuant to section 2907.28 of the 1154
Revised Code; 1155

(i) The cost of printing and distributing the pamphlet 1156
prepared by the attorney general pursuant to section 109.42 of the 1157
Revised Code; 1158

(j) Subject to division (D) of section 2743.71 of the Revised 1159
Code, the costs associated with the printing and providing of 1160
information cards or other printed materials to law enforcement 1161
agencies and prosecuting authorities and with publicizing the 1162

availability of awards of reparations pursuant to section 2743.71 1163
of the Revised Code; 1164

(k) The payment of costs of administering a DNA specimen 1165
collection procedure pursuant to sections 2152.74 and 2901.07 of 1166
the Revised Code, of performing DNA analysis of those DNA 1167
specimens, and of entering the resulting DNA records regarding 1168
those analyses into the DNA database pursuant to section 109.573 1169
of the Revised Code; 1170

(l) The payment of actual costs associated with initiatives 1171
by the attorney general for the apprehension, prosecution, and 1172
accountability of offenders, and the enhancing of services to 1173
crime victims. The amount of payments made pursuant to division 1174
(A)(1)(l) of this section during any given fiscal year shall not 1175
exceed five per cent of the balance of the reparations fund at the 1176
close of the immediately previous fiscal year; 1177

(m) The costs of administering the adult parole authority's 1178
supervision pursuant to division (E) of section 2971.05 of the 1179
Revised Code of sexually violent predators who are sentenced to a 1180
prison term pursuant to division (A)(3) of section 2971.03 of the 1181
Revised Code and of offenders who are sentenced to a prison term 1182
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1183
(c), or (B)(3)(a), (b), (c), or (d) of that section; 1184

(n) The costs of installation and monitoring of an electronic 1185
monitoring device used in the monitoring of a respondent pursuant 1186
to an electronic monitoring order issued by a court under division 1187
(E)(1)(b) of section 2903.214 of the Revised Code if the court 1188
determines that the respondent is indigent or in the monitoring of 1189
an offender pursuant to an electronic monitoring order issued 1190
under division (B)(5) of section 2919.27 of the Revised Code if 1191
the court determines that the offender is indigent; 1192

(o) The costs of monitoring an offender by means of a global 1193

positioning device, if the offender is released from prison 1194
pursuant to section 2967.19 of the Revised Code, the court orders 1195
monitoring of the offender by the device pursuant to division (H) 1196
of that section, and the court determines that the offender is 1197
indigent. 1198

(2) All costs paid pursuant to section 2743.70 of the Revised 1199
Code, the portions of license reinstatement fees mandated by 1200
division (F)(2)(b) of section 4511.191 of the Revised Code to be 1201
credited to the fund, the portions of the proceeds of the sale of 1202
a forfeited vehicle specified in division (C)(2) of section 1203
4503.234 of the Revised Code, payments collected by the department 1204
of rehabilitation and correction from prisoners who voluntarily 1205
participate in an approved work and training program pursuant to 1206
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 1207
all moneys collected by the state pursuant to its right of 1208
subrogation provided in section 2743.72 of the Revised Code shall 1209
be deposited in the fund. 1210

(B) In making an award of reparations, the attorney general 1211
shall render the award against the state. The award shall be 1212
accomplished only through the following procedure, and the 1213
following procedure may be enforced by writ of mandamus directed 1214
to the appropriate official: 1215

(1) The attorney general shall provide for payment of the 1216
claimant or providers in the amount of the award only if the 1217
amount of the award is fifty dollars or more. 1218

(2) The expense shall be charged against all available 1219
unencumbered moneys in the fund. 1220

(3) If sufficient unencumbered moneys do not exist in the 1221
fund, the attorney general shall make application for payment of 1222
the award out of the emergency purposes account or any other 1223
appropriation for emergencies or contingencies, and payment out of 1224

this account or other appropriation shall be authorized if there 1225
are sufficient moneys greater than the sum total of then pending 1226
emergency purposes account requests or requests for releases from 1227
the other appropriations. 1228

(4) If sufficient moneys do not exist in the account or any 1229
other appropriation for emergencies or contingencies to pay the 1230
award, the attorney general shall request the general assembly to 1231
make an appropriation sufficient to pay the award, and no payment 1232
shall be made until the appropriation has been made. The attorney 1233
general shall make this appropriation request during the current 1234
biennium and during each succeeding biennium until a sufficient 1235
appropriation is made. If, prior to the time that an appropriation 1236
is made by the general assembly pursuant to this division, the 1237
fund has sufficient unencumbered funds to pay the award or part of 1238
the award, the available funds shall be used to pay the award or 1239
part of the award, and the appropriation request shall be amended 1240
to request only sufficient funds to pay that part of the award 1241
that is unpaid. 1242

(C) The attorney general shall not make payment on a decision 1243
or order granting an award until all appeals have been determined 1244
and all rights to appeal exhausted, except as otherwise provided 1245
in this section. If any party to a claim for an award of 1246
reparations appeals from only a portion of an award, and a 1247
remaining portion provides for the payment of money by the state, 1248
that part of the award calling for the payment of money by the 1249
state and not a subject of the appeal shall be processed for 1250
payment as described in this section. 1251

(D) The attorney general shall prepare itemized bills for the 1252
costs of printing and distributing the pamphlet the attorney 1253
general prepares pursuant to section 109.42 of the Revised Code. 1254
The itemized bills shall set forth the name and address of the 1255
persons owed the amounts set forth in them. 1256

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

Sec. 2909.03. (A) No person, by means of fire or explosion, shall knowingly do any of the following:

(1) Cause, or create a substantial risk of, physical harm to any property of another without the other person's consent;

(2) Cause, or create a substantial risk of, physical harm to any property of the offender or another, with purpose to defraud;

(3) Cause, or create a substantial risk of, physical harm to the statehouse or a courthouse, school building, or other building or structure that is owned or controlled by the state, any political subdivision, or any department, agency, or instrumentality of the state or a political subdivision, and that is used for public purposes;

(4) Cause, or create a substantial risk of, physical harm, through the offer or the acceptance of an agreement for hire or other consideration, to any property of another without the other person's consent or to any property of the offender or another with purpose to defraud;

(5) Cause, or create a substantial risk of, physical harm to any park, preserve, wildlands, brush-covered land, cut-over land, forest, timberland, greenlands, woods, or similar real property that is owned or controlled by another person, the state, or a political subdivision without the consent of the other person, the state, or the political subdivision;

(6) With purpose to defraud, cause, or create a substantial risk of, physical harm to any park, preserve, wildlands, brush-covered land, cut-over land, forest, timberland, greenlands, woods, or similar real property that is owned or controlled by the

offender, another person, the state, or a political subdivision.	1287
(B)(1) Whoever violates this section is guilty of arson.	1288
(2) A violation of division (A)(1) of this section is one of the following:	1289 1290
(a) Except as otherwise provided in division (B)(2)(b) of this section, a misdemeanor of the first degree;	1291 1292
(b) If the value of the property or the amount of the physical harm involved is five hundred <u>one thousand</u> dollars or more, a felony of the fourth degree.	1293 1294 1295
(3) A violation of division (A)(2), (3), (5), or (6) of this section is a felony of the fourth degree.	1296 1297
(4) A violation of division (A)(4) of this section is a felony of the third degree.	1298 1299
Sec. 2909.05. (A) No person shall knowingly cause serious physical harm to an occupied structure or any of its contents.	1300 1301
(B)(1) No person shall knowingly cause physical harm to property that is owned or possessed by another, when either of the following applies:	1302 1303 1304
(a) The property is used by its owner or possessor in the owner's or possessor's profession, business, trade, or occupation, and the value of the property or the amount of physical harm involved is five hundred <u>one thousand</u> dollars or more;	1305 1306 1307 1308
(b) Regardless of the value of the property or the amount of damage done, the property or its equivalent is necessary in order for its owner or possessor to engage in the owner's or possessor's profession, business, trade, or occupation.	1309 1310 1311 1312
(2) No person shall knowingly cause serious physical harm to property that is owned, leased, or controlled by a governmental entity. A governmental entity includes, but is not limited to, the	1313 1314 1315

state or a political subdivision of the state, a school district, 1316
the board of trustees of a public library or public university, or 1317
any other body corporate and politic responsible for governmental 1318
activities only in geographical areas smaller than that of the 1319
state. 1320

(C) No person, without privilege to do so, shall knowingly 1321
cause serious physical harm to any tomb, monument, gravestone, or 1322
other similar structure that is used as a memorial for the dead; 1323
to any fence, railing, curb, or other property that is used to 1324
protect, enclose, or ornament any cemetery; or to a cemetery. 1325

(D) No person, without privilege to do so, shall knowingly 1326
cause physical harm to a place of burial by breaking and entering 1327
into a tomb, crypt, casket, or other structure that is used as a 1328
memorial for the dead or as an enclosure for the dead. 1329

(E) Whoever violates this section is guilty of vandalism. 1330
Except as otherwise provided in this division, vandalism is a 1331
felony of the fifth degree that is punishable by a fine of up to 1332
two thousand five hundred dollars in addition to the penalties 1333
specified for a felony of the fifth degree in sections 2929.11 to 1334
2929.18 of the Revised Code. If the value of the property or the 1335
amount of physical harm involved is ~~five~~ seven thousand five 1336
hundred dollars or more but less than one hundred fifty thousand 1337
dollars, vandalism is a felony of the fourth degree. If the value 1338
of the property or the amount of physical harm involved is one 1339
hundred fifty thousand dollars or more, vandalism is a felony of 1340
the third degree. 1341

(F) For purposes of this section: 1342

(1) "Cemetery" means any place of burial and includes burial 1343
sites that contain American Indian burial objects placed with or 1344
containing American Indian human remains. 1345

(2) "Serious physical harm" means physical harm to property 1346

that results in loss to the value of the property of ~~five hundred~~ 1347
one thousand dollars or more. 1348

Sec. 2909.11. (A) When a person is charged with a violation 1349
of division (A)(1) of section 2909.03 of the Revised Code 1350
involving property value or an amount of physical harm of ~~five~~ 1351
~~hundred~~ one thousand dollars or more or with a violation of 1352
section 2909.05 of the Revised Code involving property value or an 1353
amount of physical harm of ~~five hundred~~ one thousand dollars or 1354
more, the jury or court trying the accused shall determine the 1355
value of the property or amount of physical harm and, if a guilty 1356
verdict is returned, shall return the finding as part of the 1357
verdict. In any such case, it is unnecessary to find or return the 1358
exact value or amount of physical harm, section 2945.75 of the 1359
Revised Code applies, and it is sufficient if either of the 1360
following applies, as appropriate, relative to the finding and 1361
return of the value or amount of physical harm: 1362

(1) If the finding and return relate to a violation of 1363
division (A)(1) of section 2909.03 of the Revised Code and are 1364
that the value or amount of the physical harm was ~~five hundred~~ one 1365
thousand dollars or more, the finding and return shall include a 1366
statement that the value or amount was ~~five hundred~~ one thousand 1367
dollars or more. 1368

(2) If the finding and return relate to a violation of 1369
division section 2909.05 of the Revised Code and are that the 1370
value or amount of the physical harm was in any of the following 1371
categories, the finding and return shall include one of the 1372
following statements, as appropriate: 1373

(a) If the finding and return are that the value or amount 1374
was one hundred fifty thousand dollars or more, a statement that 1375
the value or amount was one hundred fifty thousand dollars or 1376
more; 1377

(b) If the finding and return are that the value or amount 1378
was ~~five seven~~ thousand ~~five hundred~~ dollars or more but less than 1379
one hundred ~~fifty~~ thousand dollars a statement that the value or 1380
amount was ~~five seven~~ thousand ~~five hundred~~ dollars or more but 1381
less than one hundred ~~fifty~~ thousand dollars; 1382

(c) If the finding and return are that the value or amount 1383
was ~~five hundred one thousand~~ dollars or more but less than ~~five~~ 1384
~~seven~~ thousand ~~five hundred~~ dollars, a statement that the value or 1385
amount was ~~five hundred one thousand~~ dollars or more but less than 1386
~~five seven~~ thousand ~~five hundred~~ dollars. 1387

(B) The following criteria shall be used in determining the 1388
value of property or amount of physical harm involved in a 1389
violation of division (A)(1) of section 2909.03 or section 2909.05 1390
of the Revised Code: 1391

(1) If the property is an heirloom, memento, collector's 1392
item, antique, museum piece, manuscript, document, record, or 1393
other thing that is either irreplaceable or is replaceable only on 1394
the expenditure of substantial time, effort, or money, the value 1395
of the property or the amount of physical harm involved is the 1396
amount that would compensate the owner for its loss. 1397

(2) If the property is not covered under division (B)(1) of 1398
this section and the physical harm is such that the property can 1399
be restored substantially to its former condition, the amount of 1400
physical harm involved is the reasonable cost of restoring the 1401
property. 1402

(3) If the property is not covered under division (B)(1) of 1403
this section and the physical harm is such that the property 1404
cannot be restored substantially to its former condition, the 1405
value of the property, in the case of personal property, is the 1406
cost of replacing the property with new property of like kind and 1407
quality, and, in the case of real property or real property 1408

fixtures, is the difference in the fair market value of the 1409
property immediately before and immediately after the offense. 1410

(C) As used in this section, "fair market value" has the same 1411
meaning as in section 2913.61 of the Revised Code. 1412

(D) Prima-facie evidence of the value of property, as 1413
provided in division (E) of section 2913.61 of the Revised Code, 1414
may be used to establish the value of property pursuant to this 1415
section. 1416

Sec. 2913.02. (A) No person, with purpose to deprive the 1417
owner of property or services, shall knowingly obtain or exert 1418
control over either the property or services in any of the 1419
following ways: 1420

(1) Without the consent of the owner or person authorized to 1421
give consent; 1422

(2) Beyond the scope of the express or implied consent of the 1423
owner or person authorized to give consent; 1424

(3) By deception; 1425

(4) By threat; 1426

(5) By intimidation. 1427

(B)(1) Whoever violates this section is guilty of theft. 1428

(2) Except as otherwise provided in this division or division 1429
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 1430
this section is petty theft, a misdemeanor of the first degree. If 1431
the value of the property or services stolen is ~~five hundred~~ one 1432
thousand dollars or more and is less than ~~five~~ seven thousand five 1433
hundred dollars or if the property stolen is any of the property 1434
listed in section 2913.71 of the Revised Code, a violation of this 1435
section is theft, a felony of the fifth degree. If the value of 1436
the property or services stolen is ~~five~~ seven thousand five 1437

hundred dollars or more and is less than one hundred fifty 1438
thousand dollars, a violation of this section is grand theft, a 1439
felony of the fourth degree. If the value of the property or 1440
services stolen is one hundred fifty thousand dollars or more and 1441
is less than ~~five~~ seven hundred fifty thousand dollars, a 1442
violation of this section is aggravated theft, a felony of the 1443
third degree. If the value of the property or services is ~~five~~ 1444
seven hundred fifty thousand dollars or more and is less than one 1445
million five hundred thousand dollars, a violation of this section 1446
is aggravated theft, a felony of the second degree. If the value 1447
of the property or services stolen is one million five hundred 1448
thousand dollars or more, a violation of this section is 1449
aggravated theft of one million five hundred thousand dollars or 1450
more, a felony of the first degree. 1451

(3) Except as otherwise provided in division (B)(4), (5), 1452
(6), (7), or (8) of this section, if the victim of the offense is 1453
an elderly person or disabled adult, a violation of this section 1454
is theft from an elderly person or disabled adult, and division 1455
(B)(3) of this section applies. Except as otherwise provided in 1456
this division, theft from an elderly person or disabled adult is a 1457
felony of the fifth degree. If the value of the property or 1458
services stolen is ~~five hundred~~ one thousand dollars or more and 1459
is less than ~~five~~ seven thousand five hundred dollars, theft from 1460
an elderly person or disabled adult is a felony of the fourth 1461
degree. If the value of the property or services stolen is ~~five~~ 1462
seven thousand five hundred dollars or more and is less than 1463
~~twenty-five~~ thirty-seven thousand five hundred dollars, theft from 1464
an elderly person or disabled adult is a felony of the third 1465
degree. If the value of the property or services stolen is 1466
~~twenty-five~~ thirty-seven thousand five hundred dollars or more and 1467
is less than one hundred fifty thousand dollars, theft from an 1468
elderly person or disabled adult is a felony of the second degree. 1469
If the value of the property or services stolen is one hundred 1470

fifty thousand dollars or more, theft from an elderly person or disabled adult is a felony of the first degree. 1471
1472

(4) If the property stolen is a firearm or dangerous ordnance, a violation of this section is grand theft. Except as otherwise provided in this division, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the third degree, and there is a presumption in favor of the court imposing a prison term for the offense. If the firearm or dangerous ordnance was stolen from a federally licensed firearms dealer, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the first degree. The offender shall serve a prison term imposed for grand theft when the property stolen is a firearm or dangerous ordnance consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender. 1473
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(5) If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree. 1486
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(6) If the property stolen is any dangerous drug, a violation of this section is theft of drugs, a felony of the fourth degree, or, if the offender previously has been convicted of a felony drug abuse offense, a felony of the third degree. 1489
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(7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, a violation of this section is theft of a police dog or horse or an assistance dog, a felony of the third degree. 1493
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(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a felony of the third degree. 1498
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(9) In addition to the penalties described in division (B)(2) 1501

of this section, if the offender committed the violation by 1502
causing a motor vehicle to leave the premises of an establishment 1503
at which gasoline is offered for retail sale without the offender 1504
making full payment for gasoline that was dispensed into the fuel 1505
tank of the motor vehicle or into another container, the court may 1506
do one of the following: 1507

(a) Unless division (B)(9)(b) of this section applies, 1508
suspend for not more than six months the offender's driver's 1509
license, probationary driver's license, commercial driver's 1510
license, temporary instruction permit, or nonresident operating 1511
privilege; 1512

(b) If the offender's driver's license, probationary driver's 1513
license, commercial driver's license, temporary instruction 1514
permit, or nonresident operating privilege has previously been 1515
suspended pursuant to division (B)(9)(a) of this section, impose a 1516
class seven suspension of the offender's license, permit, or 1517
privilege from the range specified in division (A)(7) of section 1518
4510.02 of the Revised Code, provided that the suspension shall be 1519
for at least six months. 1520

(10) In addition to the penalties described in division 1521
(B)(2) of this section, if the offender committed the violation by 1522
stealing rented property or rental services, the court may order 1523
that the offender make restitution pursuant to section 2929.18 or 1524
2929.28 of the Revised Code. Restitution may include, but is not 1525
limited to, the cost of repairing or replacing the stolen 1526
property, or the cost of repairing the stolen property and any 1527
loss of revenue resulting from deprivation of the property due to 1528
theft of rental services that is less than or equal to the actual 1529
value of the property at the time it was rented. Evidence of 1530
intent to commit theft of rented property or rental services shall 1531
be determined pursuant to the provisions of section 2913.72 of the 1532
Revised Code. 1533

(C) The sentencing court that suspends an offender's license, 1534
permit, or nonresident operating privilege under division (B)(9) 1535
of this section may grant the offender limited driving privileges 1536
during the period of the suspension in accordance with Chapter 1537
4510. of the Revised Code. 1538

Sec. 2913.03. (A) No person shall knowingly use or operate an 1539
aircraft, motor vehicle, motorcycle, motorboat, or other 1540
motor-propelled vehicle without the consent of the owner or person 1541
authorized to give consent. 1542

(B) No person shall knowingly use or operate an aircraft, 1543
motor vehicle, motorboat, or other motor-propelled vehicle without 1544
the consent of the owner or person authorized to give consent, and 1545
either remove it from this state or keep possession of it for more 1546
than forty-eight hours. 1547

(C) The following are affirmative defenses to a charge under 1548
this section: 1549

(1) At the time of the alleged offense, the actor, though 1550
mistaken, reasonably believed that the actor was authorized to use 1551
or operate the property. 1552

(2) At the time of the alleged offense, the actor reasonably 1553
believed that the owner or person empowered to give consent would 1554
authorize the actor to use or operate the property. 1555

(D)(1) Whoever violates this section is guilty of 1556
unauthorized use of a vehicle. 1557

(2) Except as otherwise provided in division (D)(4) of this 1558
section, a violation of division (A) of this section is a 1559
misdemeanor of the first degree. 1560

(3) Except as otherwise provided in division (D)(4) of this 1561
section, a violation of division (B) of this section is a felony 1562
of the fifth degree. 1563

(4) If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of division (A) or (B) of this section is whichever of the following is applicable:

(a) Except as otherwise provided in division (D)(4)(b), (c), or (d), ~~or (e)~~ of this section, a felony of the fifth degree;

(b) If the loss to the victim is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand five hundred dollars, a felony of the fourth degree;

(c) If the loss to the victim is ~~five~~ seven thousand five hundred dollars or more and is less than ~~twenty-five~~ thirty-seven thousand five hundred dollars, a felony of the third degree;

(d) If the loss to the victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more, a felony of the second degree.

Sec. 2913.04. (A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(B) No person, in any manner and by any means, including, but not limited to, computer hacking, shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent.

(C) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate

information gained from access to the law enforcement automated 1594
database system created pursuant to section 5503.10 of the Revised 1595
Code without the consent of, or beyond the scope of the express or 1596
implied consent of, the chair of the law enforcement automated 1597
data system steering committee. 1598

(D) The affirmative defenses contained in division (C) of 1599
section 2913.03 of the Revised Code are affirmative defenses to a 1600
charge under this section. 1601

(E)(1) Whoever violates division (A) of this section is 1602
guilty of unauthorized use of property. 1603

(2) Except as otherwise provided in division (E)(3) or (4) of 1604
this section, unauthorized use of property is a misdemeanor of the 1605
fourth degree. 1606

(3) Except as otherwise provided in division (E)(4) of this 1607
section, if unauthorized use of property is committed for the 1608
purpose of devising or executing a scheme to defraud or to obtain 1609
property or services, unauthorized use of property is whichever of 1610
the following is applicable: 1611

(a) Except as otherwise provided in division (E)(3)(b), (c), 1612
or (d) of this section, a misdemeanor of the first degree. 1613

(b) If the value of the property or services or the loss to 1614
the victim is ~~five hundred~~ one thousand dollars or more and is 1615
less than ~~five~~ seven thousand ~~five hundred~~ dollars, a felony of 1616
the fifth degree. 1617

(c) If the value of the property or services or the loss to 1618
the victim is ~~five~~ seven thousand ~~five hundred~~ dollars or more and 1619
is less than one hundred fifty thousand dollars, a felony of the 1620
fourth degree. 1621

(d) If the value of the property or services or the loss to 1622
the victim is one hundred fifty thousand dollars or more, a felony 1623

of the third degree. 1624

(4) If the victim of the offense is an elderly person or 1625
disabled adult, unauthorized use of property is whichever of the 1626
following is applicable: 1627

(a) Except as otherwise provided in division (E)(4)(b), (c), 1628
or (d) of this section, a felony of the fifth degree; 1629

(b) If the value of the property or services or loss to the 1630
victim is ~~five hundred~~ one thousand dollars or more and is less 1631
than ~~five~~ seven thousand ~~five hundred~~ dollars, a felony of the 1632
fourth degree; 1633

(c) If the value of the property or services or loss to the 1634
victim is ~~five seven~~ thousand ~~five hundred~~ dollars or more and is 1635
less than ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ dollars, 1636
a felony of the third degree; 1637

(d) If the value of the property or services or loss to the 1638
victim is ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ dollars 1639
or more, a felony of the second degree. 1640

(F)(1) Whoever violates division (B) of this section is 1641
guilty of unauthorized use of computer, cable, or 1642
telecommunication property, and shall be punished as provided in 1643
division (F)(2), (3), or (4) of this section. 1644

(2) Except as otherwise provided in division (F)(3) or (4) of 1645
this section, unauthorized use of computer, cable, or 1646
telecommunication property is a felony of the fifth degree. 1647

(3) Except as otherwise provided in division (F)(4) of this 1648
section, if unauthorized use of computer, cable, or 1649
telecommunication property is committed for the purpose of 1650
devising or executing a scheme to defraud or to obtain property or 1651
services, for obtaining money, property, or services by false or 1652
fraudulent pretenses, or for committing any other criminal 1653

offense, unauthorized use of computer, cable, or telecommunication 1654
property is whichever of the following is applicable: 1655

(a) Except as otherwise provided in division (F)(3)(b) of 1656
this section, if the value of the property or services involved or 1657
the loss to the victim is ~~five~~ seven thousand five hundred dollars 1658
or more and less than one hundred fifty thousand dollars, a felony 1659
of the fourth degree; 1660

(b) If the value of the property or services involved or the 1661
loss to the victim is one hundred fifty thousand dollars or more, 1662
a felony of the third degree. 1663

(4) If the victim of the offense is an elderly person or 1664
disabled adult, unauthorized use of computer, cable, or 1665
telecommunication property is whichever of the following is 1666
applicable: 1667

(a) Except as otherwise provided in division (F)(4)(b), (c), 1668
or (d) of this section, a felony of the fifth degree; 1669

(b) If the value of the property or services or loss to the 1670
victim is ~~five hundred~~ one thousand dollars or more and is less 1671
than ~~five~~ seven thousand five hundred dollars, a felony of the 1672
fourth degree; 1673

(c) If the value of the property or services or loss to the 1674
victim is ~~five~~ seven thousand five hundred dollars or more and is 1675
less than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 1676
a felony of the third degree; 1677

(d) If the value of the property or services or loss to the 1678
victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars 1679
or more, a felony of the second degree. 1680

(G) Whoever violates division (C) of this section is guilty 1681
of unauthorized use of the law enforcement automated database 1682
system, a felony of the fifth degree. 1683

(H) As used in this section:	1684
(1) "Cable operator" means any person or group of persons that does either of the following:	1685 1686
(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;	1687 1688 1689
(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.	1690 1691
(2) "Cable service" means any of the following:	1692
(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;	1693 1694 1695
(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division (H)(2)(a) of this section;	1696 1697 1698 1699
(c) Any cable television service.	1700
(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:	1701 1702 1703 1704 1705 1706
(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;	1707 1708
(b) Any facility that serves subscribers without using any public right-of-way;	1709 1710
(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);	1711 1712 1713

(d) Any open video system that complies with 47 U.S.C.A. 573;	1714
(e) Any facility of any electric utility used solely for operating its electric utility system.	1715 1716
Sec. 2913.11. (A) As used in this section:	1717
(1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:	1718 1719
(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or non-negotiable instrument;	1720 1721
(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.	1722 1723 1724
(2) "Issue a check" means causing any form of debit from a demand deposit account.	1725 1726
(B) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.	1727 1728 1729 1730 1731
(C) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored if either of the following occurs:	1732 1733 1734
(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later;	1735 1736
(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser, or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.	1737 1738 1739 1740 1741 1742

(D) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with section 1349.16 of the Revised Code by doing any of the following when opening a checking account intended for personal, family, or household purposes at a financial institution:

(1) Falsely stating that the drawer has not been issued a valid driver's or commercial driver's license or identification card issued under section 4507.50 of the Revised Code;

(2) Furnishing such license or card, or another identification document that contains false information;

(3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.

(E) In determining the value of the payment for purposes of division (F) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of division (A) of this section within a period of one hundred eighty consecutive days.

(F) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this division, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of ~~five hundred~~ one thousand dollars or more but less than ~~five~~ seven thousand ~~five hundred~~ dollars or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand ~~five hundred~~ dollars or more but less than ~~five~~ seven thousand ~~five hundred~~ dollars, passing bad checks is a felony of

the fifth degree. If the check or checks or other negotiable instrument or instruments are for the payment of ~~five~~ seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, passing bad checks is a felony of the fourth degree. If the check or checks or other negotiable instrument or instruments are for the payment of one hundred fifty thousand dollars or more, passing bad checks is a felony of the third degree.

Sec. 2913.21. (A) No person shall do any of the following:

(1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;

(2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(B) No person, with purpose to defraud, shall do any of the following:

(1) Obtain control over a credit card as security for a debt;

(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;

(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;

(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.

(C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.

(D)(1) Whoever violates this section is guilty of misuse of credit cards. 1803
1804

(2) Except as otherwise provided in division (D)(4) of this section, a violation of division (A), (B)(1), or (C) of this section is a misdemeanor of the first degree. 1805
1806
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(3) Except as otherwise provided in this division or division (D)(4) of this section, a violation of division (B)(2), (3), or (4) of this section is a misdemeanor of the first degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (3), or (4) of this section, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand five hundred dollars, misuse of credit cards in violation of any of those divisions is a felony of the fifth degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (3), or (4) of this section, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is ~~five~~ seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, misuse of credit cards in violation of any of those divisions is a felony of the fourth degree. If the cumulative retail value of the property and services involved in one or more violations of division (B)(2), (3), or (4) of this section, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is one hundred fifty thousand dollars or more, misuse of credit cards in violation of any of those divisions is a felony of the third degree. 1808
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(4) If the victim of the offense is an elderly person or 1834

disabled adult, and if the offense involves a violation of 1835
division (B)(1) or (2) of this section, division (D)(4) of this 1836
section applies. Except as otherwise provided in division (D)(4) 1837
of this section, a violation of division (B)(1) or (2) of this 1838
section is a felony of the fifth degree. If the debt for which the 1839
card is held as security or the cumulative retail value of the 1840
property or services involved in the violation is ~~five hundred~~ one 1841
thousand dollars or more and is less than ~~five~~ seven thousand five 1842
hundred dollars, a violation of either of those divisions is a 1843
felony of the fourth degree. If the debt for which the card is 1844
held as security or the cumulative retail value of the property or 1845
services involved in the violation is ~~five~~ seven thousand five 1846
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 1847
thousand five hundred dollars, a violation of either of those 1848
divisions is a felony of the third degree. If the debt for which 1849
the card is held as security or the cumulative retail value of the 1850
property or services involved in the violation is ~~twenty-five~~ 1851
thirty-seven thousand five hundred dollars or more, a violation of 1852
either of those divisions is a felony of the second degree. 1853

Sec. 2913.31. (A) No person, with purpose to defraud, or 1854
knowing that the person is facilitating a fraud, shall do any of 1855
the following: 1856

(1) Forge any writing of another without the other person's 1857
authority; 1858

(2) Forge any writing so that it purports to be genuine when 1859
it actually is spurious, or to be the act of another who did not 1860
authorize that act, or to have been executed at a time or place or 1861
with terms different from what in fact was the case, or to be a 1862
copy of an original when no such original existed; 1863

(3) Utter, or possess with purpose to utter, any writing that 1864
the person knows to have been forged. 1865

(B) No person shall knowingly do either of the following: 1866

(1) Forge an identification card; 1867

(2) Sell or otherwise distribute a card that purports to be 1868
an identification card, knowing it to have been forged. 1869

As used in this division, "identification card" means a card 1870
that includes personal information or characteristics of an 1871
individual, a purpose of which is to establish the identity of the 1872
bearer described on the card, whether the words "identity," 1873
"identification," "identification card," or other similar words 1874
appear on the card. 1875

(C)(1)(a) Whoever violates division (A) of this section is 1876
guilty of forgery. 1877

(b) Except as otherwise provided in this division or division 1878
(C)(1)(c) of this section, forgery is a felony of the fifth 1879
degree. If property or services are involved in the offense or the 1880
victim suffers a loss, forgery is one of the following: 1881

(i) If the value of the property or services or the loss to 1882
the victim is ~~five~~ seven thousand five hundred dollars or more and 1883
is less than one hundred fifty thousand dollars, a felony of the 1884
fourth degree; 1885

(ii) If the value of the property or services or the loss to 1886
the victim is one hundred fifty thousand dollars or more, a felony 1887
of the third degree. 1888

(c) If the victim of the offense is an elderly person or 1889
disabled adult, division (C)(1)(c) of this section applies to the 1890
forgery. Except as otherwise provided in division (C)(1)(c) of 1891
this section, forgery is a felony of the fifth degree. If property 1892
or services are involved in the offense or if the victim suffers a 1893
loss, forgery is one of the following: 1894

(i) If the value of the property or services or the loss to 1895

the victim is ~~five hundred~~ one thousand dollars or more and is 1896
less than ~~five~~ seven thousand ~~five hundred~~ dollars, a felony of 1897
the fourth degree; 1898

(ii) If the value of the property or services or the loss to 1899
the victim is ~~five~~ seven thousand ~~five hundred~~ dollars or more and 1900
is less than ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ 1901
dollars, a felony of the third degree; 1902

(iii) If the value of the property or services or the loss to 1903
the victim is ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ 1904
dollars or more, a felony of the second degree. 1905

(2) Whoever violates division (B) of this section is guilty 1906
of forging identification cards or selling or distributing forged 1907
identification cards. Except as otherwise provided in this 1908
division, forging identification cards or selling or distributing 1909
forged identification cards is a misdemeanor of the first degree. 1910
If the offender previously has been convicted of a violation of 1911
division (B) of this section, forging identification cards or 1912
selling or distributing forged identification cards is a 1913
misdemeanor of the first degree and, in addition, the court shall 1914
impose upon the offender a fine of not less than two hundred fifty 1915
dollars. 1916

Sec. 2913.32. (A) No person, with purpose to defraud, or 1917
knowing that the person is facilitating a fraud, shall do any of 1918
the following: 1919

(1) Make or alter any object so that it appears to have value 1920
because of antiquity, rarity, curiosity, source, or authorship, 1921
which it does not in fact possess; 1922

(2) Practice deception in making, retouching, editing, or 1923
reproducing any photograph, movie film, video tape, phonograph 1924
record, or recording tape; 1925

(3) Falsely or fraudulently make, simulate, forge, alter, or counterfeit any wrapper, label, stamp, cork, or cap prescribed by the liquor control commission under Chapters 4301. and 4303. of the Revised Code, falsely or fraudulently cause to be made, simulated, forged, altered, or counterfeited any wrapper, label, stamp, cork, or cap prescribed by the liquor control commission under Chapters 4301. and 4303. of the Revised Code, or use more than once any wrapper, label, stamp, cork, or cap prescribed by the liquor control commission under Chapters 4301. and 4303. of the Revised Code.

(4) Utter, or possess with purpose to utter, any object that the person knows to have been simulated as provided in division (A)(1), (2), or (3) of this section.

(B) Whoever violates this section is guilty of criminal simulation. Except as otherwise provided in this division, criminal simulation is a misdemeanor of the first degree. If the loss to the victim is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand five hundred dollars, criminal simulation is a felony of the fifth degree. If the loss to the victim is ~~five~~ seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, criminal simulation is a felony of the fourth degree. If the loss to the victim is one hundred fifty thousand dollars or more, criminal simulation is a felony of the third degree.

Sec. 2913.34. (A) No person shall knowingly do any of the following:

(1) Attach, affix, or otherwise use a counterfeit mark in connection with the manufacture of goods or services, whether or not the goods or services are intended for sale or resale;

(2) Possess, sell, or offer for sale tools, machines, instruments, materials, articles, or other items of personal

property with the knowledge that they are designed for the 1957
production or reproduction of counterfeit marks; 1958

(3) Purchase or otherwise acquire goods, and keep or 1959
otherwise have the goods in the person's possession, with the 1960
knowledge that a counterfeit mark is attached to, affixed to, or 1961
otherwise used in connection with the goods and with the intent to 1962
sell or otherwise dispose of the goods; 1963

(4) Sell, offer for sale, or otherwise dispose of goods with 1964
the knowledge that a counterfeit mark is attached to, affixed to, 1965
or otherwise used in connection with the goods; 1966

(5) Sell, offer for sale, or otherwise provide services with 1967
the knowledge that a counterfeit mark is used in connection with 1968
that sale, offer for sale, or other provision of the services. 1969

(B)(1) Whoever violates this section is guilty of trademark 1970
counterfeiting. 1971

(2) Except as otherwise provided in this division, a 1972
violation of division (A)(1) of this section is a felony of the 1973
fifth degree. Except as otherwise provided in this division, if 1974
the cumulative sales price of the goods or services to which or in 1975
connection with which the counterfeit mark is attached, affixed, 1976
or otherwise used in the offense is five thousand dollars or more 1977
but less than one hundred thousand dollars or if the number of 1978
units of goods to which or in connection with which the 1979
counterfeit mark is attached, affixed, or otherwise used in the 1980
offense is more than one hundred units but less than one thousand 1981
units, a violation of division (A)(1) of this section is a felony 1982
of the fourth degree. If the cumulative sales price of the goods 1983
or services to which or in connection with which the counterfeit 1984
mark is attached, affixed, or otherwise used in the offense is one 1985
hundred thousand dollars or more or if the number of units of 1986
goods to which or in connection with which the counterfeit mark is 1987

attached, affixed, or otherwise used in the offense is one 1988
thousand units or more, a violation of division (A)(1) of this 1989
section is a felony of the third degree. 1990

(3) Except as otherwise provided in this division, a 1991
violation of division (A)(2) of this section is a misdemeanor of 1992
the first degree. If the circumstances of the violation indicate 1993
that the tools, machines, instruments, materials, articles, or 1994
other items of personal property involved in the violation were 1995
intended for use in the commission of a felony, a violation of 1996
division (A)(2) of this section is a felony of the fifth degree. 1997

(4) Except as otherwise provided in this division, a 1998
violation of division (A)(3), (4), or (5) of this section is a 1999
misdemeanor of the first degree. Except as otherwise provided in 2000
this division, if the cumulative sales price of the goods or 2001
services to which or in connection with which the counterfeit mark 2002
is attached, affixed, or otherwise used in the offense is ~~five~~ 2003
~~hundred one thousand~~ one thousand dollars or more but less than ~~five seven~~ 2004
~~thousand five hundred~~ five hundred dollars, a violation of division (A)(3), 2005
(4), or (5) of this section is a felony of the fifth degree. 2006
Except as otherwise provided in this division, if the cumulative 2007
sales price of the goods or services to which or in connection 2008
with which the counterfeit mark is attached, affixed, or otherwise 2009
used in the offense is ~~five seven~~ seven thousand ~~five hundred~~ 2010
~~dollars~~ thousand five hundred dollars or more but less than one hundred fifty 2011
thousand dollars or if the 2012
number of units of goods to which or in connection with which the 2013
counterfeit mark is attached, affixed, or otherwise used in the 2014
offense is more than one hundred units but less than one thousand 2015
units, a violation of division (A)(3), (4), or (5) of this section 2016
is a felony of the fourth degree. If the cumulative sales price of 2017
the goods or services to which or in connection with which the 2018
counterfeit mark is attached, affixed, or otherwise used in the 2019
offense is one hundred fifty thousand dollars or more or if the

number of units of goods to which or in connection with which the
counterfeit mark is attached, affixed, or otherwise used in the
offense is one thousand units or more, a violation of division
(A)(3), (4), or (5) of this section is a felony of the third
degree.

(C) A defendant may assert as an affirmative defense to a
charge of a violation of this section defenses, affirmative
defenses, and limitations on remedies that would be available in a
civil, criminal, or administrative action or proceeding under the
"Lanham Act," 60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, as
amended, "The Trademark Counterfeiting Act of 1984," 98 Stat.
2178, 18 U.S.C. 2320, as amended, Chapter 1329. or another section
of the Revised Code, or common law.

(D)(1) Law enforcement officers may seize pursuant to
Criminal Rule 41 or Chapter 2933. or 2981. of the Revised Code
either of the following:

(a) Goods to which or in connection with which a person
attached, affixed, otherwise used, or intended to attach, affix,
or otherwise use a counterfeit mark in violation of this section;

(b) Tools, machines, instruments, materials, articles,
vehicles, or other items of personal property that are possessed,
sold, offered for sale, or used in a violation of this section or
in an attempt to commit or complicity in the commission of a
violation of this section.

(2) Notwithstanding any contrary provision of Chapter 2981.
of the Revised Code, if a person is convicted of or pleads guilty
to a violation of this section, an attempt to violate this
section, or complicity in a violation of this section, the court
involved shall declare that the goods described in division
(D)(1)(a) of this section and the personal property described in
division (D)(1)(b) of this section are contraband and are

forfeited. Prior to the court's entry of judgment under Criminal 2051
Rule 32, the owner of a registered trademark or service mark that 2052
is the subject of the counterfeit mark may recommend a manner in 2053
which the forfeited goods and forfeited personal property should 2054
be disposed of. If that owner makes a timely recommendation of a 2055
manner of disposition, the court is not bound by the 2056
recommendation. If that owner makes a timely recommendation of a 2057
manner of disposition, the court may include in its entry of 2058
judgment an order that requires appropriate persons to dispose of 2059
the forfeited goods and forfeited personal property in the 2060
recommended manner. If that owner fails to make a timely 2061
recommendation of a manner of disposition or if that owner makes a 2062
timely recommendation of the manner of disposition but the court 2063
determines to not follow the recommendation, the court shall 2064
include in its entry of judgment an order that requires the law 2065
enforcement agency that employs the law enforcement officer who 2066
seized the forfeited goods or the forfeited personal property to 2067
destroy them or cause their destruction. 2068

(E) This section does not affect the rights of an owner of a 2069
trademark or a service mark, or the enforcement in a civil action 2070
or in administrative proceedings of the rights of an owner of a 2071
trademark or a service mark, under the "Lanham Act," 60 Stat. 2072
427-443 (1946), 15 U.S.C. 1051-1127, as amended, "The Trademark 2073
Counterfeiting Act of 1984," 92 Stat. 2178, 18 U.S.C. 2320, as 2074
amended, Chapter 1329. or another section of the Revised Code, or 2075
common law. 2076

(F) As used in this section: 2077

(1)(a) Except as provided in division (F)(1)(b) of this 2078
section, "counterfeit mark" means a spurious trademark or a 2079
spurious service mark that satisfies both of the following: 2080

(i) It is identical with or substantially indistinguishable 2081
from a mark that is registered on the principal register in the 2082

United States patent and trademark office for the same goods or 2083
services as the goods or services to which or in connection with 2084
which the spurious trademark or spurious service mark is attached, 2085
affixed, or otherwise used or from a mark that is registered with 2086
the secretary of state pursuant to sections 1329.54 to 1329.67 of 2087
the Revised Code for the same goods or services as the goods or 2088
services to which or in connection with which the spurious 2089
trademark or spurious service mark is attached, affixed, or 2090
otherwise used, and the owner of the registration uses the 2091
registered mark, whether or not the offender knows that the mark 2092
is registered in a manner described in division (F)(1)(a)(i) of 2093
this section. 2094

(ii) Its use is likely to cause confusion or mistake or to 2095
deceive other persons. 2096

(b) "Counterfeit mark" does not include a mark or other 2097
designation that is attached to, affixed to, or otherwise used in 2098
connection with goods or services if the holder of the right to 2099
use the mark or other designation authorizes the manufacturer, 2100
producer, or vendor of those goods or services to attach, affix, 2101
or otherwise use the mark or other designation in connection with 2102
those goods or services at the time of their manufacture, 2103
production, or sale. 2104

(2) "Cumulative sales price" means the product of the lowest 2105
single unit sales price charged or sought to be charged by an 2106
offender for goods to which or in connection with which a 2107
counterfeit mark is attached, affixed, or otherwise used or of the 2108
lowest single service transaction price charged or sought to be 2109
charged by an offender for services in connection with which a 2110
counterfeit mark is used, multiplied by the total number of those 2111
goods or services, whether or not units of goods are sold or are 2112
in an offender's possession, custody, or control. 2113

(3) "Registered trademark or service mark" means a trademark 2114

or service mark that is registered in a manner described in 2115
division (F)(1) of this section. 2116

(4) "Trademark" and "service mark" have the same meanings as 2117
in section 1329.54 of the Revised Code. 2118

Sec. 2913.40. (A) As used in this section: 2119

(1) "Statement or representation" means any oral, written, 2120
electronic, electronic impulse, or magnetic communication that is 2121
used to identify an item of goods or a service for which 2122
reimbursement may be made under the medical assistance program or 2123
that states income and expense and is or may be used to determine 2124
a rate of reimbursement under the medical assistance program. 2125

(2) "Medical assistance program" means the program 2126
established by the department of job and family services to 2127
provide medical assistance under section 5111.01 of the Revised 2128
Code and the medicaid program of Title XIX of the "Social Security 2129
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 2130

(3) "Provider" means any person who has signed a provider 2131
agreement with the department of job and family services to 2132
provide goods or services pursuant to the medical assistance 2133
program or any person who has signed an agreement with a party to 2134
such a provider agreement under which the person agrees to provide 2135
goods or services that are reimbursable under the medical 2136
assistance program. 2137

(4) "Provider agreement" means an oral or written agreement 2138
between the department of job and family services and a person in 2139
which the person agrees to provide goods or services under the 2140
medical assistance program. 2141

(5) "Recipient" means any individual who receives goods or 2142
services from a provider under the medical assistance program. 2143

(6) "Records" means any medical, professional, financial, or 2144

business records relating to the treatment or care of any 2145
recipient, to goods or services provided to any recipient, or to 2146
rates paid for goods or services provided to any recipient and any 2147
records that are required by the rules of the director of job and 2148
family services to be kept for the medical assistance program. 2149

(B) No person shall knowingly make or cause to be made a 2150
false or misleading statement or representation for use in 2151
obtaining reimbursement from the medical assistance program. 2152

(C) No person, with purpose to commit fraud or knowing that 2153
the person is facilitating a fraud, shall do either of the 2154
following: 2155

(1) Contrary to the terms of the person's provider agreement, 2156
charge, solicit, accept, or receive for goods or services that the 2157
person provides under the medical assistance program any property, 2158
money, or other consideration in addition to the amount of 2159
reimbursement under the medical assistance program and the 2160
person's provider agreement for the goods or services and any 2161
cost-sharing expenses authorized by section 5111.0112 of the 2162
Revised Code or rules adopted pursuant to section 5111.01, 2163
5111.011, or 5111.02 of the Revised Code. 2164

(2) Solicit, offer, or receive any remuneration, other than 2165
any cost-sharing expenses authorized by section 5111.0112 of the 2166
Revised Code or rules adopted under section 5111.01, 5111.011, or 2167
5111.02 of the Revised Code, in cash or in kind, including, but 2168
not limited to, a kickback or rebate, in connection with the 2169
furnishing of goods or services for which whole or partial 2170
reimbursement is or may be made under the medical assistance 2171
program. 2172

(D) No person, having submitted a claim for or provided goods 2173
or services under the medical assistance program, shall do either 2174
of the following for a period of at least six years after a 2175

reimbursement pursuant to that claim, or a reimbursement for those 2176
goods or services, is received under the medical assistance 2177
program: 2178

(1) Knowingly alter, falsify, destroy, conceal, or remove any 2179
records that are necessary to fully disclose the nature of all 2180
goods or services for which the claim was submitted, or for which 2181
reimbursement was received, by the person; 2182

(2) Knowingly alter, falsify, destroy, conceal, or remove any 2183
records that are necessary to disclose fully all income and 2184
expenditures upon which rates of reimbursements were based for the 2185
person. 2186

(E) Whoever violates this section is guilty of medicaid 2187
fraud. Except as otherwise provided in this division, medicaid 2188
fraud is a misdemeanor of the first degree. If the value of 2189
property, services, or funds obtained in violation of this section 2190
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 2191
seven thousand five hundred dollars, medicaid fraud is a felony of 2192
the fifth degree. If the value of property, services, or funds 2193
obtained in violation of this section is ~~five~~ seven thousand five 2194
hundred dollars or more and is less than one hundred fifty 2195
thousand dollars, medicaid fraud is a felony of the fourth degree. 2196
If the value of the property, services, or funds obtained in 2197
violation of this section is one hundred fifty thousand dollars or 2198
more, medicaid fraud is a felony of the third degree. 2199

(F) Upon application of the governmental agency, office, or 2201
other entity that conducted the investigation and prosecution in a 2202
case under this section, the court shall order any person who is 2203
convicted of a violation of this section for receiving any 2204
reimbursement for furnishing goods or services under the medical 2205
assistance program to which the person is not entitled to pay to 2206
the applicant its cost of investigating and prosecuting the case. 2207

The costs of investigation and prosecution that a defendant is 2208
ordered to pay pursuant to this division shall be in addition to 2209
any other penalties for the receipt of that reimbursement that are 2210
provided in this section, section 5111.03 of the Revised Code, or 2211
any other provision of law. 2212

(G) The provisions of this section are not intended to be 2213
exclusive remedies and do not preclude the use of any other 2214
criminal or civil remedy for any act that is in violation of this 2215
section. 2216

Sec. 2913.401. (A) As used in this section: 2217

(1) "Medicaid benefits" means benefits under the medical 2218
assistance program established under Chapter 5111. of the Revised 2219
Code. 2220

(2) "Property" means any real or personal property or other 2221
asset in which a person has any legal title or interest. 2222

(B) No person shall knowingly do any of the following in an 2223
application for medicaid benefits or in a document that requires a 2224
disclosure of assets for the purpose of determining eligibility to 2225
receive medicaid benefits: 2226

(1) Make or cause to be made a false or misleading statement; 2227

(2) Conceal an interest in property; 2228

(3)(a) Except as provided in division (B)(3)(b) of this 2229
section, fail to disclose a transfer of property that occurred 2230
during the period beginning thirty-six months before submission of 2231
the application or document and ending on the date the application 2232
or document was submitted; 2233

(b) Fail to disclose a transfer of property that occurred 2234
during the period beginning sixty months before submission of the 2235
application or document and ending on the date the application or 2236
document was submitted and that was made to an irrevocable trust a 2237

portion of which is not distributable to the applicant for 2238
medicaid benefits or the recipient of medicaid benefits or to a 2239
revocable trust. 2240

(C)(1) Whoever violates this section is guilty of medicaid 2241
eligibility fraud. Except as otherwise provided in this division, 2242
a violation of this section is a misdemeanor of the first degree. 2243
If the value of the medicaid benefits paid as a result of the 2244
violation is ~~five hundred~~ one thousand dollars or more and is less 2245
than ~~five~~ seven thousand five hundred dollars, a violation of this 2246
section is a felony of the fifth degree. If the value of the 2247
medicaid benefits paid as a result of the violation is ~~five~~ seven 2248
thousand five hundred dollars or more and is less than one hundred 2249
fifty thousand dollars, a violation of this section is a felony of 2250
the fourth degree. If the value of the medicaid benefits paid as a 2251
result of the violation is one hundred fifty thousand dollars or 2252
more, a violation of this section is a felony of the third degree. 2253

(2) In addition to imposing a sentence under division (C)(1) 2254
of this section, the court shall order that a person who is guilty 2255
of medicaid eligibility fraud make restitution in the full amount 2256
of any medicaid benefits paid on behalf of an applicant for or 2257
recipient of medicaid benefits for which the applicant or 2258
recipient was not eligible, plus interest at the rate applicable 2259
to judgments on unreimbursed amounts from the date on which the 2260
benefits were paid to the date on which restitution is made. 2261

(3) The remedies and penalties provided in this section are 2262
not exclusive and do not preclude the use of any other criminal or 2263
civil remedy for any act that is in violation of this section. 2264

(D) This section does not apply to a person who fully 2265
disclosed in an application for medicaid benefits or in a document 2266
that requires a disclosure of assets for the purpose of 2267
determining eligibility to receive medicaid benefits all of the 2268
interests in property of the applicant for or recipient of 2269

medicaid benefits, all transfers of property by the applicant for 2270
or recipient of medicaid benefits, and the circumstances of all 2271
those transfers. 2272

(E) Any amounts of medicaid benefits recovered as restitution 2273
under this section and any interest on those amounts shall be 2274
credited to the general revenue fund, and any applicable federal 2275
share shall be returned to the appropriate agency or department of 2276
the United States. 2277

Sec. 2913.42. (A) No person, knowing the person has no 2278
privilege to do so, and with purpose to defraud or knowing that 2279
the person is facilitating a fraud, shall do any of the following: 2280

(1) Falsify, destroy, remove, conceal, alter, deface, or 2281
mutilate any writing, computer software, data, or record; 2282

(2) Utter any writing or record, knowing it to have been 2283
tampered with as provided in division (A)(1) of this section. 2284

(B)(1) Whoever violates this section is guilty of tampering 2285
with records. 2286

(2) Except as provided in division (B)(4) of this section, if 2287
the offense does not involve data or computer software, tampering 2288
with records is whichever of the following is applicable: 2289

(a) If division (B)(2)(b) of this section does not apply, a 2290
misdemeanor of the first degree; 2291

(b) If the writing or record is a will unrevoked at the time 2292
of the offense, a felony of the fifth degree. 2293

(3) Except as provided in division (B)(4) of this section, if 2294
the offense involves a violation of division (A) of this section 2295
involving data or computer software, tampering with records is 2296
whichever of the following is applicable: 2297

(a) Except as otherwise provided in division (B)(3)(b), (c), 2298

or (d) of this section, a misdemeanor of the first degree; 2299

(b) If the value of the data or computer software involved in 2300
the offense or the loss to the victim is ~~five hundred~~ one thousand 2301
dollars or more and is less than ~~five~~ seven thousand five hundred 2302
dollars, a felony of the fifth degree; 2303

(c) If the value of the data or computer software involved in 2304
the offense or the loss to the victim is ~~five~~ seven thousand five 2305
hundred dollars or more and is less than one hundred fifty 2306
thousand dollars, a felony of the fourth degree; 2307

(d) If the value of the data or computer software involved in 2308
the offense or the loss to the victim is one hundred fifty 2309
thousand dollars or more or if the offense is committed for the 2310
purpose of devising or executing a scheme to defraud or to obtain 2311
property or services and the value of the property or services or 2312
the loss to the victim is ~~five~~ seven thousand five hundred dollars 2313
or more, a felony of the third degree. 2314

(4) If the writing, data, computer software, or record is 2315
kept by or belongs to a local, state, or federal governmental 2316
entity, a felony of the third degree. 2317

Sec. 2913.421. (A) As used in this section: 2318

(1) "Computer," "computer network," and "computer system" 2319
have the same meanings as in section 2913.01 of the Revised Code. 2320

(2) "Commercial electronic mail message" means any electronic 2321
mail message the primary purpose of which is the commercial 2322
advertisement or promotion of a commercial product or service, 2323
including content on an internet web site operated for a 2324
commercial purpose, but does not include a transactional or 2325
relationship message. The inclusion of a reference to a commercial 2326
entity or a link to the web site of a commercial entity does not, 2327
by itself, cause that message to be treated as a commercial 2328

electronic mail message for the purpose of this section, if the 2329
contents or circumstances of the message indicate a primary 2330
purpose other than commercial advertisement or promotion of a 2331
commercial product or service. 2332

(3) "Domain name" means any alphanumeric designation that is 2333
registered with or assigned by any domain name registrar, domain 2334
name registry, or other domain name registration authority as part 2335
of an electronic address on the internet. 2336

(4) "Electronic mail," "originating address," and "receiving 2337
address" have the same meanings as in section 2307.64 of the 2338
Revised Code. 2339

(5) "Electronic mail message" means each electronic mail 2340
addressed to a discrete addressee. 2341

(6) "Electronic mail service provider" means any person, 2342
including an internet service provider, that is an intermediary in 2343
sending and receiving electronic mail and that provides to the 2344
public electronic mail accounts or online user accounts from which 2345
electronic mail may be sent. 2346

(7) "Header information" means the source, destination, and 2347
routing information attached to an electronic mail message, 2348
including the originating domain name, the originating address, 2349
and technical information that authenticates the sender of an 2350
electronic mail message for computer network security or computer 2351
network management purposes. 2352

(8) "Initiate the transmission" or "initiated" means to 2353
originate or transmit a commercial electronic mail message or to 2354
procure the origination or transmission of that message, 2355
regardless of whether the message reaches its intended recipients, 2356
but does not include actions that constitute routine conveyance of 2357
such message. 2358

(9) "Internet" has the same meaning as in section 341.42 of 2359

the Revised Code. 2360

(10) "Internet protocol address" means the string of numbers 2361
by which locations on the internet are identified by routers or 2362
other computers connected to the internet. 2363

(11) "Materially falsify" means to alter or conceal in a 2364
manner that would impair the ability of a recipient of an 2365
electronic mail message, an electronic mail service provider 2366
processing an electronic mail message on behalf of a recipient, a 2367
person alleging a violation of this section, or a law enforcement 2368
agency to identify, locate, or respond to the person that 2369
initiated the electronic mail message or to investigate an alleged 2370
violation of this section. 2371

(12) "Multiple" means more than ten commercial electronic 2372
mail messages during a twenty-four-hour period, more than one 2373
hundred commercial electronic mail messages during a thirty-day 2374
period, or more than one thousand commercial electronic mail 2375
messages during a one-year period. 2376

(13) "Recipient" means a person who receives a commercial 2377
electronic mail message at any one of the following receiving 2378
addresses: 2379

(a) A receiving address furnished by an electronic mail 2380
service provider that bills for furnishing and maintaining that 2381
receiving address to a mailing address within this state; 2382

(b) A receiving address ordinarily accessed from a computer 2383
located within this state or by a person domiciled within this 2384
state; 2385

(c) Any other receiving address with respect to which this 2386
section can be imposed consistent with the United States 2387
Constitution. 2388

(14) "Routine conveyance" means the transmission, routing, 2389

relaying, handling, or storing, through an automated technical 2390
process, of an electronic mail message for which another person 2391
has identified the recipients or provided the recipient addresses. 2392

(15) "Transactional or relationship message" means an 2393
electronic mail message the primary purpose of which is to do any 2394
of the following: 2395

(a) Facilitate, complete, or confirm a commercial transaction 2396
that the recipient has previously agreed to enter into with the 2397
sender; 2398

(b) Provide warranty information, product recall information, 2399
or safety or security information with respect to a commercial 2400
product or service used or purchased by the recipient; 2401

(c) Provide notification concerning a change in the terms or 2402
features of; a change in the recipient's standing or status with 2403
respect to; or, at regular periodic intervals, account balance 2404
information or other type of account statement with respect to, a 2405
subscription, membership, account, loan, or comparable ongoing 2406
commercial relationship involving the ongoing purchase or use by 2407
the recipient of products or services offered by the sender; 2408

(d) Provide information directly related to an employment 2409
relationship or related benefit plan in which the recipient is 2410
currently involved, participating, or enrolled; 2411

(e) Deliver goods or services, including product updates or 2412
upgrades, that the recipient is entitled to receive under the 2413
terms of a transaction that the recipient has previously agreed to 2414
enter into with the sender. 2415

(B) No person, with regard to commercial electronic mail 2416
messages sent from or to a computer in this state, shall do any of 2417
the following: 2418

(1) Knowingly use a computer to relay or retransmit multiple 2419

commercial electronic mail messages, with the intent to deceive or 2420
mislead recipients or any electronic mail service provider, as to 2421
the origin of those messages; 2422

(2) Knowingly and materially falsify header information in 2423
multiple commercial electronic mail messages and purposely 2424
initiate the transmission of those messages; 2425

(3) Knowingly register, using information that materially 2426
falsifies the identity of the actual registrant, for five or more 2427
electronic mail accounts or online user accounts or two or more 2428
domain names and purposely initiate the transmission of multiple 2429
commercial electronic mail messages from one, or any combination, 2430
of those accounts or domain names; 2431

(4) Knowingly falsely represent the right to use five or more 2432
internet protocol addresses, and purposely initiate the 2433
transmission of multiple commercial electronic mail messages from 2434
those addresses. 2435

(C)(1) Whoever violates division (B) of this section is 2436
guilty of illegally transmitting multiple commercial electronic 2437
mail messages. Except as otherwise provided in division (C)(2) or 2438
(E) of this section, illegally transmitting multiple commercial 2439
electronic mail messages is a felony of the fifth degree. 2440

(2) Illegally transmitting multiple commercial electronic 2441
mail messages is a felony of the fourth degree if any of the 2442
following apply: 2443

(a) Regarding a violation of division (B)(3) of this section, 2444
the offender, using information that materially falsifies the 2445
identity of the actual registrant, knowingly registers for twenty 2446
or more electronic mail accounts or online user accounts or ten or 2447
more domain names, and purposely initiates, or conspires to 2448
initiate, the transmission of multiple commercial electronic mail 2449
messages from the accounts or domain names. 2450

(b) Regarding any violation of division (B) of this section, 2451
the volume of commercial electronic mail messages the offender 2452
transmitted in committing the violation exceeds two hundred and 2453
fifty during any twenty-four-hour period, two thousand five 2454
hundred during any thirty-day period, or twenty-five thousand 2455
during any one-year period. 2456

(c) Regarding any violation of division (B) of this section, 2457
during any one-year period the aggregate loss to the victim or 2458
victims of the violation is ~~five hundred~~ one thousand dollars or 2459
more, or during any one-year period the aggregate value of the 2460
property or services obtained by any offender as a result of the 2461
violation is ~~five hundred~~ one thousand dollars or more. 2462

(d) Regarding any violation of division (B) of this section, 2463
the offender committed the violation with three or more other 2464
persons with respect to whom the offender was the organizer or 2465
leader of the activity that resulted in the violation. 2466

(e) Regarding any violation of division (B) of this section, 2467
the offender knowingly assisted in the violation through the 2468
provision or selection of electronic mail addresses to which the 2469
commercial electronic mail message was transmitted, if that 2470
offender knew that the electronic mail addresses of the recipients 2471
were obtained using an automated means from an internet web site 2472
or proprietary online service operated by another person, and that 2473
web site or online service included, at the time the electronic 2474
mail addresses were obtained, a notice stating that the operator 2475
of that web site or online service will not transfer addresses 2476
maintained by that web site or online service to any other party 2477
for the purposes of initiating the transmission of, or enabling 2478
others to initiate the transmission of, electronic mail messages. 2479

(f) Regarding any violation of division (B) of this section, 2480
the offender knowingly assisted in the violation through the 2481
provision or selection of electronic mail addresses of the 2482

recipients obtained using an automated means that generates 2483
possible electronic mail addresses by combining names, letters, or 2484
numbers into numerous permutations. 2485

(D)(1) No person, with regard to commercial electronic mail 2486
messages sent from or to a computer in this state, shall knowingly 2487
access a computer without authorization and purposely initiate the 2488
transmission of multiple commercial electronic mail messages from 2489
or through the computer. 2490

(2) Except as otherwise provided in division (E) of this 2491
section, whoever violates division (D)(1) of this section is 2492
guilty of unauthorized access of a computer, a felony of the 2493
fourth degree. 2494

(E) Illegally transmitting multiple commercial electronic 2495
mail messages and unauthorized access of a computer in violation 2496
of this section are felonies of the third degree if the offender 2497
previously has been convicted of a violation of this section, or a 2498
violation of a law of another state or the United States regarding 2499
the transmission of electronic mail messages or unauthorized 2500
access to a computer, or if the offender committed the violation 2501
of this section in the furtherance of a felony. 2502

(F)(1) The attorney general or an electronic mail service 2503
provider that is injured by a violation of this section may bring 2504
a civil action in an appropriate court of common pleas of this 2505
state seeking relief from any person whose conduct violated this 2506
section. The civil action may be commenced at any time within one 2507
year of the date after the act that is the basis of the civil 2508
action. 2509

(2) In a civil action brought by the attorney general 2510
pursuant to division (F)(1) of this section for a violation of 2511
this section, the court may award temporary, preliminary, or 2512
permanent injunctive relief. The court also may impose a civil 2513

penalty against the offender, as the court considers just, in an amount that is the lesser of: (a) twenty-five thousand dollars for each day a violation occurs, or (b) not less than two dollars but not more than eight dollars for each commercial electronic mail message initiated in violation of this section.

(3) In a civil action brought by an electronic mail service provider pursuant to division (F)(1) of this section for a violation of this section, the court may award temporary, preliminary, or permanent injunctive relief, and also may award damages in an amount equal to the greater of the following:

(a) The sum of the actual damages incurred by the electronic mail service provider as a result of a violation of this section, plus any receipts of the offender that are attributable to a violation of this section and that were not taken into account in computing actual damages;

(b) Statutory damages, as the court considers just, in an amount that is the lesser of: (i) twenty-five thousand dollars for each day a violation occurs, or (ii) not less than two dollars but not more than eight dollars for each commercial electronic mail message initiated in violation of this section.

(4) In assessing damages awarded under division (F)(3) of this section, the court may consider whether the offender has established and implemented, with due care, commercially reasonable practices and procedures designed to effectively prevent the violation, or the violation occurred despite commercially reasonable efforts to maintain the practices and procedures established.

(G) Any equipment, software, or other technology of a person who violates this section that is used or intended to be used in the commission of a violation of this section, and any real or personal property that constitutes or is traceable to the gross

proceeds obtained from the commission of a violation of this 2545
section, is contraband and is subject to seizure and forfeiture 2546
pursuant to Chapter 2981. of the Revised Code. 2547

(H) The attorney general may bring a civil action, pursuant 2548
to the "CAN-SPAM Act of 2003," Pub. L. No. 108-187, 117 Stat. 2549
2699, 15 U.S.C. 7701 et seq., on behalf of the residents of the 2550
state in a district court of the United States that has 2551
jurisdiction for a violation of the CAN-SPAM Act of 2003, but the 2552
attorney general shall not bring a civil action under both this 2553
division and division (F) of this section. If a federal court 2554
dismisses a civil action brought under this division for reasons 2555
other than upon the merits, a civil action may be brought under 2556
division (F) of this section in the appropriate court of common 2557
pleas of this state. 2558

(I) Nothing in this section shall be construed: 2559

(1) To require an electronic mail service provider to block, 2560
transmit, route, relay, handle, or store certain types of 2561
electronic mail messages; 2562

(2) To prevent or limit, in any way, an electronic mail 2563
service provider from adopting a policy regarding electronic mail, 2564
including a policy of declining to transmit certain types of 2565
electronic mail messages, or from enforcing such policy through 2566
technical means, through contract, or pursuant to any remedy 2567
available under any other federal, state, or local criminal or 2568
civil law; 2569

(3) To render lawful any policy adopted under division (I)(2) 2570
of this section that is unlawful under any other law. 2571

Sec. 2913.43. (A) No person, by deception, shall cause 2572
another to execute any writing that disposes of or encumbers 2573
property, or by which a pecuniary obligation is incurred. 2574

(B)(1) Whoever violates this section is guilty of securing 2575
writings by deception. 2576

(2) Except as otherwise provided in this division or division 2577
(B)(3) of this section, securing writings by deception is a 2578
misdemeanor of the first degree. If the value of the property or 2579
the obligation involved is ~~five hundred~~ one thousand dollars or 2580
more and less than ~~five~~ seven thousand five hundred dollars, 2581
securing writings by deception is a felony of the fifth degree. If 2582
the value of the property or the obligation involved is ~~five~~ seven 2583
thousand five hundred dollars or more and is less than one hundred 2584
fifty thousand dollars, securing writings by deception is a felony 2585
of the fourth degree. If the value of the property or the 2586
obligation involved is one hundred fifty thousand dollars or more, 2587
securing writings by deception is a felony of the third degree. 2588
2589

(3) If the victim of the offense is an elderly person or 2590
disabled adult, division (B)(3) of this section applies. Except as 2591
otherwise provided in division (B)(3) of this section, securing 2592
writings by deception is a felony of the fifth degree. If the 2593
value of the property or obligation involved is ~~five hundred~~ one 2594
thousand dollars or more and is less than ~~five~~ seven thousand five 2595
hundred dollars, securing writings by deception is a felony of the 2596
fourth degree. If the value of the property or obligation involved 2597
is ~~five~~ seven thousand five hundred dollars or more and is less 2598
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 2599
securing writings by deception is a felony of the third degree. If 2600
the value of the property or obligation involved is ~~twenty-five~~ 2601
thirty-seven thousand five hundred dollars or more, securing 2602
writings by deception is a felony of the second degree. 2603

Sec. 2913.45. (A) No person, with purpose to defraud one or 2604
more of the person's creditors, shall do any of the following: 2605

(1) Remove, conceal, destroy, encumber, convey, or otherwise
deal with any of the person's property;

(2) Misrepresent or refuse to disclose to a fiduciary
appointed to administer or manage the person's affairs or estate,
the existence, amount, or location of any of the person's
property, or any other information regarding such property that
the person is legally required to furnish to the fiduciary.

(B) Whoever violates this section is guilty of defrauding
creditors. Except as otherwise provided in this division,
defrauding creditors is a misdemeanor of the first degree. If the
value of the property involved is ~~five hundred~~ one thousand
dollars or more and is less than ~~five~~ seven thousand five hundred
dollars, defrauding creditors is a felony of the fifth degree. If
the value of the property involved is ~~five~~ seven thousand five
hundred dollars or more and is less than one hundred fifty
thousand dollars, defrauding creditors is a felony of the fourth
degree. If the value of the property involved is one hundred fifty
thousand dollars or more, defrauding creditors is a felony of the
third degree.

Sec. 2913.46. (A)(1) As used in this section:

(a) "Electronically transferred benefit" means the transfer
of supplemental nutrition assistance program benefits or WIC
program benefits through the use of an access device.

(b) "WIC program benefits" includes money, coupons, delivery
verification receipts, other documents, food, or other property
received directly or indirectly pursuant to section 17 of the
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as
amended.

(c) "Access device" means any card, plate, code, account
number, or other means of access that can be used, alone or in

conjunction with another access device, to obtain payments, 2636
allotments, benefits, money, goods, or other things of value or 2637
that can be used to initiate a transfer of funds pursuant to 2638
section 5101.33 of the Revised Code and the Food and Nutrition Act 2639
of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program 2640
administered by any department of this state or any county or 2641
local agency pursuant to section 17 of the "Child Nutrition Act of 2642
1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access 2643
device" may include any electronic debit card or other means 2644
authorized by section 5101.33 of the Revised Code. 2645

(d) "Aggregate value of supplemental nutrition assistance 2646
program benefits, WIC program benefits, and electronically 2647
transferred benefits involved in the violation" means the total 2648
face value of any supplemental nutrition assistance program 2649
benefits, plus the total face value of WIC program coupons or 2650
delivery verification receipts, plus the total value of other WIC 2651
program benefits, plus the total value of any electronically 2652
transferred benefit or other access device, involved in the 2653
violation. 2654

(e) "Total value of any electronically transferred benefit or 2655
other access device" means the total value of the payments, 2656
allotments, benefits, money, goods, or other things of value that 2657
may be obtained, or the total value of funds that may be 2658
transferred, by use of any electronically transferred benefit or 2659
other access device at the time of violation. 2660

(2) If supplemental nutrition assistance program benefits, 2661
WIC program benefits, or electronically transferred benefits or 2662
other access devices of various values are used, transferred, 2663
bought, acquired, altered, purchased, possessed, presented for 2664
redemption, or transported in violation of this section over a 2665
period of twelve months, the course of conduct may be charged as 2666
one offense and the values of supplemental nutrition assistance 2667

program benefits, WIC program benefits, or any electronically 2668
transferred benefits or other access devices may be aggregated in 2669
determining the degree of the offense. 2670

(B) No individual shall knowingly possess, buy, sell, use, 2671
alter, accept, or transfer supplemental nutrition assistance 2672
program benefits, WIC program benefits, or any electronically 2673
transferred benefit in any manner not authorized by the Food and 2674
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or section 17 of the 2675
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 2676
amended. 2677

(C) No organization, as defined in division (D) of section 2678
2901.23 of the Revised Code, shall do either of the following: 2679

(1) Knowingly allow an employee or agent to sell, transfer, 2680
or trade items or services, the purchase of which is prohibited by 2681
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq. or 2682
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 2683
U.S.C. 1786, as amended, in exchange for supplemental nutrition 2684
assistance program benefits, WIC program benefits, or any 2685
electronically transferred benefit; 2686

(2) Negligently allow an employee or agent to sell, transfer, 2687
or exchange supplemental nutrition assistance program benefits, 2688
WIC program benefits, or any electronically transferred benefit 2689
for anything of value. 2690

(D) Whoever violates this section is guilty of illegal use of 2691
supplemental nutrition assistance program benefits or WIC program 2692
benefits. Except as otherwise provided in this division, illegal 2693
use of supplemental nutrition assistance program benefits or WIC 2694
program benefits is a felony of the fifth degree. If the aggregate 2695
value of the supplemental nutrition assistance program benefits, 2696
WIC program benefits, and electronically transferred benefits 2697
involved in the violation is ~~five hundred~~ one thousand dollars or 2698

more and is less than ~~five~~ seven thousand five hundred dollars, 2699
illegal use of supplemental nutrition assistance program benefits 2700
or WIC program benefits is a felony of the fourth degree. If the 2701
aggregate value of the supplemental nutrition assistance program 2702
benefits, WIC program benefits, and electronically transferred 2703
benefits involved in the violation is ~~five~~ seven thousand five 2704
hundred dollars or more and is less than one hundred fifty 2705
thousand dollars, illegal use of supplemental nutrition assistance 2706
program benefits or WIC program benefits is a felony of the third 2707
degree. If the aggregate value of the supplemental nutrition 2708
assistance program benefits, WIC program benefits, and 2709
electronically transferred benefits involved in the violation is 2710
one hundred fifty thousand dollars or more, illegal use of 2711
supplemental nutrition assistance program benefits or WIC program 2712
benefits is a felony of the second degree. 2713

Sec. 2913.47. (A) As used in this section: 2714

(1) "Data" has the same meaning as in section 2913.01 of the 2715
Revised Code and additionally includes any other representation of 2716
information, knowledge, facts, concepts, or instructions that are 2717
being or have been prepared in a formalized manner. 2718

(2) "Deceptive" means that a statement, in whole or in part, 2719
would cause another to be deceived because it contains a 2720
misleading representation, withholds information, prevents the 2721
acquisition of information, or by any other conduct, act, or 2722
omission creates, confirms, or perpetuates a false impression, 2723
including, but not limited to, a false impression as to law, 2724
value, state of mind, or other objective or subjective fact. 2725

(3) "Insurer" means any person that is authorized to engage 2726
in the business of insurance in this state under Title XXXIX of 2727
the Revised Code, the Ohio fair plan underwriting association 2728
created under section 3929.43 of the Revised Code, any health 2729

insuring corporation, and any legal entity that is self-insured 2730
and provides benefits to its employees or members. 2731

(4) "Policy" means a policy, certificate, contract, or plan 2732
that is issued by an insurer. 2733

(5) "Statement" includes, but is not limited to, any notice, 2734
letter, or memorandum; proof of loss; bill of lading; receipt for 2735
payment; invoice, account, or other financial statement; estimate 2736
of property damage; bill for services; diagnosis or prognosis; 2737
prescription; hospital, medical, or dental chart or other record; 2738
x-ray, photograph, videotape, or movie film; test result; other 2739
evidence of loss, injury, or expense; computer-generated document; 2740
and data in any form. 2741

(B) No person, with purpose to defraud or knowing that the 2742
person is facilitating a fraud, shall do either of the following: 2743

(1) Present to, or cause to be presented to, an insurer any 2744
written or oral statement that is part of, or in support of, an 2745
application for insurance, a claim for payment pursuant to a 2746
policy, or a claim for any other benefit pursuant to a policy, 2747
knowing that the statement, or any part of the statement, is false 2748
or deceptive; 2749

(2) Assist, aid, abet, solicit, procure, or conspire with 2750
another to prepare or make any written or oral statement that is 2751
intended to be presented to an insurer as part of, or in support 2752
of, an application for insurance, a claim for payment pursuant to 2753
a policy, or a claim for any other benefit pursuant to a policy, 2754
knowing that the statement, or any part of the statement, is false 2755
or deceptive. 2756

(C) Whoever violates this section is guilty of insurance 2757
fraud. Except as otherwise provided in this division, insurance 2758
fraud is a misdemeanor of the first degree. If the amount of the 2759
claim that is false or deceptive is ~~five hundred~~ one thousand 2760

dollars or more and is less than ~~five~~ seven thousand five hundred 2761
dollars, insurance fraud is a felony of the fifth degree. If the 2762
amount of the claim that is false or deceptive is ~~five~~ seven 2763
thousand five hundred dollars or more and is less than one hundred 2764
fifty thousand dollars, insurance fraud is a felony of the fourth 2765
degree. If the amount of the claim that is false or deceptive is 2766
one hundred fifty thousand dollars or more, insurance fraud is a 2767
felony of the third degree. 2768

(D) This section shall not be construed to abrogate, waive, 2769
or modify division (A) of section 2317.02 of the Revised Code. 2770

Sec. 2913.48. (A) No person, with purpose to defraud or 2771
knowing that the person is facilitating a fraud, shall do any of 2772
the following: 2773

(1) Receive workers' compensation benefits to which the 2774
person is not entitled; 2775

(2) Make or present or cause to be made or presented a false 2776
or misleading statement with the purpose to secure payment for 2777
goods or services rendered under Chapter 4121., 4123., 4127., or 2778
4131. of the Revised Code or to secure workers' compensation 2779
benefits; 2780

(3) Alter, falsify, destroy, conceal, or remove any record or 2781
document that is necessary to fully establish the validity of any 2782
claim filed with, or necessary to establish the nature and 2783
validity of all goods and services for which reimbursement or 2784
payment was received or is requested from, the bureau of workers' 2785
compensation, or a self-insuring employer under Chapter 4121., 2786
4123., 4127., or 4131. of the Revised Code; 2787

(4) Enter into an agreement or conspiracy to defraud the 2788
bureau or a self-insuring employer by making or presenting or 2789
causing to be made or presented a false claim for workers' 2790

compensation benefits; 2791

(5) Make or present or cause to be made or presented a false 2792
statement concerning manual codes, classification of employees, 2793
payroll, paid compensation, or number of personnel, when 2794
information of that nature is necessary to determine the actual 2795
workers' compensation premium or assessment owed to the bureau by 2796
an employer; 2797

(6) Alter, forge, or create a workers' compensation 2798
certificate to falsely show current or correct workers' 2799
compensation coverage; 2800

(7) Fail to secure or maintain workers' compensation coverage 2801
as required by Chapter 4123. of the Revised Code with the intent 2802
to defraud the bureau of workers' compensation. 2803

(B) Whoever violates this section is guilty of workers' 2804
compensation fraud. Except as otherwise provided in this division, 2805
a violation of this section is a misdemeanor of the first degree. 2806
If the value of premiums and assessments unpaid pursuant to 2807
actions described in division (A)(5), (6), or (7) of this section, 2808
or of goods, services, property, or money stolen is ~~five hundred~~ 2809
one thousand dollars or more and is less than ~~five~~ seven thousand 2810
five hundred dollars, a violation of this section is a felony of 2811
the fifth degree. If the value of premiums and assessments unpaid 2812
pursuant to actions described in division (A)(5), (6), or (7) of 2813
this section, or of goods, services, property, or money stolen is 2814
~~five~~ seven thousand five hundred dollars or more and is less than 2815
one hundred fifty thousand dollars, a violation of this section is 2816
a felony of the fourth degree. If the value of premiums and 2817
assessments unpaid pursuant to actions described in division 2818
(A)(5), (6), or (7) of this section, or of goods, services, 2819
property, or money stolen is one hundred fifty thousand dollars or 2820
more, a violation of this section is a felony of the third degree. 2821

(C) Upon application of the governmental body that conducted 2822
the investigation and prosecution of a violation of this section, 2823
the court shall order the person who is convicted of the violation 2824
to pay the governmental body its costs of investigating and 2825
prosecuting the case. These costs are in addition to any other 2826
costs or penalty provided in the Revised Code or any other section 2827
of law. 2828

(D) The remedies and penalties provided in this section are 2829
not exclusive remedies and penalties and do not preclude the use 2830
of any other criminal or civil remedy or penalty for any act that 2831
is in violation of this section. 2832

(E) As used in this section: 2833

(1) "False" means wholly or partially untrue or deceptive. 2834

(2) "Goods" includes, but is not limited to, medical 2835
supplies, appliances, rehabilitative equipment, and any other 2836
apparatus or furnishing provided or used in the care, treatment, 2837
or rehabilitation of a claimant for workers' compensation 2838
benefits. 2839

(3) "Services" includes, but is not limited to, any service 2840
provided by any health care provider to a claimant for workers' 2841
compensation benefits and any and all services provided by the 2842
bureau as part of workers' compensation insurance coverage. 2843

(4) "Claim" means any attempt to cause the bureau, an 2844
independent third party with whom the administrator or an employer 2845
contracts under section 4121.44 of the Revised Code, or a 2846
self-insuring employer to make payment or reimbursement for 2847
workers' compensation benefits. 2848

(5) "Employment" means participating in any trade, 2849
occupation, business, service, or profession for substantial 2850
gainful remuneration. 2851

(6) "Employer," "employee," and "self-insuring employer" have 2852
the same meanings as in section 4123.01 of the Revised Code. 2853

(7) "Remuneration" includes, but is not limited to, wages, 2854
commissions, rebates, and any other reward or consideration. 2855

(8) "Statement" includes, but is not limited to, any oral, 2856
written, electronic, electronic impulse, or magnetic communication 2857
notice, letter, memorandum, receipt for payment, invoice, account, 2858
financial statement, or bill for services; a diagnosis, prognosis, 2859
prescription, hospital, medical, or dental chart or other record; 2860
and a computer generated document. 2861

(9) "Records" means any medical, professional, financial, or 2862
business record relating to the treatment or care of any person, 2863
to goods or services provided to any person, or to rates paid for 2864
goods or services provided to any person, or any record that the 2865
administrator of workers' compensation requires pursuant to rule. 2866

(10) "Workers' compensation benefits" means any compensation 2867
or benefits payable under Chapter 4121., 4123., 4127., or 4131. of 2868
the Revised Code. 2869

Sec. 2913.49. (A) As used in this section, "personal 2870
identifying information" includes, but is not limited to, the 2871
following: the name, address, telephone number, driver's license, 2872
driver's license number, commercial driver's license, commercial 2873
driver's license number, state identification card, state 2874
identification card number, social security card, social security 2875
number, birth certificate, place of employment, employee 2876
identification number, mother's maiden name, demand deposit 2877
account number, savings account number, money market account 2878
number, mutual fund account number, other financial account 2879
number, personal identification number, password, or credit card 2880
number of a living or dead individual. 2881

(B) No person, without the express or implied consent of the other person, shall use, obtain, or possess any personal identifying information of another person with intent to do either of the following:

(1) Hold the person out to be the other person;

(2) Represent the other person's personal identifying information as the person's own personal identifying information.

(C) No person shall create, obtain, possess, or use the personal identifying information of any person with the intent to aid or abet another person in violating division (B) of this section.

(D) No person, with intent to defraud, shall permit another person to use the person's own personal identifying information.

(E) No person who is permitted to use another person's personal identifying information as described in division (D) of this section shall use, obtain, or possess the other person's personal identifying information with intent to defraud any person by doing any act identified in division (B)(1) or (2) of this section.

(F)(1) It is an affirmative defense to a charge under division (B) of this section that the person using the personal identifying information is acting in accordance with a legally recognized guardianship or conservatorship or as a trustee or fiduciary.

(2) It is an affirmative defense to a charge under division (B), (C), (D), or (E) of this section that either of the following applies:

(a) The person or entity using, obtaining, possessing, or creating the personal identifying information or permitting it to be used is a law enforcement agency, authorized fraud personnel,

or a representative of or attorney for a law enforcement agency or 2912
authorized fraud personnel and is using, obtaining, possessing, or 2913
creating the personal identifying information or permitting it to 2914
be used, with prior consent given as specified in this division, 2915
in a bona fide investigation, an information security evaluation, 2916
a pretext calling evaluation, or a similar matter. The prior 2917
consent required under this division shall be given by the person 2918
whose personal identifying information is being used, obtained, 2919
possessed, or created or is being permitted to be used or, if the 2920
person whose personal identifying information is being used, 2921
obtained, possessed, or created or is being permitted to be used 2922
is deceased, by that deceased person's executor, or a member of 2923
that deceased person's family, or that deceased person's attorney. 2924
The prior consent required under this division may be given orally 2925
or in writing by the person whose personal identifying information 2926
is being used, obtained, possessed, or created or is being 2927
permitted to be used or that person's executor, or family member, 2928
or attorney. 2929

(b) The personal identifying information was obtained, 2930
possessed, used, created, or permitted to be used for a lawful 2931
purpose, provided that division (F)(2)(b) of this section does not 2932
apply if the person or entity using, obtaining, possessing, or 2933
creating the personal identifying information or permitting it to 2934
be used is a law enforcement agency, authorized fraud personnel, 2935
or a representative of or attorney for a law enforcement agency or 2936
authorized fraud personnel that is using, obtaining, possessing, 2937
or creating the ~~personnel~~ personal identifying information or 2938
permitting it to be used in an investigation, an information 2939
security evaluation, a pretext calling evaluation, or similar 2940
matter. 2941

(G) It is not a defense to a charge under this section that 2942
the person whose personal identifying information was obtained, 2943

possessed, used, created, or permitted to be used was deceased at 2944
the time of the offense. 2945

(H)(1) If an offender commits a violation of division (B), 2946
(D), or (E) of this section and the violation occurs as part of a 2947
course of conduct involving other violations of division (B), (D), 2948
or (E) of this section or violations of, attempts to violate, 2949
conspiracies to violate, or complicity in violations of division 2950
(C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 2951
2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the 2952
court, in determining the degree of the offense pursuant to 2953
division (I) of this section, may aggregate all credit, property, 2954
or services obtained or sought to be obtained by the offender and 2955
all debts or other legal obligations avoided or sought to be 2956
avoided by the offender in the violations involved in that course 2957
of conduct. The course of conduct may involve one victim or more 2958
than one victim. 2959

(2) If an offender commits a violation of division (C) of 2960
this section and the violation occurs as part of a course of 2961
conduct involving other violations of division (C) of this section 2962
or violations of, attempts to violate, conspiracies to violate, or 2963
complicity in violations of division (B), (D), or (E) of this 2964
section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2965
2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in 2966
determining the degree of the offense pursuant to division (I) of 2967
this section, may aggregate all credit, property, or services 2968
obtained or sought to be obtained by the person aided or abetted 2969
and all debts or other legal obligations avoided or sought to be 2970
avoided by the person aided or abetted in the violations involved 2971
in that course of conduct. The course of conduct may involve one 2972
victim or more than one victim. 2973

(I)(1) Whoever violates this section is guilty of identity 2974
fraud. 2975

(2) Except as otherwise provided in this division or division 2976
(I)(3) of this section, identity fraud is a felony of the fifth 2977
degree. If the value of the credit, property, services, debt, or 2978
other legal obligation involved in the violation or course of 2979
conduct is ~~five hundred~~ one thousand dollars or more and is less 2980
than ~~five~~ seven thousand five hundred dollars, except as otherwise 2981
provided in division (I)(3) of this section, identity fraud is a 2982
felony of the fourth degree. If the value of the credit, property, 2983
services, debt, or other legal obligation involved in the 2984
violation or course of conduct is ~~five~~ seven thousand five hundred 2985
dollars or more and is less than one hundred fifty thousand 2986
dollars, except as otherwise provided in division (I)(3) of this 2987
section, identity fraud is a felony of the third degree. If the 2988
value of the credit, property, services, debt, or other legal 2989
obligation involved in the violation or course of conduct is one 2990
hundred fifty thousand dollars or more, except as otherwise 2991
provided in division (I)(3) of this section, identity fraud is a 2992
felony of the second degree. 2993

(3) If the victim of the offense is an elderly person or 2994
disabled adult, a violation of this section is identity fraud 2995
against an elderly person or disabled adult. Except as otherwise 2996
provided in this division, identity fraud against an elderly 2997
person or disabled adult is a felony of the fifth degree. If the 2998
value of the credit, property, services, debt, or other legal 2999
obligation involved in the violation or course of conduct is ~~five~~ 3000
~~hundred~~ one thousand dollars or more and is less than ~~five~~ seven 3001
thousand five hundred dollars, identity fraud against an elderly 3002
person or disabled adult is a felony of the third degree. If the 3003
value of the credit, property, services, debt, or other legal 3004
obligation involved in the violation or course of conduct is ~~five~~ 3005
seven thousand five hundred dollars or more and is less than one 3006
hundred fifty thousand dollars, identity fraud against an elderly 3007
person or disabled adult is a felony of the second degree. If the 3008

value of the credit, property, services, debt, or other legal 3009
obligation involved in the violation or course of conduct is one 3010
hundred fifty thousand dollars or more, identity fraud against an 3011
elderly person or disabled adult is a felony of the first degree. 3012
3013

Sec. 2913.51. (A) No person shall receive, retain, or dispose 3014
of property of another knowing or having reasonable cause to 3015
believe that the property has been obtained through commission of 3016
a theft offense. 3017

(B) It is not a defense to a charge of receiving stolen 3018
property in violation of this section that the property was 3019
obtained by means other than through the commission of a theft 3020
offense if the property was explicitly represented to the accused 3021
person as being obtained through the commission of a theft 3022
offense. 3023

(C) Whoever violates this section is guilty of receiving 3024
stolen property. Except as otherwise provided in this division, 3025
receiving stolen property is a misdemeanor of the first degree. If 3026
the value of the property involved is ~~five hundred~~ one thousand 3027
dollars or more and is less than ~~five~~ seven thousand five hundred 3028
dollars, if the property involved is any of the property listed in 3029
section 2913.71 of the Revised Code, receiving stolen property is 3030
a felony of the fifth degree. If the property involved is a motor 3031
vehicle, as defined in section 4501.01 of the Revised Code, if the 3032
property involved is a dangerous drug, as defined in section 3033
4729.01 of the Revised Code, if the value of the property involved 3034
is ~~five~~ seven thousand five hundred dollars or more and is less 3035
than one hundred fifty thousand dollars, or if the property 3036
involved is a firearm or dangerous ordnance, as defined in section 3037
2923.11 of the Revised Code, receiving stolen property is a felony 3038
of the fourth degree. If the value of the property involved is one 3039

hundred fifty thousand dollars or more, receiving stolen property 3040
is a felony of the third degree. 3041

Sec. 2913.61. (A) When a person is charged with a theft 3042
offense, or with a violation of division (A)(1) of section 1716.14 3043
of the Revised Code involving a victim who is an elderly person or 3044
disabled adult that involves property or services valued at ~~five~~ 3045
~~hundred one thousand~~ one thousand dollars or more, property or services valued 3046
at ~~five hundred one thousand~~ one thousand dollars or more and less than ~~five~~ 3047
seven thousand five hundred dollars, property or services valued 3048
at one thousand five hundred dollars or more and less than seven 3049
thousand five hundred dollars, property or services valued at ~~five~~ 3050
seven thousand five hundred dollars or more and less than 3051
~~twenty-five~~ thirty-seven thousand five hundred dollars, property 3052
or services valued at seven thousand five hundred dollars or more 3053
and less than one hundred fifty thousand dollars, property or 3054
services valued at ~~twenty-five~~ thirty-seven thousand five hundred 3055
dollars or more and less than one hundred fifty thousand dollars, 3056
~~or~~ property or services valued at thirty-seven thousand five 3057
hundred dollars or more, property or services valued at one 3058
hundred fifty thousand dollars or more, property or services 3059
valued at one hundred fifty thousand dollars or more and less than 3060
seven hundred fifty thousand dollars, property or services valued 3061
at seven hundred fifty thousand dollars or more and less than one 3062
million five hundred thousand dollars, or property or services 3063
valued at one million five hundred thousand dollars or more, the 3064
jury or court trying the accused shall determine the value of the 3065
property or services as of the time of the offense and, if a 3066
guilty verdict is returned, shall return the finding of value as 3067
part of the verdict. In any case in which the jury or court 3068
determines that the value of the property or services at the time 3069
of the offense was ~~five hundred one thousand~~ one thousand dollars or more, it 3070
is unnecessary to find and return the exact value, and it is 3071

sufficient if the finding and return is to the effect that the 3072
value of the property or services involved was ~~five hundred one~~ 3073
~~thousand~~ dollars or more and less than ~~five seven~~ thousand ~~five~~ 3074
~~hundred~~ dollars, was one thousand dollars or more and less than 3075
seven thousand five hundred dollars, was five seven thousand five 3076
hundred dollars or more and less than ~~twenty-five~~ thirty-seven 3077
thousand five hundred dollars, was seven thousand five hundred 3078
dollars or more and less than thirty-seven thousand five hundred 3079
dollars, was seven thousand five hundred dollars or more and less 3080
than one hundred fifty thousand dollars, was twenty-five 3081
thirty-seven thousand five hundred dollars or more and less than 3082
one hundred fifty thousand dollars, ~~or~~ was thirty-seven thousand 3083
five hundred dollars or more and less than one hundred fifty 3084
thousand dollars, was one hundred fifty thousand dollars or more, 3085
was one hundred fifty thousand dollars or more and less than seven 3086
hundred fifty thousand dollars, was seven hundred fifty thousand 3087
dollars or more and less than one million five hundred thousand 3088
dollars, or was one million five hundred thousand dollars or more, 3089
whichever is relevant regarding the offense. 3090

(B) If more than one item of property or services is involved 3091
in a theft offense or in a violation of division (A)(1) of section 3092
1716.14 of the Revised Code involving a victim who is an elderly 3093
person or disabled adult, the value of the property or services 3094
involved for the purpose of determining the value as required by 3095
division (A) of this section is the aggregate value of all 3096
property or services involved in the offense. 3097

(C)(1) When a series of offenses under section 2913.02 of the 3098
Revised Code, or a series of violations of, attempts to commit a 3099
violation of, conspiracies to violate, or complicity in violations 3100
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3101
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3102
2913.31 or 2913.43 of the Revised Code involving a victim who is 3103

an elderly person or disabled adult, is committed by the offender 3104
in the offender's same employment, capacity, or relationship to 3105
another, all of those offenses shall be tried as a single offense. 3106
The value of the property or services involved in the series of 3107
offenses for the purpose of determining the value as required by 3108
division (A) of this section is the aggregate value of all 3109
property and services involved in all offenses in the series. 3110

(2) If an offender commits a series of offenses under section 3111
2913.02 of the Revised Code that involves a common course of 3112
conduct to defraud multiple victims, all of the offenses may be 3113
tried as a single offense. If an offender is being tried for the 3114
commission of a series of violations of, attempts to commit a 3115
violation of, conspiracies to violate, or complicity in violations 3116
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3117
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3118
2913.31 or 2913.43 of the Revised Code, whether committed against 3119
one victim or more than one victim, involving a victim who is an 3120
elderly person or disabled adult, pursuant to a scheme or course 3121
of conduct, all of those offenses may be tried as a single 3122
offense. If the offenses are tried as a single offense, the value 3123
of the property or services involved for the purpose of 3124
determining the value as required by division (A) of this section 3125
is the aggregate value of all property and services involved in 3126
all of the offenses in the course of conduct. 3127

(3) When a series of two or more offenses under section 3128
2921.41 of the Revised Code is committed by the offender in the 3129
offender's same employment, capacity, or relationship to another, 3130
all of those offenses may be tried as a single offense. If the 3131
offenses are tried as a single offense, the value of the property 3132
or services involved for the purpose of determining the value as 3133
required by division (A) of this section is the aggregate value of 3134
all property and services involved in all of the offenses in the 3135

series of two or more offenses. 3136

(4) In prosecuting a single offense under division (C)(1), 3137
(2), or (3) of this section, it is not necessary to separately 3138
allege and prove each offense in the series. Rather, it is 3139
sufficient to allege and prove that the offender, within a given 3140
span of time, committed one or more theft offenses or violations 3141
of section 2921.41 of the Revised Code in the offender's same 3142
employment, capacity, or relationship to another as described in 3143
division (C)(1) or (3) of this section, or committed one or more 3144
theft offenses that involve a common course of conduct to defraud 3145
multiple victims or a scheme or course of conduct as described in 3146
division (C)(2) of this section. 3147

(D) The following criteria shall be used in determining the 3148
value of property or services involved in a theft offense: 3149

(1) The value of an heirloom, memento, collector's item, 3150
antique, museum piece, manuscript, document, record, or other 3151
thing that has intrinsic worth to its owner and that either is 3152
irreplaceable or is replaceable only on the expenditure of 3153
substantial time, effort, or money, is the amount that would 3154
compensate the owner for its loss. 3155

(2) The value of personal effects and household goods, and of 3156
materials, supplies, equipment, and fixtures used in the 3157
profession, business, trade, occupation, or avocation of its 3158
owner, which property is not covered under division (D)(1) of this 3159
section and which retains substantial utility for its purpose 3160
regardless of its age or condition, is the cost of replacing the 3161
property with new property of like kind and quality. 3162

(3) The value of any real or personal property that is not 3163
covered under division (D)(1) or (2) of this section, and the 3164
value of services, is the fair market value of the property or 3165
services. As used in this section, "fair market value" is the 3166

money consideration that a buyer would give and a seller would 3167
accept for property or services, assuming that the buyer is 3168
willing to buy and the seller is willing to sell, that both are 3169
fully informed as to all facts material to the transaction, and 3170
that neither is under any compulsion to act. 3171

(E) Without limitation on the evidence that may be used to 3172
establish the value of property or services involved in a theft 3173
offense: 3174

(1) When the property involved is personal property held for 3175
sale at wholesale or retail, the price at which the property was 3176
held for sale is prima-facie evidence of its value. 3177

(2) When the property involved is a security or commodity 3178
traded on an exchange, the closing price or, if there is no 3179
closing price, the asked price, given in the latest market 3180
quotation prior to the offense is prima-facie evidence of the 3181
value of the security or commodity. 3182

(3) When the property involved is livestock, poultry, or raw 3183
agricultural products for which a local market price is available, 3184
the latest local market price prior to the offense is prima-facie 3185
evidence of the value of the livestock, poultry, or products. 3186

(4) When the property involved is a negotiable instrument, 3187
the face value is prima-facie evidence of the value of the 3188
instrument. 3189

(5) When the property involved is a warehouse receipt, bill 3190
of lading, pawn ticket, claim check, or other instrument entitling 3191
the holder or bearer to receive property, the face value or, if 3192
there is no face value, the value of the property covered by the 3193
instrument less any payment necessary to receive the property is 3194
prima-facie evidence of the value of the instrument. 3195

(6) When the property involved is a ticket of admission, 3196
ticket for transportation, coupon, token, or other instrument 3197

entitling the holder or bearer to receive property or services, 3198
the face value or, if there is no face value, the value of the 3199
property or services that may be received by the instrument is 3200
prima-facie evidence of the value of the instrument. 3201

(7) When the services involved are gas, electricity, water, 3202
telephone, transportation, shipping, or other services for which 3203
the rate is established by law, the duly established rate is 3204
prima-facie evidence of the value of the services. 3205

(8) When the services involved are services for which the 3206
rate is not established by law, and the offender has been notified 3207
prior to the offense of the rate for the services, either in 3208
writing, orally, or by posting in a manner reasonably calculated 3209
to come to the attention of potential offenders, the rate 3210
contained in the notice is prima-facie evidence of the value of 3211
the services. 3212

Sec. 2915.05. (A) No person, with purpose to defraud or 3213
knowing that the person is facilitating a fraud, shall engage in 3214
conduct designed to corrupt the outcome of any of the following: 3215

(1) The subject of a bet; 3216

(2) A contest of knowledge, skill, or endurance that is not 3217
an athletic or sporting event; 3218

(3) A scheme or game of chance; 3219

(4) Bingo. 3220

(B) No person shall knowingly do any of the following: 3221

(1) Offer, give, solicit, or accept anything of value to 3222
corrupt the outcome of an athletic or sporting event; 3223

(2) Engage in conduct designed to corrupt the outcome of an 3224
athletic or sporting event. 3225

(C)(1) Whoever violates division (A) of this section is 3226

guilty of cheating. Except as otherwise provided in this division, 3227
cheating is a misdemeanor of the first degree. If the potential 3228
gain from the cheating is ~~five hundred~~ one thousand dollars or 3229
more or if the offender previously has been convicted of any 3230
gambling offense or of any theft offense, as defined in section 3231
2913.01 of the Revised Code, cheating is a felony of the fifth 3232
degree. 3233

(2) Whoever violates division (B) of this section is guilty 3234
of corrupting sports. Corrupting sports is a felony of the fifth 3235
degree on a first offense and a felony of the fourth degree on 3236
each subsequent offense. 3237

Sec. 2917.21. (A) No person shall knowingly make or cause to 3238
be made a telecommunication, or knowingly permit a 3239
telecommunication to be made from a telecommunications device 3240
under the person's control, to another, if the caller does any of 3241
the following: 3242

(1) Fails to identify the caller to the recipient of the 3243
telecommunication and makes the telecommunication with purpose to 3244
harass or abuse any person at the premises to which the 3245
telecommunication is made, whether or not actual communication 3246
takes place between the caller and a recipient; 3247

(2) Describes, suggests, requests, or proposes that the 3248
caller, the recipient of the telecommunication, or any other 3249
person engage in sexual activity, and the recipient or another 3250
person at the premises to which the telecommunication is made has 3251
requested, in a previous telecommunication or in the immediate 3252
telecommunication, that the caller not make a telecommunication to 3253
the recipient or to the premises to which the telecommunication is 3254
made; 3255

(3) During the telecommunication, violates section 2903.21 of 3256
the Revised Code; 3257

(4) Knowingly states to the recipient of the 3258
telecommunication that the caller intends to cause damage to or 3259
destroy public or private property, and the recipient, any member 3260
of the recipient's family, or any other person who resides at the 3261
premises to which the telecommunication is made owns, leases, 3262
resides, or works in, will at the time of the destruction or 3263
damaging be near or in, has the responsibility of protecting, or 3264
insures the property that will be destroyed or damaged; 3265

(5) Knowingly makes the telecommunication to the recipient of 3266
the telecommunication, to another person at the premises to which 3267
the telecommunication is made, or to those premises, and the 3268
recipient or another person at those premises previously has told 3269
the caller not to make a telecommunication to those premises or to 3270
any persons at those premises. 3271

(B) No person shall make or cause to be made a 3272
telecommunication, or permit a telecommunication to be made from a 3273
telecommunications device under the person's control, with purpose 3274
to abuse, threaten, or harass another person. 3275

(C)(1) Whoever violates this section is guilty of 3276
telecommunications harassment. 3277

(2) A violation of division (A)(1), (2), (3), or (5) or (B) 3278
of this section is a misdemeanor of the first degree on a first 3279
offense and a felony of the fifth degree on each subsequent 3280
offense. 3281

(3) Except as otherwise provided in division (C)(3) of this 3282
section, a violation of division (A)(4) of this section is a 3283
misdemeanor of the first degree on a first offense and a felony of 3284
the fifth degree on each subsequent offense. If a violation of 3285
division (A)(4) of this section results in economic harm of ~~five~~ 3286
~~hundred~~ one thousand dollars or more but less than ~~five seven~~ 3287
thousand five hundred dollars, telecommunications harassment is a 3288

felony of the fifth degree. If a violation of division (A)(4) of 3289
this section results in economic harm of ~~five~~ seven thousand five 3290
hundred dollars or more but less than one hundred fifty thousand 3291
dollars, telecommunications harassment is a felony of the fourth 3292
degree. If a violation of division (A)(4) of this section results 3293
in economic harm of one hundred fifty thousand dollars or more, 3294
telecommunications harassment is a felony of the third degree. 3295

(D) No cause of action may be asserted in any court of this 3296
state against any provider of a telecommunications service or 3297
information service, or against any officer, employee, or agent of 3298
a telecommunication service or information service, for any 3299
injury, death, or loss to person or property that allegedly arises 3300
out of the provider's, officer's, employee's, or agent's provision 3301
of information, facilities, or assistance in accordance with the 3302
terms of a court order that is issued in relation to the 3303
investigation or prosecution of an alleged violation of this 3304
section or section 4931.31 of the Revised Code. A provider of a 3305
telecommunications service or information service, or an officer, 3306
employee, or agent of a telecommunications service or information 3307
service, is immune from any civil or criminal liability for 3308
injury, death, or loss to person or property that allegedly arises 3309
out of the provider's, officer's, employee's, or agent's provision 3310
of information, facilities, or assistance in accordance with the 3311
terms of a court order that is issued in relation to the 3312
investigation or prosecution of an alleged violation of this 3313
section or section 4931.31 of the Revised Code. 3314

(E) As used in this section: 3315

(1) "Economic harm" means all direct, incidental, and 3316
consequential pecuniary harm suffered by a victim as a result of 3317
criminal conduct. "Economic harm" includes, but is not limited to, 3318
all of the following: 3319

(a) All wages, salaries, or other compensation lost as a 3320

result of the criminal conduct;	3321
(b) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	3322 3323 3324
(c) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	3325 3326
(d) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	3327 3328
(2) "Caller" means the person described in division (A) of this section who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.	3329 3330 3331 3332
(3) "Telecommunication" and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	3333 3334
(4) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	3335 3336
(F) Nothing in this section prohibits a person from making a telecommunication to a debtor that is in compliance with the "Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended.	3337 3338 3339 3340 3341
Sec. 2917.31. (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:	3342 3343 3344
(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false;	3345 3346 3347
(2) Threatening to commit any offense of violence;	3348
(3) Committing any offense, with reckless disregard of the	3349

likelihood that its commission will cause serious public 3350
inconvenience or alarm. 3351

(B) Division (A)(1) of this section does not apply to any 3352
person conducting an authorized fire or emergency drill. 3353

(C)(1) Whoever violates this section is guilty of inducing 3354
panic. 3355

(2) Except as otherwise provided in division (C)(3), (4), 3356
(5), (6), (7), or (8) of this section, inducing panic is a 3357
misdemeanor of the first degree. 3358

(3) Except as otherwise provided in division (C)(4), (5), 3359
(6), (7), or (8) of this section, if a violation of this section 3360
results in physical harm to any person, inducing panic is a felony 3361
of the fourth degree. 3362

(4) Except as otherwise provided in division (C)(5), (6), 3363
(7), or (8) of this section, if a violation of this section 3364
results in economic harm, the penalty shall be determined as 3365
follows: 3366

(a) If the violation results in economic harm of ~~five hundred~~ 3367
one thousand dollars or more but less than ~~five~~ seven thousand 3368
five hundred dollars and if division (C)(3) of this section does 3369
not apply, inducing panic is a felony of the fifth degree. 3370

3371

(b) If the violation results in economic harm of ~~five~~ seven 3372
thousand five hundred dollars or more but less than one hundred 3373
fifty thousand dollars, inducing panic is a felony of the fourth 3374
degree. 3375

(c) If the violation results in economic harm of one hundred 3376
fifty thousand dollars or more, inducing panic is a felony of the 3377
third degree. 3378

(5) If the public place involved in a violation of division 3379

(A)(1) of this section is a school or an institution of higher education, inducing panic is a felony of the second degree.

(6) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5), (7), or (8) of this section, inducing panic is a felony of the fourth degree.

(7) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the third degree.

(8) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5) of this section, if a violation of this section results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.

(D)(1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.

(2) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.

(E) As used in this section:

(1) "Economic harm" means any of the following:

(a) All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic

harm" as described in this division includes, but is not limited to, all of the following:

(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;

(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;

(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

(3) "Weapon of mass destruction" means any of the following:

(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

(b) Any weapon involving a disease organism or biological agent;

(c) Any weapon that is designed to release radiation or 3440
radioactivity at a level dangerous to human life; 3441

(d) Any of the following, except to the extent that the item 3442
or device in question is expressly excepted from the definition of 3443
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and 3444
regulations issued under that section: 3445

(i) Any explosive, incendiary, or poison gas bomb, grenade, 3446
rocket having a propellant charge of more than four ounces, 3447
missile having an explosive or incendiary charge of more than 3448
one-quarter ounce, mine, or similar device; 3449

(ii) Any combination of parts either designed or intended for 3450
use in converting any item or device into any item or device 3451
described in division (E)(3)(d)(i) of this section and from which 3452
an item or device described in that division may be readily 3453
assembled. 3454

(4) "Biological agent" has the same meaning as in section 3455
2917.33 of the Revised Code. 3456

(5) "Emergency medical services personnel" has the same 3457
meaning as in section 2133.21 of the Revised Code. 3458

(6) "Institution of higher education" means any of the 3459
following: 3460

(a) A state university or college as defined in division 3461
(A)(1) of section 3345.12 of the Revised Code, community college, 3462
state community college, university branch, or technical college; 3463

(b) A private, nonprofit college, university or other 3464
post-secondary institution located in this state that possesses a 3465
certificate of authorization issued by the Ohio board of regents 3466
pursuant to Chapter 1713. of the Revised Code; 3467

(c) A post-secondary institution with a certificate of 3468
registration issued by the state board of career colleges and 3469

schools under Chapter 3332. of the Revised Code. 3470

Sec. 2917.32. (A) No person shall do any of the following: 3471

(1) Initiate or circulate a report or warning of an alleged 3472
or impending fire, explosion, crime, or other catastrophe, knowing 3473
that the report or warning is false and likely to cause public 3474
inconvenience or alarm; 3475

(2) Knowingly cause a false alarm of fire or other emergency 3476
to be transmitted to or within any organization, public or 3477
private, for dealing with emergencies involving a risk of physical 3478
harm to persons or property; 3479

(3) Report to any law enforcement agency an alleged offense 3480
or other incident within its concern, knowing that such offense 3481
did not occur. 3482

(B) This section does not apply to any person conducting an 3483
authorized fire or emergency drill. 3484

(C)(1) Whoever violates this section is guilty of making 3485
false alarms. 3486

(2) Except as otherwise provided in division (C)(3), (4), 3487
(5), or (6) of this section, making false alarms is a misdemeanor 3488
of the first degree. 3489

(3) Except as otherwise provided in division (C)(4) of this 3490
section, if a violation of this section results in economic harm 3491
of ~~five hundred~~ one thousand dollars or more but less than ~~five~~ 3492
seven thousand five hundred dollars, making false alarms is a 3493
felony of the fifth degree. 3494

(4) If a violation of this section pertains to a purported, 3495
threatened, or actual use of a weapon of mass destruction, making 3496
false alarms is a felony of the third degree. 3497

(5) If a violation of this section results in economic harm 3498

of ~~five~~ seven thousand ~~five hundred~~ dollars or more but less than 3499
one hundred fifty thousand dollars and if division (C)(4) of this 3500
section does not apply, making false alarms is a felony of the 3501
fourth degree. 3502

(6) If a violation of this section results in economic harm 3503
of one hundred fifty thousand dollars or more, making false alarms 3504
is a felony of the third degree. 3505

(D)(1) It is not a defense to a charge under this section 3506
that pertains to a purported or threatened use of a weapon of mass 3507
destruction that the offender did not possess or have the ability 3508
to use a weapon of mass destruction or that what was represented 3509
to be a weapon of mass destruction was not a weapon of mass 3510
destruction. 3511

(2) Any act that is a violation of this section and any other 3512
section of the Revised Code may be prosecuted under this section, 3513
the other section, or both sections. 3514

(E) As used in this section, "economic harm" and "weapon of 3515
mass destruction" have the same meanings as in section 2917.31 of 3516
the Revised Code. 3517

Sec. 2919.21. (A) No person shall abandon, or fail to provide 3518
adequate support to: 3519

(1) The person's spouse, as required by law; 3520

(2) The person's child who is under age eighteen, or mentally 3521
or physically handicapped child who is under age twenty-one; 3522

(3) The person's aged or infirm parent or adoptive parent, 3523
who from lack of ability and means is unable to provide adequately 3524
for the parent's own support. 3525

(B) No person shall abandon, or fail to provide support as 3526
established by a court order to, another person whom, by court 3527
order or decree, the person is legally obligated to support. 3528

(C) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in section 2151.04 of the Revised Code, or a neglected child, as defined in section 2151.03 of the Revised Code.

(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support but did provide the support that was within the accused's ability and means.

(E) It is an affirmative defense to a charge under division (A)(3) of this section that the parent abandoned the accused or failed to support the accused as required by law, while the accused was under age eighteen, or was mentally or physically handicapped and under age twenty-one.

(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused.

(G)(1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) or (B) of this section or if the offender has failed to provide support under division (A)(2) or (B) of this section for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony of the fifth degree. If the offender previously has been convicted of or

pleaded guilty to a felony violation of this section, a violation 3561
of division (A)(2) or (B) of this section is a felony of the 3562
fourth degree. If 3563

If the violation of division (A) or (B) of this section is a 3564
felony, all of the following apply to the sentencing of the 3565
offender: 3566

(a) Except as otherwise provided in division (G)(1)(b) of 3567
this section, the court in imposing sentence on the offender shall 3568
first consider placing the offender on one or more community 3569
control sanctions under section 2929.16, 2929.17, or 2929.18 of 3570
the Revised Code, with an emphasis under the sanctions on 3571
intervention for nonsupport, obtaining or maintaining employment, 3572
or another related condition. 3573

(b) The preference for placement on community control 3574
sanctions described in division (G)(1)(a) of this section does not 3575
apply to any offender to whom one or more of the following 3576
applies: 3577

(i) The court determines that the imposition of a prison term 3578
on the offender is consistent with the purposes and principles of 3579
sentencing set forth in section 2929.11 of the Revised Code. 3580

(ii) The offender previously was convicted of or pleaded 3581
guilty to a violation of this section that was a felony, the 3582
conviction or guilty plea occurred on or after the effective date 3583
of this amendment, and the offender was sentenced to a prison term 3584
for that violation. 3585

(iii) The offender previously was convicted of or pleaded 3586
guilty to a violation of this section that was a felony, the 3587
conviction or guilty plea occurred on or after the effective date 3588
of this amendment, the offender was sentenced to one or more 3589
community control sanctions of a type described in division 3590
(G)(1)(a) of this section for that violation, and the offender 3591

failed to comply with the conditions of any of those community 3592
control sanctions. 3593

(2) If the offender is guilty of nonsupport of dependents by 3594
reason of failing to provide support to the offender's child as 3595
required by a child support order issued on or after April 15, 3596
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 3597
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 3115.31 of the 3598
Revised Code, the court, in addition to any other sentence 3599
imposed, shall assess all court costs arising out of the charge 3600
against the person and require the person to pay any reasonable 3601
attorney's fees of any adverse party other than the state, as 3602
determined by the court, that arose in relation to the charge. 3603

~~(2)~~(3) Whoever violates division (C) of this section is 3604
guilty of contributing to the nonsupport of dependents, a 3605
misdemeanor of the first degree. Each day of violation of division 3606
(C) of this section is a separate offense. 3607

Sec. 2921.13. (A) No person shall knowingly make a false 3608
statement, or knowingly swear or affirm the truth of a false 3609
statement previously made, when any of the following applies: 3610

(1) The statement is made in any official proceeding. 3611

(2) The statement is made with purpose to incriminate 3612
another. 3613

(3) The statement is made with purpose to mislead a public 3614
official in performing the public official's official function. 3615

(4) The statement is made with purpose to secure the payment 3616
of unemployment compensation; Ohio works first; prevention, 3617
retention, and contingency benefits and services; disability 3618
financial assistance; retirement benefits; economic development 3619
assistance, as defined in section 9.66 of the Revised Code; or 3620
other benefits administered by a governmental agency or paid out 3621

of a public treasury. 3622

(5) The statement is made with purpose to secure the issuance 3623
by a governmental agency of a license, permit, authorization, 3624
certificate, registration, release, or provider agreement. 3625

(6) The statement is sworn or affirmed before a notary public 3626
or another person empowered to administer oaths. 3627

(7) The statement is in writing on or in connection with a 3628
report or return that is required or authorized by law. 3629

(8) The statement is in writing and is made with purpose to 3630
induce another to extend credit to or employ the offender, to 3631
confer any degree, diploma, certificate of attainment, award of 3632
excellence, or honor on the offender, or to extend to or bestow 3633
upon the offender any other valuable benefit or distinction, when 3634
the person to whom the statement is directed relies upon it to 3635
that person's detriment. 3636

(9) The statement is made with purpose to commit or 3637
facilitate the commission of a theft offense. 3638

(10) The statement is knowingly made to a probate court in 3639
connection with any action, proceeding, or other matter within its 3640
jurisdiction, either orally or in a written document, including, 3641
but not limited to, an application, petition, complaint, or other 3642
pleading, or an inventory, account, or report. 3643

(11) The statement is made on an account, form, record, 3644
stamp, label, or other writing that is required by law. 3645

(12) The statement is made in connection with the purchase of 3646
a firearm, as defined in section 2923.11 of the Revised Code, and 3647
in conjunction with the furnishing to the seller of the firearm of 3648
a fictitious or altered driver's or commercial driver's license or 3649
permit, a fictitious or altered identification card, or any other 3650
document that contains false information about the purchaser's 3651

identity. 3652

(13) The statement is made in a document or instrument of 3653
writing that purports to be a judgment, lien, or claim of 3654
indebtedness and is filed or recorded with the secretary of state, 3655
a county recorder, or the clerk of a court of record. 3656

(14) The statement is made in an application filed with a 3657
county sheriff pursuant to section 2923.125 of the Revised Code in 3658
order to obtain or renew a license to carry a concealed handgun or 3659
is made in an affidavit submitted to a county sheriff to obtain a 3660
temporary emergency license to carry a concealed handgun under 3661
section 2923.1213 of the Revised Code. 3662

(15) The statement is required under section 5743.71 of the 3663
Revised Code in connection with the person's purchase of 3664
cigarettes or tobacco products in a delivery sale. 3665

(B) No person, in connection with the purchase of a firearm, 3666
as defined in section 2923.11 of the Revised Code, shall knowingly 3667
furnish to the seller of the firearm a fictitious or altered 3668
driver's or commercial driver's license or permit, a fictitious or 3669
altered identification card, or any other document that contains 3670
false information about the purchaser's identity. 3671

(C) No person, in an attempt to obtain a license to carry a 3672
concealed handgun under section 2923.125 of the Revised Code, 3673
shall knowingly present to a sheriff a fictitious or altered 3674
document that purports to be certification of the person's 3675
competence in handling a handgun as described in division (B)(3) 3676
of section 2923.125 of the Revised Code. 3677

(D) It is no defense to a charge under division (A)(6) of 3678
this section that the oath or affirmation was administered or 3679
taken in an irregular manner. 3680

(E) If contradictory statements relating to the same fact are 3681
made by the offender within the period of the statute of 3682

limitations for falsification, it is not necessary for the 3683
prosecution to prove which statement was false but only that one 3684
or the other was false. 3685

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 3686
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 3687
of falsification, a misdemeanor of the first degree. 3688

(2) Whoever violates division (A)(9) of this section is 3689
guilty of falsification in a theft offense. Except as otherwise 3690
provided in this division, falsification in a theft offense is a 3691
misdemeanor of the first degree. If the value of the property or 3692
services stolen is ~~five hundred~~ one thousand dollars or more and 3693
is less than ~~five~~ seven thousand five hundred dollars, 3694
falsification in a theft offense is a felony of the fifth degree. 3695
If the value of the property or services stolen is ~~five~~ seven 3696
thousand five hundred dollars or more and is less than one hundred 3697
fifty thousand dollars, falsification in a theft offense is a 3698
felony of the fourth degree. If the value of the property or 3699
services stolen is one hundred fifty thousand dollars or more, 3700
falsification in a theft offense is a felony of the third degree. 3701

(3) Whoever violates division (A)(12) or (B) of this section 3702
is guilty of falsification to purchase a firearm, a felony of the 3703
fifth degree. 3704

(4) Whoever violates division (A)(14) or (C) of this section 3705
is guilty of falsification to obtain a concealed handgun license, 3706
a felony of the fourth degree. 3707

(G) A person who violates this section is liable in a civil 3708
action to any person harmed by the violation for injury, death, or 3709
loss to person or property incurred as a result of the commission 3710
of the offense and for reasonable attorney's fees, court costs, 3711
and other expenses incurred as a result of prosecuting the civil 3712
action commenced under this division. A civil action under this 3713

division is not the exclusive remedy of a person who incurs 3714
injury, death, or loss to person or property as a result of a 3715
violation of this section. 3716

Sec. 2921.34. (A)(1) No person, knowing the person is under 3717
detention, other than supervised release detention, or being 3718
reckless in that regard, shall purposely break or attempt to break 3719
the detention, or purposely fail to return to detention, either 3720
following temporary leave granted for a specific purpose or 3721
limited period, or at the time required when serving a sentence in 3722
intermittent confinement. 3723

(2)(a) Division (A)(2)(b) of this section applies to any 3724
person who is sentenced to a prison term pursuant to division 3725
(A)(3) or (B) of section 2971.03 of the Revised Code. 3726

(b) No person to whom this division applies, for whom the 3727
requirement that the entire prison term imposed upon the person 3728
pursuant to division (A)(3) or (B) of section 2971.03 of the 3729
Revised Code be served in a state correctional institution has 3730
been modified pursuant to section 2971.05 of the Revised Code, and 3731
who, pursuant to that modification, is restricted to a geographic 3732
area, knowing that the person is under a geographic restriction or 3733
being reckless in that regard, shall purposely leave the 3734
geographic area to which the restriction applies or purposely fail 3735
to return to that geographic area following a temporary leave 3736
granted for a specific purpose or for a limited period of time. 3737

(3) No person, knowing the person is under supervised release 3738
detention or being reckless in that regard, shall purposely break 3739
or attempt to break the supervised release detention or purposely 3740
fail to return to the supervised release detention, either 3741
following temporary leave granted for a specific purpose or 3742
limited period, or at the time required when serving a sentence in 3743
intermittent confinement, if the purposeful breaking, attempting 3744

to break, or failure to return is for a period in excess of nine consecutive months. 3745
3746

(B)(1) If a person, knowing the person is under supervised release detention or being reckless in that regard, purposely breaks or attempts to break the supervised release detention or purposely fails to return to the supervised release detention, either following temporary leave granted for a specific purpose or limited period, or at the time required when serving a sentence in intermittent confinement, and if the purposeful breaking, attempting to break, or failure to return is for a period that does not exceed nine consecutive months, the person is subject to administrative sanctions that may be imposed by the adult parole authority under section 2967.15 of the Revised Code. 3747
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(2) Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority, is not a defense to a charge under this section if the detention is pursuant to judicial order or in a detention facility. In the case of any other detention, irregularity or lack of jurisdiction is an affirmative defense only if either of the following occurs: 3758
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~~(1)~~(a) The escape involved no substantial risk of harm to the person or property of another. 3764
3765

~~(2)~~(b) The detaining authority knew or should have known there was no legal basis or authority for the detention. 3766
3767

(C) Whoever violates this section is guilty of escape. 3768

(1) If the offender, at the time of the commission of the offense, was under detention as an alleged or adjudicated delinquent child or unruly child and if the act for which the offender was under detention would not be a felony if committed by an adult, escape is a misdemeanor of the first degree. 3769
3770
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(2) If the offender, at the time of the commission of the offense, was under detention in any other manner or if the 3774
3775

offender is a person for whom the requirement that the entire 3776
prison term imposed upon the person pursuant to division (A)(3) or 3777
(B) of section 2971.03 of the Revised Code be served in a state 3778
correctional institution has been modified pursuant to section 3779
2971.05 of the Revised Code, escape is one of the following: 3780

(a) A felony of the second degree, when the most serious 3781
offense for which the person was under detention or for which the 3782
person had been sentenced to the prison term under division 3783
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3784
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 3785
is aggravated murder, murder, or a felony of the first or second 3786
degree or, if the person was under detention as an alleged or 3787
adjudicated delinquent child, when the most serious act for which 3788
the person was under detention would be aggravated murder, murder, 3789
or a felony of the first or second degree if committed by an 3790
adult; 3791

(b) A felony of the third degree, when the most serious 3792
offense for which the person was under detention or for which the 3793
person had been sentenced to the prison term under division 3794
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3795
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 3796
is a felony of the third, fourth, or fifth degree or an 3797
unclassified felony or, if the person was under detention as an 3798
alleged or adjudicated delinquent child, when the most serious act 3799
for which the person was under detention would be a felony of the 3800
third, fourth, or fifth degree or an unclassified felony if 3801
committed by an adult; 3802

(c) A felony of the fifth degree, when any of the following 3803
applies: 3804

(i) The most serious offense for which the person was under 3805
detention is a misdemeanor. 3806

(ii) The person was found not guilty by reason of insanity, 3807
and the person's detention consisted of hospitalization, 3808
institutionalization, or confinement in a facility under an order 3809
made pursuant to or under authority of section 2945.40, 2945.401, 3810
or 2945.402 of the Revised Code. 3811

(d) A misdemeanor of the first degree, when the most serious 3812
offense for which the person was under detention is a misdemeanor 3813
and when the person fails to return to detention at a specified 3814
time following temporary leave granted for a specific purpose or 3815
limited period or at the time required when serving a sentence in 3816
intermittent confinement. 3817

(D) As used in this section, "supervised release detention" 3818
means detention that is supervision of a person by an employee of 3819
the department of rehabilitation and correction while the person 3820
is on any type of release from a state correctional institution, 3821
other than transitional control under section 2967.26 of the 3822
Revised Code or placement in a community-based correctional 3823
facility by the parole board under section 2967.28 of the Revised 3824
Code. 3825

Sec. 2921.41. (A) No public official or party official shall 3826
commit any theft offense, as defined in division (K) of section 3827
2913.01 of the Revised Code, when either of the following applies: 3828
3829

(1) The offender uses the offender's office in aid of 3830
committing the offense or permits or assents to its use in aid of 3831
committing the offense; 3832

(2) The property or service involved is owned by this state, 3833
any other state, the United States, a county, a municipal 3834
corporation, a township, or any political subdivision, department, 3835
or agency of any of them, is owned by a political party, or is 3836
part of a political campaign fund. 3837

(B) Whoever violates this section is guilty of theft in 3838
office. Except as otherwise provided in this division, theft in 3839
office is a felony of the fifth degree. If the value of property 3840
or services stolen is ~~five hundred~~ one thousand dollars or more 3841
and is less than ~~five~~ seven thousand ~~five hundred~~ dollars, theft 3842
in office is a felony of the fourth degree. If the value of 3843
property or services stolen is ~~five~~ seven thousand five hundred 3844
dollars or more, theft in office is a felony of the third degree. 3845
3846

(C)(1) A public official or party official who pleads guilty 3847
to theft in office and whose plea is accepted by the court or a 3848
public official or party official against whom a verdict or 3849
finding of guilt for committing theft in office is returned is 3850
forever disqualified from holding any public office, employment, 3851
or position of trust in this state. 3852

(2)(a) A court that imposes sentence for a violation of this 3853
section based on conduct described in division (A)(2) of this 3854
section shall require the public official or party official who is 3855
convicted of or pleads guilty to the offense to make restitution 3856
for all of the property or the service that is the subject of the 3857
offense, in addition to the term of imprisonment and any fine 3858
imposed. A court that imposes sentence for a violation of this 3859
section based on conduct described in division (A)(1) of this 3860
section and that determines at trial that this state or a 3861
political subdivision of this state if the offender is a public 3862
official, or a political party in the United States or this state 3863
if the offender is a party official, suffered actual loss as a 3864
result of the offense shall require the offender to make 3865
restitution to the state, political subdivision, or political 3866
party for all of the actual loss experienced, in addition to the 3867
term of imprisonment and any fine imposed. 3868

(b)(i) In any case in which a sentencing court is required to 3869

order restitution under division (C)(2)(a) of this section and in 3870
which the offender, at the time of the commission of the offense 3871
or at any other time, was a member of the public employees 3872
retirement system, the Ohio police and fire pension fund, the 3873
state teachers retirement system, the school employees retirement 3874
system, or the state highway patrol retirement system; was an 3875
electing employee, as defined in section 3305.01 of the Revised 3876
Code, participating in an alternative retirement plan provided 3877
pursuant to Chapter 3305. of the Revised Code; was a participating 3878
employee or continuing member, as defined in section 148.01 of the 3879
Revised Code, in a deferred compensation program offered by the 3880
Ohio public employees deferred compensation board; was an officer 3881
or employee of a municipal corporation who was a participant in a 3882
deferred compensation program offered by that municipal 3883
corporation; was an officer or employee of a government unit, as 3884
defined in section 148.06 of the Revised Code, who was a 3885
participant in a deferred compensation program offered by that 3886
government unit, or was a participating employee, continuing 3887
member, or participant in any deferred compensation program 3888
described in this division and a member of a retirement system 3889
specified in this division or a retirement system of a municipal 3890
corporation, the entity to which restitution is to be made may 3891
file a motion with the sentencing court specifying any retirement 3892
system, any provider as defined in section 3305.01 of the Revised 3893
Code, and any deferred compensation program of which the offender 3894
was a member, electing employee, participating employee, 3895
continuing member, or participant and requesting the court to 3896
issue an order requiring the specified retirement system, the 3897
specified provider under the alternative retirement plan, or the 3898
specified deferred compensation program, or, if more than one is 3899
specified in the motion, the applicable combination of these, to 3900
withhold the amount required as restitution from any payment that 3901
is to be made under a pension, annuity, or allowance, under an 3902

option in the alternative retirement plan, under a participant 3903
account, as defined in section 148.01 of the Revised Code, or 3904
under any other type of benefit, other than a survivorship 3905
benefit, that has been or is in the future granted to the 3906
offender, from any payment of accumulated employee contributions 3907
standing to the offender's credit with that retirement system, 3908
that provider of the option under the alternative retirement plan, 3909
or that deferred compensation program, or, if more than one is 3910
specified in the motion, the applicable combination of these, and 3911
from any payment of any other amounts to be paid to the offender 3912
upon the offender's withdrawal of the offender's contributions 3913
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 3914
the Revised Code. A motion described in this division may be filed 3915
at any time subsequent to the conviction of the offender or entry 3916
of a guilty plea. Upon the filing of the motion, the clerk of the 3917
court in which the motion is filed shall notify the offender, the 3918
specified retirement system, the specified provider under the 3919
alternative retirement plan, or the specified deferred 3920
compensation program, or, if more than one is specified in the 3921
motion, the applicable combination of these, in writing, of all of 3922
the following: that the motion was filed; that the offender will 3923
be granted a hearing on the issuance of the requested order if the 3924
offender files a written request for a hearing with the clerk 3925
prior to the expiration of thirty days after the offender receives 3926
the notice; that, if a hearing is requested, the court will 3927
schedule a hearing as soon as possible and notify the offender, 3928
any specified retirement system, any specified provider under an 3929
alternative retirement plan, and any specified deferred 3930
compensation program of the date, time, and place of the hearing; 3931
that, if a hearing is conducted, it will be limited only to a 3932
consideration of whether the offender can show good cause why the 3933
requested order should not be issued; that, if a hearing is 3934
conducted, the court will not issue the requested order if the 3935

court determines, based on evidence presented at the hearing by 3936
the offender, that there is good cause for the requested order not 3937
to be issued; that the court will issue the requested order if a 3938
hearing is not requested or if a hearing is conducted but the 3939
court does not determine, based on evidence presented at the 3940
hearing by the offender, that there is good cause for the 3941
requested order not to be issued; and that, if the requested order 3942
is issued, any retirement system, any provider under an 3943
alternative retirement plan, and any deferred compensation program 3944
specified in the motion will be required to withhold the amount 3945
required as restitution from payments to the offender. 3946

(ii) In any case in which a sentencing court is required to 3947
order restitution under division (C)(2)(a) of this section and in 3948
which a motion requesting the issuance of a withholding order as 3949
described in division (C)(2)(b)(i) of this section is filed, the 3950
offender may receive a hearing on the motion by delivering a 3951
written request for a hearing to the court prior to the expiration 3952
of thirty days after the offender's receipt of the notice provided 3953
pursuant to division (C)(2)(b)(i) of this section. If a request 3954
for a hearing is made by the offender within the prescribed time, 3955
the court shall schedule a hearing as soon as possible after the 3956
request is made and shall notify the offender, the specified 3957
retirement system, the specified provider under the alternative 3958
retirement plan, or the specified deferred compensation program, 3959
or, if more than one is specified in the motion, the applicable 3960
combination of these, of the date, time, and place of the hearing. 3961
A hearing scheduled under this division shall be limited to a 3962
consideration of whether there is good cause, based on evidence 3963
presented by the offender, for the requested order not to be 3964
issued. If the court determines, based on evidence presented by 3965
the offender, that there is good cause for the order not to be 3966
issued, the court shall deny the motion and shall not issue the 3967
requested order. If the offender does not request a hearing within 3968

the prescribed time or if the court conducts a hearing but does 3969
not determine, based on evidence presented by the offender, that 3970
there is good cause for the order not to be issued, the court 3971
shall order the specified retirement system, the specified 3972
provider under the alternative retirement plan, or the specified 3973
deferred compensation program, or, if more than one is specified 3974
in the motion, the applicable combination of these, to withhold 3975
the amount required as restitution under division (C)(2)(a) of 3976
this section from any payments to be made under a pension, 3977
annuity, or allowance, under a participant account, as defined in 3978
section 148.01 of the Revised Code, under an option in the 3979
alternative retirement plan, or under any other type of benefit, 3980
other than a survivorship benefit, that has been or is in the 3981
future granted to the offender, from any payment of accumulated 3982
employee contributions standing to the offender's credit with that 3983
retirement system, that provider under the alternative retirement 3984
plan, or that deferred compensation program, or, if more than one 3985
is specified in the motion, the applicable combination of these, 3986
and from any payment of any other amounts to be paid to the 3987
offender upon the offender's withdrawal of the offender's 3988
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 3989
or 5505. of the Revised Code, and to continue the withholding for 3990
that purpose, in accordance with the order, out of each payment to 3991
be made on or after the date of issuance of the order, until 3992
further order of the court. Upon receipt of an order issued under 3993
this division, the public employees retirement system, the Ohio 3994
police and fire pension fund, the state teachers retirement 3995
system, the school employees retirement system, the state highway 3996
patrol retirement system, a municipal corporation retirement 3997
system, the provider under the alternative retirement plan, and 3998
the deferred compensation program offered by the Ohio public 3999
employees deferred compensation board, a municipal corporation, or 4000
a government unit, as defined in section 148.06 of the Revised 4001

Code, whichever are applicable, shall withhold the amount required 4002
as restitution, in accordance with the order, from any such 4003
payments and immediately shall forward the amount withheld to the 4004
clerk of the court in which the order was issued for payment to 4005
the entity to which restitution is to be made. 4006

(iii) Service of a notice required by division (C)(2)(b)(i) 4007
or (ii) of this section shall be effected in the same manner as 4008
provided in the Rules of Civil Procedure for the service of 4009
process. 4010

(D) Upon the filing of charges against a person under this 4011
section, the prosecutor, as defined in section 2935.01 of the 4012
Revised Code, who is assigned the case shall send written notice 4013
that charges have been filed against that person to the public 4014
employees retirement system, the Ohio police and fire pension 4015
fund, the state teachers retirement system, the school employees 4016
retirement system, the state highway patrol retirement system, the 4017
provider under an alternative retirement plan, any municipal 4018
corporation retirement system in this state, and the deferred 4019
compensation program offered by the Ohio public employees deferred 4020
compensation board, a municipal corporation, or a government unit, 4021
as defined in section 148.06 of the Revised Code. The written 4022
notice shall specifically identify the person charged. 4023

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the 4024
Revised Code: 4025

(A) "Beneficial interest" means any of the following: 4026

(1) The interest of a person as a beneficiary under a trust 4027
in which the trustee holds title to personal or real property; 4028

(2) The interest of a person as a beneficiary under any other 4029
trust arrangement under which any other person holds title to 4030
personal or real property for the benefit of such person; 4031

(3) The interest of a person under any other form of express 4032
fiduciary arrangement under which any other person holds title to 4033
personal or real property for the benefit of such person. 4034

"Beneficial interest" does not include the interest of a 4035
stockholder in a corporation or the interest of a partner in 4036
either a general or limited partnership. 4037

(B) "Costs of investigation and prosecution" and "costs of 4038
investigation and litigation" mean all of the costs incurred by 4039
the state or a county or municipal corporation under sections 4040
2923.31 to 2923.36 of the Revised Code in the prosecution and 4041
investigation of any criminal action or in the litigation and 4042
investigation of any civil action, and includes, but is not 4043
limited to, the costs of resources and personnel. 4044

(C) "Enterprise" includes any individual, sole 4045
proprietorship, partnership, limited partnership, corporation, 4046
trust, union, government agency, or other legal entity, or any 4047
organization, association, or group of persons associated in fact 4048
although not a legal entity. "Enterprise" includes illicit as well 4049
as licit enterprises. 4050

(D) "Innocent person" includes any bona fide purchaser of 4051
property that is allegedly involved in a violation of section 4052
2923.32 of the Revised Code, including any person who establishes 4053
a valid claim to or interest in the property in accordance with 4054
division (E) of section 2981.04 of the Revised Code, and any 4055
victim of an alleged violation of that section or of any 4056
underlying offense involved in an alleged violation of that 4057
section. 4058

(E) "Pattern of corrupt activity" means two or more incidents 4059
of corrupt activity, whether or not there has been a prior 4060
conviction, that are related to the affairs of the same 4061
enterprise, are not isolated, and are not so closely related to 4062

each other and connected in time and place that they constitute a 4063
single event. 4064

At least one of the incidents forming the pattern shall occur 4065
on or after January 1, 1986. Unless any incident was an aggravated 4066
murder or murder, the last of the incidents forming the pattern 4067
shall occur within six years after the commission of any prior 4068
incident forming the pattern, excluding any period of imprisonment 4069
served by any person engaging in the corrupt activity. 4070

For the purposes of the criminal penalties that may be 4071
imposed pursuant to section 2923.32 of the Revised Code, at least 4072
one of the incidents forming the pattern shall constitute a felony 4073
under the laws of this state in existence at the time it was 4074
committed or, if committed in violation of the laws of the United 4075
States or of any other state, shall constitute a felony under the 4076
law of the United States or the other state and would be a 4077
criminal offense under the law of this state if committed in this 4078
state. 4079

(F) "Pecuniary value" means money, a negotiable instrument, a 4080
commercial interest, or anything of value, as defined in section 4081
1.03 of the Revised Code, or any other property or service that 4082
has a value in excess of one hundred dollars. 4083

(G) "Person" means any person, as defined in section 1.59 of 4084
the Revised Code, and any governmental officer, employee, or 4085
entity. 4086

(H) "Personal property" means any personal property, any 4087
interest in personal property, or any right, including, but not 4088
limited to, bank accounts, debts, corporate stocks, patents, or 4089
copyrights. Personal property and any beneficial interest in 4090
personal property are deemed to be located where the trustee of 4091
the property, the personal property, or the instrument evidencing 4092
the right is located. 4093

(I) "Corrupt activity" means engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in any of the following:

(1) Conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended;

(2) Conduct constituting any of the following:

(a) A violation of section 1315.55, 1322.02, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), or (F) of section 1707.44; division (A)(1) or (2) of section 2923.20; division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 4719.06; division (C), (D), or (E) of section 4719.07; section 4719.08; or division (A) of section 4719.09 of the Revised Code.

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 3769.19 of the Revised Code as it existed prior to July 1, 1996, any violation of section 2915.02 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would have been a violation of section 3769.11 of the Revised Code as it existed prior to that date, or any violation of section 2915.05 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would have been a violation of section 3769.15, 3769.16, or 3769.19 of the Revised Code as it existed prior to that date.

(c) Any violation of section 2907.21, 2907.22, 2907.31,

2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 4125
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 4126
of the Revised Code, any violation of section 2925.11 of the 4127
Revised Code that is a felony of the first, second, third, or 4128
fourth degree and that occurs on or after July 1, 1996, any 4129
violation of section 2915.02 of the Revised Code that occurred 4130
prior to July 1, 1996, any violation of section 2915.02 of the 4131
Revised Code that occurs on or after July 1, 1996, and that, had 4132
it occurred prior to that date, would not have been a violation of 4133
section 3769.11 of the Revised Code as it existed prior to that 4134
date, any violation of section 2915.06 of the Revised Code as it 4135
existed prior to July 1, 1996, or any violation of division (B) of 4136
section 2915.05 of the Revised Code as it exists on and after July 4137
1, 1996, when the proceeds of the violation, the payments made in 4138
the violation, the amount of a claim for payment or for any other 4139
benefit that is false or deceptive and that is involved in the 4140
violation, or the value of the contraband or other property 4141
illegally possessed, sold, or purchased in the violation exceeds 4142
~~five hundred~~ one thousand dollars, or any combination of 4143
violations described in division (I)(2)(c) of this section when 4144
the total proceeds of the combination of violations, payments made 4145
in the combination of violations, amount of the claims for payment 4146
or for other benefits that is false or deceptive and that is 4147
involved in the combination of violations, or value of the 4148
contraband or other property illegally possessed, sold, or 4149
purchased in the combination of violations exceeds ~~five hundred~~ 4150
one thousand dollars; 4151

(d) Any violation of section 5743.112 of the Revised Code 4152
when the amount of unpaid tax exceeds one hundred dollars; 4153

(e) Any violation or combination of violations of section 4154
2907.32 of the Revised Code involving any material or performance 4155
containing a display of bestiality or of sexual conduct, as 4156

defined in section 2907.01 of the Revised Code, that is explicit 4157
and depicted with clearly visible penetration of the genitals or 4158
clearly visible penetration by the penis of any orifice when the 4159
total proceeds of the violation or combination of violations, the 4160
payments made in the violation or combination of violations, or 4161
the value of the contraband or other property illegally possessed, 4162
sold, or purchased in the violation or combination of violations 4163
exceeds ~~five hundred~~ one thousand dollars; 4164

(f) Any combination of violations described in division 4165
(I)(2)(c) of this section and violations of section 2907.32 of the 4166
Revised Code involving any material or performance containing a 4167
display of bestiality or of sexual conduct, as defined in section 4168
2907.01 of the Revised Code, that is explicit and depicted with 4169
clearly visible penetration of the genitals or clearly visible 4170
penetration by the penis of any orifice when the total proceeds of 4171
the combination of violations, payments made in the combination of 4172
violations, amount of the claims for payment or for other benefits 4173
that is false or deceptive and that is involved in the combination 4174
of violations, or value of the contraband or other property 4175
illegally possessed, sold, or purchased in the combination of 4176
violations exceeds ~~five hundred~~ one thousand dollars. 4177

(3) Conduct constituting a violation of any law of any state 4178
other than this state that is substantially similar to the conduct 4179
described in division (I)(2) of this section, provided the 4180
defendant was convicted of the conduct in a criminal proceeding in 4181
the other state; 4182

(4) Animal or ecological terrorism; 4183

(5)(a) Conduct constituting any of the following: 4184

(i) Organized retail theft; 4185

(ii) Conduct that constitutes one or more violations of any 4186
law of any state other than this state, that is substantially 4187

similar to organized retail theft, and that if committed in this 4188
state would be organized retail theft, if the defendant was 4189
convicted of or pleaded guilty to the conduct in a criminal 4190
proceeding in the other state. 4191

(b) By enacting division (I)(5)(a) of this section, it is the 4192
intent of the general assembly to add organized retail theft and 4193
the conduct described in division (I)(5)(a)(ii) of this section as 4194
conduct constituting corrupt activity. The enactment of division 4195
(I)(5)(a) of this section and the addition by division (I)(5)(a) 4196
of this section of organized retail theft and the conduct 4197
described in division (I)(5)(a)(ii) of this section as conduct 4198
constituting corrupt activity does not limit or preclude, and 4199
shall not be construed as limiting or precluding, any prosecution 4200
for a violation of section 2923.32 of the Revised Code that is 4201
based on one or more violations of section 2913.02 or 2913.51 of 4202
the Revised Code, one or more similar offenses under the laws of 4203
this state or any other state, or any combination of any of those 4204
violations or similar offenses, even though the conduct 4205
constituting the basis for those violations or offenses could be 4206
construed as also constituting organized retail theft or conduct 4207
of the type described in division (I)(5)(a)(ii) of this section. 4208

(J) "Real property" means any real property or any interest 4209
in real property, including, but not limited to, any lease of, or 4210
mortgage upon, real property. Real property and any beneficial 4211
interest in it is deemed to be located where the real property is 4212
located. 4213

(K) "Trustee" means any of the following: 4214

(1) Any person acting as trustee under a trust in which the 4215
trustee holds title to personal or real property; 4216

(2) Any person who holds title to personal or real property 4217
for which any other person has a beneficial interest; 4218

(3) Any successor trustee. 4219

"Trustee" does not include an assignee or trustee for an 4220
insolvent debtor or an executor, administrator, administrator with 4221
the will annexed, testamentary trustee, guardian, or committee, 4222
appointed by, under the control of, or accountable to a court. 4223

(L) "Unlawful debt" means any money or other thing of value 4224
constituting principal or interest of a debt that is legally 4225
unenforceable in this state in whole or in part because the debt 4226
was incurred or contracted in violation of any federal or state 4227
law relating to the business of gambling activity or relating to 4228
the business of lending money at an usurious rate unless the 4229
creditor proves, by a preponderance of the evidence, that the 4230
usurious rate was not intentionally set and that it resulted from 4231
a good faith error by the creditor, notwithstanding the 4232
maintenance of procedures that were adopted by the creditor to 4233
avoid an error of that nature. 4234

(M) "Animal activity" means any activity that involves the 4235
use of animals or animal parts, including, but not limited to, 4236
hunting, fishing, trapping, traveling, camping, the production, 4237
preparation, or processing of food or food products, clothing or 4238
garment manufacturing, medical research, other research, 4239
entertainment, recreation, agriculture, biotechnology, or service 4240
activity that involves the use of animals or animal parts. 4241

(N) "Animal facility" means a vehicle, building, structure, 4242
nature preserve, or other premises in which an animal is lawfully 4243
kept, handled, housed, exhibited, bred, or offered for sale, 4244
including, but not limited to, a zoo, rodeo, circus, amusement 4245
park, hunting preserve, or premises in which a horse or dog event 4246
is held. 4247

(O) "Animal or ecological terrorism" means the commission of 4248
any felony that involves causing or creating a substantial risk of 4249

physical harm to any property of another, the use of a deadly 4250
weapon or dangerous ordnance, or purposely, knowingly, or 4251
recklessly causing serious physical harm to property and that 4252
involves an intent to obstruct, impede, or deter any person from 4253
participating in a lawful animal activity, from mining, foresting, 4254
harvesting, gathering, or processing natural resources, or from 4255
being lawfully present in or on an animal facility or research 4256
facility. 4257

(P) "Research facility" means a place, laboratory, 4258
institution, medical care facility, government facility, or public 4259
or private educational institution in which a scientific test, 4260
experiment, or investigation involving the use of animals or other 4261
living organisms is lawfully carried out, conducted, or attempted. 4262

(Q) "Organized retail theft" means the theft of retail 4263
property with a retail value of ~~five hundred~~ one thousand dollars 4264
or more from one or more retail establishments with the intent to 4265
sell, deliver, or transfer that property to a retail property 4266
fence. 4267

(R) "Retail property" means any tangible personal property 4268
displayed, held, stored, or offered for sale in or by a retail 4269
establishment. 4270

(S) "Retail property fence" means a person who possesses, 4271
procures, receives, or conceals retail property that was 4272
represented to the person as being stolen or that the person knows 4273
or believes to be stolen. 4274

(T) "Retail value" means the full retail value of the retail 4275
property. In determining whether the retail value of retail 4276
property equals or exceeds ~~five hundred~~ one thousand dollars, the 4277
value of all retail property stolen from the retail establishment 4278
or retail establishments by the same person or persons within any 4279
one-hundred-eighty-day period shall be aggregated. 4280

Sec. 2925.01. As used in this chapter:	4281
(A) "Administer," "controlled substance," "dispense,"	4282
"distribute," "hypodermic," "manufacturer," "official written	4283
order," "person," "pharmacist," "pharmacy," "sale," "schedule I,"	4284
"schedule II," "schedule III," "schedule IV," "schedule V," and	4285
"wholesaler" have the same meanings as in section 3719.01 of the	4286
Revised Code.	4287
(B) "Drug dependent person" and "drug of abuse" have the same	4288
meanings as in section 3719.011 of the Revised Code.	4289
(C) "Drug," "dangerous drug," "licensed health professional	4290
authorized to prescribe drugs," and "prescription" have the same	4291
meanings as in section 4729.01 of the Revised Code.	4292
(D) "Bulk amount" of a controlled substance means any of the	4293
following:	4294
(1) For any compound, mixture, preparation, or substance	4295
included in schedule I, schedule II, or schedule III, with the	4296
exception of marihuana, cocaine, L.S.D., heroin, and hashish and	4297
except as provided in division (D)(2) or (5) of this section,	4298
whichever of the following is applicable:	4299
(a) An amount equal to or exceeding ten grams or twenty-five	4300
unit doses of a compound, mixture, preparation, or substance that	4301
is or contains any amount of a schedule I opiate or opium	4302
derivative;	4303
(b) An amount equal to or exceeding ten grams of a compound,	4304
mixture, preparation, or substance that is or contains any amount	4305
of raw or gum opium;	4306
(c) An amount equal to or exceeding thirty grams or ten unit	4307
doses of a compound, mixture, preparation, or substance that is or	4308
contains any amount of a schedule I hallucinogen other than	4309
tetrahydrocannabinol or lysergic acid amide, or a schedule I	4310

stimulant or depressant; 4311

(d) An amount equal to or exceeding twenty grams or five 4312
times the maximum daily dose in the usual dose range specified in 4313
a standard pharmaceutical reference manual of a compound, mixture, 4314
preparation, or substance that is or contains any amount of a 4315
schedule II opiate or opium derivative; 4316

(e) An amount equal to or exceeding five grams or ten unit 4317
doses of a compound, mixture, preparation, or substance that is or 4318
contains any amount of phencyclidine; 4319

(f) An amount equal to or exceeding one hundred twenty grams 4320
or thirty times the maximum daily dose in the usual dose range 4321
specified in a standard pharmaceutical reference manual of a 4322
compound, mixture, preparation, or substance that is or contains 4323
any amount of a schedule II stimulant that is in a final dosage 4324
form manufactured by a person authorized by the "Federal Food, 4325
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 4326
amended, and the federal drug abuse control laws, as defined in 4327
section 3719.01 of the Revised Code, that is or contains any 4328
amount of a schedule II depressant substance or a schedule II 4329
hallucinogenic substance; 4330

(g) An amount equal to or exceeding three grams of a 4331
compound, mixture, preparation, or substance that is or contains 4332
any amount of a schedule II stimulant, or any of its salts or 4333
isomers, that is not in a final dosage form manufactured by a 4334
person authorized by the Federal Food, Drug, and Cosmetic Act and 4335
the federal drug abuse control laws. 4336

(2) An amount equal to or exceeding one hundred twenty grams 4337
or thirty times the maximum daily dose in the usual dose range 4338
specified in a standard pharmaceutical reference manual of a 4339
compound, mixture, preparation, or substance that is or contains 4340
any amount of a schedule III or IV substance other than an 4341

anabolic steroid or a schedule III opiate or opium derivative; 4342

(3) An amount equal to or exceeding twenty grams or five 4343
times the maximum daily dose in the usual dose range specified in 4344
a standard pharmaceutical reference manual of a compound, mixture, 4345
preparation, or substance that is or contains any amount of a 4346
schedule III opiate or opium derivative; 4347

(4) An amount equal to or exceeding two hundred fifty 4348
milliliters or two hundred fifty grams of a compound, mixture, 4349
preparation, or substance that is or contains any amount of a 4350
schedule V substance; 4351

(5) An amount equal to or exceeding two hundred solid dosage 4352
units, sixteen grams, or sixteen milliliters of a compound, 4353
mixture, preparation, or substance that is or contains any amount 4354
of a schedule III anabolic steroid. 4355

(E) "Unit dose" means an amount or unit of a compound, 4356
mixture, or preparation containing a controlled substance that is 4357
separately identifiable and in a form that indicates that it is 4358
the amount or unit by which the controlled substance is separately 4359
administered to or taken by an individual. 4360

(F) "Cultivate" includes planting, watering, fertilizing, or 4361
tilling. 4362

(G) "Drug abuse offense" means any of the following: 4363

(1) A violation of division (A) of section 2913.02 that 4364
constitutes theft of drugs, or a violation of section 2925.02, 4365
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 4366
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 4367
2925.37 of the Revised Code; 4368

(2) A violation of an existing or former law of this or any 4369
other state or of the United States that is substantially 4370
equivalent to any section listed in division (G)(1) of this 4371

section; 4372

(3) An offense under an existing or former law of this or any 4373
other state, or of the United States, of which planting, 4374
cultivating, harvesting, processing, making, manufacturing, 4375
producing, shipping, transporting, delivering, acquiring, 4376
possessing, storing, distributing, dispensing, selling, inducing 4377
another to use, administering to another, using, or otherwise 4378
dealing with a controlled substance is an element; 4379

(4) A conspiracy to commit, attempt to commit, or complicity 4380
in committing or attempting to commit any offense under division 4381
(G)(1), (2), or (3) of this section. 4382

(H) "Felony drug abuse offense" means any drug abuse offense 4383
that would constitute a felony under the laws of this state, any 4384
other state, or the United States. 4385

(I) "Harmful intoxicant" does not include beer or 4386
intoxicating liquor but means any of the following: 4387

(1) Any compound, mixture, preparation, or substance the gas, 4388
fumes, or vapor of which when inhaled can induce intoxication, 4389
excitement, giddiness, irrational behavior, depression, 4390
stupefaction, paralysis, unconsciousness, asphyxiation, or other 4391
harmful physiological effects, and includes, but is not limited 4392
to, any of the following: 4393

(a) Any volatile organic solvent, plastic cement, model 4394
cement, fingernail polish remover, lacquer thinner, cleaning 4395
fluid, gasoline, or other preparation containing a volatile 4396
organic solvent; 4397

(b) Any aerosol propellant; 4398

(c) Any fluorocarbon refrigerant; 4399

(d) Any anesthetic gas. 4400

(2) Gamma Butyrolactone; 4401

(3) 1,4 Butanediol.	4402
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	4403 4404 4405 4406 4407 4408
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	4409 4410 4411 4412
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	4413 4414 4415 4416 4417 4418
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:	4419 4420 4421
(1) "The National Formulary";	4422
(2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;	4423 4424
(3) Other standard references that are approved by the state board of pharmacy.	4425 4426
(N) "Juvenile" means a person under eighteen years of age.	4427
(O) "Counterfeit controlled substance" means any of the following:	4428 4429
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without	4430 4431

authorization of the owner of rights to that trademark, trade 4432
name, or identifying mark; 4433

(2) Any unmarked or unlabeled substance that is represented 4434
to be a controlled substance manufactured, processed, packed, or 4435
distributed by a person other than the person that manufactured, 4436
processed, packed, or distributed it; 4437

(3) Any substance that is represented to be a controlled 4438
substance but is not a controlled substance or is a different 4439
controlled substance; 4440

(4) Any substance other than a controlled substance that a 4441
reasonable person would believe to be a controlled substance 4442
because of its similarity in shape, size, and color, or its 4443
markings, labeling, packaging, distribution, or the price for 4444
which it is sold or offered for sale. 4445

(P) An offense is "committed in the vicinity of a school" if 4446
the offender commits the offense on school premises, in a school 4447
building, or within one thousand feet of the boundaries of any 4448
school premises, regardless of whether the offender knows the 4449
offense is being committed on school premises, in a school 4450
building, or within one thousand feet of the boundaries of any 4451
school premises. 4452

(Q) "School" means any school operated by a board of 4453
education, any community school established under Chapter 3314. of 4454
the Revised Code, or any nonpublic school for which the state 4455
board of education prescribes minimum standards under section 4456
3301.07 of the Revised Code, whether or not any instruction, 4457
extracurricular activities, or training provided by the school is 4458
being conducted at the time a criminal offense is committed. 4459

(R) "School premises" means either of the following: 4460

(1) The parcel of real property on which any school is 4461
situated, whether or not any instruction, extracurricular 4462

activities, or training provided by the school is being conducted 4463
on the premises at the time a criminal offense is committed; 4464

(2) Any other parcel of real property that is owned or leased 4465
by a board of education of a school, the governing authority of a 4466
community school established under Chapter 3314. of the Revised 4467
Code, or the governing body of a nonpublic school for which the 4468
state board of education prescribes minimum standards under 4469
section 3301.07 of the Revised Code and on which some of the 4470
instruction, extracurricular activities, or training of the school 4471
is conducted, whether or not any instruction, extracurricular 4472
activities, or training provided by the school is being conducted 4473
on the parcel of real property at the time a criminal offense is 4474
committed. 4475

(S) "School building" means any building in which any of the 4476
instruction, extracurricular activities, or training provided by a 4477
school is conducted, whether or not any instruction, 4478
extracurricular activities, or training provided by the school is 4479
being conducted in the school building at the time a criminal 4480
offense is committed. 4481

(T) "Disciplinary counsel" means the disciplinary counsel 4482
appointed by the board of commissioners on grievances and 4483
discipline of the supreme court under the Rules for the Government 4484
of the Bar of Ohio. 4485

(U) "Certified grievance committee" means a duly constituted 4486
and organized committee of the Ohio state bar association or of 4487
one or more local bar associations of the state of Ohio that 4488
complies with the criteria set forth in Rule V, section 6 of the 4489
Rules for the Government of the Bar of Ohio. 4490

(V) "Professional license" means any license, permit, 4491
certificate, registration, qualification, admission, temporary 4492
license, temporary permit, temporary certificate, or temporary 4493

registration that is described in divisions (W)(1) to (36) of this 4494
section and that qualifies a person as a professionally licensed 4495
person. 4496

(W) "Professionally licensed person" means any of the 4497
following: 4498

(1) A person who has obtained a license as a manufacturer of 4499
controlled substances or a wholesaler of controlled substances 4500
under Chapter 3719. of the Revised Code; 4501

(2) A person who has received a certificate or temporary 4502
certificate as a certified public accountant or who has registered 4503
as a public accountant under Chapter 4701. of the Revised Code and 4504
who holds an Ohio permit issued under that chapter; 4505

(3) A person who holds a certificate of qualification to 4506
practice architecture issued or renewed and registered under 4507
Chapter 4703. of the Revised Code; 4508

(4) A person who is registered as a landscape architect under 4509
Chapter 4703. of the Revised Code or who holds a permit as a 4510
landscape architect issued under that chapter; 4511

(5) A person licensed under Chapter 4707. of the Revised 4512
Code; 4513

(6) A person who has been issued a certificate of 4514
registration as a registered barber under Chapter 4709. of the 4515
Revised Code; 4516

(7) A person licensed and regulated to engage in the business 4517
of a debt pooling company by a legislative authority, under 4518
authority of Chapter 4710. of the Revised Code; 4519

(8) A person who has been issued a cosmetologist's license, 4520
hair designer's license, manicurist's license, esthetician's 4521
license, natural hair stylist's license, managing cosmetologist's 4522
license, managing hair designer's license, managing manicurist's 4523

license, managing esthetician's license, managing natural hair 4524
stylist's license, cosmetology instructor's license, hair design 4525
instructor's license, manicurist instructor's license, esthetics 4526
instructor's license, natural hair style instructor's license, 4527
independent contractor's license, or tanning facility permit under 4528
Chapter 4713. of the Revised Code; 4529

(9) A person who has been issued a license to practice 4530
dentistry, a general anesthesia permit, a conscious intravenous 4531
sedation permit, a limited resident's license, a limited teaching 4532
license, a dental hygienist's license, or a dental hygienist's 4533
teacher's certificate under Chapter 4715. of the Revised Code; 4534

(10) A person who has been issued an embalmer's license, a 4535
funeral director's license, a funeral home license, or a crematory 4536
license, or who has been registered for an embalmer's or funeral 4537
director's apprenticeship under Chapter 4717. of the Revised Code; 4538

(11) A person who has been licensed as a registered nurse or 4539
practical nurse, or who has been issued a certificate for the 4540
practice of nurse-midwifery under Chapter 4723. of the Revised 4541
Code; 4542

(12) A person who has been licensed to practice optometry or 4543
to engage in optical dispensing under Chapter 4725. of the Revised 4544
Code; 4545

(13) A person licensed to act as a pawnbroker under Chapter 4546
4727. of the Revised Code; 4547

(14) A person licensed to act as a precious metals dealer 4548
under Chapter 4728. of the Revised Code; 4549

(15) A person licensed as a pharmacist, a pharmacy intern, a 4550
wholesale distributor of dangerous drugs, or a terminal 4551
distributor of dangerous drugs under Chapter 4729. of the Revised 4552
Code; 4553

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	4554 4555
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	4556 4557 4558 4559
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	4560 4561
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	4562 4563
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	4564 4565
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	4566 4567
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	4568 4569
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	4570 4571
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	4572 4573
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	4574 4575
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	4576 4577 4578 4579
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	4580 4581 4582

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	4583 4584 4585
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	4586 4587 4588
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	4589 4590 4591
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	4592 4593
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	4594 4595 4596 4597
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	4598 4599
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	4600 4601 4602
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	4603 4604
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	4605 4606 4607
(X) "Cocaine" means any of the following:	4608
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	4609 4610
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or	4611 4612

derivative of ecgonine, or a salt of an isomer or derivative of 4613
ecgonine; 4614

(3) A salt, compound, derivative, or preparation of a 4615
substance identified in division (X)(1) or (2) of this section 4616
that is chemically equivalent to or identical with any of those 4617
substances, except that the substances shall not include 4618
decocainized coca leaves or extraction of coca leaves if the 4619
extractions do not contain cocaine or ecgonine. 4620

(Y) "L.S.D." means lysergic acid diethylamide. 4621

(Z) "Hashish" means the resin or a preparation of the resin 4622
contained in marihuana, whether in solid form or in a liquid 4623
concentrate, liquid extract, or liquid distillate form. 4624

(AA) "Marihuana" has the same meaning as in section 3719.01 4625
of the Revised Code, except that it does not include hashish. 4626

(BB) An offense is "committed in the vicinity of a juvenile" 4627
if the offender commits the offense within one hundred feet of a 4628
juvenile or within the view of a juvenile, regardless of whether 4629
the offender knows the age of the juvenile, whether the offender 4630
knows the offense is being committed within one hundred feet of or 4631
within view of the juvenile, or whether the juvenile actually 4632
views the commission of the offense. 4633

(CC) "Presumption for a prison term" or "presumption that a 4634
prison term shall be imposed" means a presumption, as described in 4635
division (D) of section 2929.13 of the Revised Code, that a prison 4636
term is a necessary sanction for a felony in order to comply with 4637
the purposes and principles of sentencing under section 2929.11 of 4638
the Revised Code. 4639

(DD) "Major drug offender" has the same meaning as in section 4640
2929.01 of the Revised Code. 4641

(EE) "Minor drug possession offense" means either of the 4642

following: 4643

(1) A violation of section 2925.11 of the Revised Code as it 4644
existed prior to July 1, 1996; 4645

(2) A violation of section 2925.11 of the Revised Code as it 4646
exists on and after July 1, 1996, that is a misdemeanor or a 4647
felony of the fifth degree. 4648

(FF) "Mandatory prison term" has the same meaning as in 4649
section 2929.01 of the Revised Code. 4650

~~(GG) "Crack cocaine" means a compound, mixture, preparation,~~ 4651
~~or substance that is or contains any amount of cocaine that is~~ 4652
~~analytically identified as the base form of cocaine or that is in~~ 4653
~~a form that resembles rocks or pebbles generally intended for~~ 4654
~~individual use.~~ 4655

~~(HH)~~ "Adulterate" means to cause a drug to be adulterated as 4656
described in section 3715.63 of the Revised Code. 4657

~~(II)~~(HH) "Public premises" means any hotel, restaurant, 4658
tavern, store, arena, hall, or other place of public 4659
accommodation, business, amusement, or resort. 4660

~~(JJ)~~(II) "Methamphetamine" means methamphetamine, any salt, 4661
isomer, or salt of an isomer of methamphetamine, or any compound, 4662
mixture, preparation, or substance containing methamphetamine or 4663
any salt, isomer, or salt of an isomer of methamphetamine. 4664

~~(KK)~~(JJ) "Lawful prescription" means a prescription that is 4665
issued for a legitimate medical purpose by a licensed health 4666
professional authorized to prescribe drugs, that is not altered or 4667
forged, and that was not obtained by means of deception or by the 4668
commission of any theft offense. 4669

~~(LL)~~(KK) "Deception" and "theft offense" have the same 4670
meanings as in section 2913.01 of the Revised Code. 4671

Sec. 2925.03. (A) No person shall knowingly do any of the 4672
following: 4673

(1) Sell or offer to sell a controlled substance; 4674

(2) Prepare for shipment, ship, transport, deliver, prepare 4675
for distribution, or distribute a controlled substance, when the 4676
offender knows or has reasonable cause to believe that the 4677
controlled substance is intended for sale or resale by the 4678
offender or another person. 4679

(B) This section does not apply to any of the following: 4680

(1) Manufacturers, licensed health professionals authorized 4681
to prescribe drugs, pharmacists, owners of pharmacies, and other 4682
persons whose conduct is in accordance with Chapters 3719., 4715., 4683
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 4684

(2) If the offense involves an anabolic steroid, any person 4685
who is conducting or participating in a research project involving 4686
the use of an anabolic steroid if the project has been approved by 4687
the United States food and drug administration; 4688

(3) Any person who sells, offers for sale, prescribes, 4689
dispenses, or administers for livestock or other nonhuman species 4690
an anabolic steroid that is expressly intended for administration 4691
through implants to livestock or other nonhuman species and 4692
approved for that purpose under the "Federal Food, Drug, and 4693
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 4694
and is sold, offered for sale, prescribed, dispensed, or 4695
administered for that purpose in accordance with that act. 4696

(C) Whoever violates division (A) of this section is guilty 4697
of one of the following: 4698

(1) If the drug involved in the violation is any compound, 4699
mixture, preparation, or substance included in schedule I or 4700
schedule II, with the exception of marihuana, cocaine, L.S.D., 4701

heroin, and hashish, whoever violates division (A) of this section 4702
is guilty of aggravated trafficking in drugs. The penalty for the 4703
offense shall be determined as follows: 4704

(a) Except as otherwise provided in division (C)(1)(b), (c), 4705
(d), (e), or (f) of this section, aggravated trafficking in drugs 4706
is a felony of the fourth degree, and division (C) of section 4707
2929.13 of the Revised Code applies in determining whether to 4708
impose a prison term on the offender. 4709

(b) Except as otherwise provided in division (C)(1)(c), (d), 4710
(e), or (f) of this section, if the offense was committed in the 4711
vicinity of a school or in the vicinity of a juvenile, aggravated 4712
trafficking in drugs is a felony of the third degree, and division 4713
(C) of section 2929.13 of the Revised Code applies in determining 4714
whether to impose a prison term on the offender. 4715

(c) Except as otherwise provided in this division, if the 4716
amount of the drug involved equals or exceeds the bulk amount but 4717
is less than five times the bulk amount, aggravated trafficking in 4718
drugs is a felony of the third degree, and the court shall impose 4719
as a mandatory prison term one of the prison terms prescribed for 4720
a felony of the third degree. If the amount of the drug involved 4721
is within that range and if the offense was committed in the 4722
vicinity of a school or in the vicinity of a juvenile, aggravated 4723
trafficking in drugs is a felony of the second degree, and the 4724
court shall impose as a mandatory prison term one of the prison 4725
terms prescribed for a felony of the second degree. 4726

(d) Except as otherwise provided in this division, if the 4727
amount of the drug involved equals or exceeds five times the bulk 4728
amount but is less than fifty times the bulk amount, aggravated 4729
trafficking in drugs is a felony of the second degree, and the 4730
court shall impose as a mandatory prison term one of the prison 4731
terms prescribed for a felony of the second degree. If the amount 4732
of the drug involved is within that range and if the offense was 4733

committed in the vicinity of a school or in the vicinity of a 4734
juvenile, aggravated trafficking in drugs is a felony of the first 4735
degree, and the court shall impose as a mandatory prison term one 4736
of the prison terms prescribed for a felony of the first degree. 4737

(e) If the amount of the drug involved equals or exceeds 4738
fifty times the bulk amount but is less than one hundred times the 4739
bulk amount and regardless of whether the offense was committed in 4740
the vicinity of a school or in the vicinity of a juvenile, 4741
aggravated trafficking in drugs is a felony of the first degree, 4742
and the court shall impose as a mandatory prison term one of the 4743
prison terms prescribed for a felony of the first degree. 4744

(f) If the amount of the drug involved equals or exceeds one 4745
hundred times the bulk amount and regardless of whether the 4746
offense was committed in the vicinity of a school or in the 4747
vicinity of a juvenile, aggravated trafficking in drugs is a 4748
felony of the first degree, the offender is a major drug offender, 4749
and the court shall impose as a mandatory prison term the maximum 4750
prison term prescribed for a felony of the first degree and may 4751
impose an additional prison term prescribed for a major drug 4752
offender under division (D)(3)(b) of section 2929.14 of the 4753
Revised Code. 4754

(2) If the drug involved in the violation is any compound, 4755
mixture, preparation, or substance included in schedule III, IV, 4756
or V, whoever violates division (A) of this section is guilty of 4757
trafficking in drugs. The penalty for the offense shall be 4758
determined as follows: 4759

(a) Except as otherwise provided in division (C)(2)(b), (c), 4760
(d), or (e) of this section, trafficking in drugs is a felony of 4761
the fifth degree, and division (C) of section 2929.13 of the 4762
Revised Code applies in determining whether to impose a prison 4763
term on the offender. 4764

(b) Except as otherwise provided in division (C)(2)(c), (d), 4765
or (e) of this section, if the offense was committed in the 4766
vicinity of a school or in the vicinity of a juvenile, trafficking 4767
in drugs is a felony of the fourth degree, and division (C) of 4768
section 2929.13 of the Revised Code applies in determining whether 4769
to impose a prison term on the offender. 4770

(c) Except as otherwise provided in this division, if the 4771
amount of the drug involved equals or exceeds the bulk amount but 4772
is less than five times the bulk amount, trafficking in drugs is a 4773
felony of the fourth degree, and there is a presumption for a 4774
prison term for the offense. If the amount of the drug involved is 4775
within that range and if the offense was committed in the vicinity 4776
of a school or in the vicinity of a juvenile, trafficking in drugs 4777
is a felony of the third degree, and there is a presumption for a 4778
prison term for the offense. 4779

(d) Except as otherwise provided in this division, if the 4780
amount of the drug involved equals or exceeds five times the bulk 4781
amount but is less than fifty times the bulk amount, trafficking 4782
in drugs is a felony of the third degree, and there is a 4783
presumption for a prison term for the offense. If the amount of 4784
the drug involved is within that range and if the offense was 4785
committed in the vicinity of a school or in the vicinity of a 4786
juvenile, trafficking in drugs is a felony of the second degree, 4787
and there is a presumption for a prison term for the offense. 4788

(e) Except as otherwise provided in this division, if the 4789
amount of the drug involved equals or exceeds fifty times the bulk 4790
amount, trafficking in drugs is a felony of the second degree, and 4791
the court shall impose as a mandatory prison term one of the 4792
prison terms prescribed for a felony of the second degree. If the 4793
amount of the drug involved equals or exceeds fifty times the bulk 4794
amount and if the offense was committed in the vicinity of a 4795
school or in the vicinity of a juvenile, trafficking in drugs is a 4796

felony of the first degree, and the court shall impose as a 4797
mandatory prison term one of the prison terms prescribed for a 4798
felony of the first degree. 4799

(3) If the drug involved in the violation is marihuana or a 4800
compound, mixture, preparation, or substance containing marihuana 4801
other than hashish, whoever violates division (A) of this section 4802
is guilty of trafficking in marihuana. The penalty for the offense 4803
shall be determined as follows: 4804

(a) Except as otherwise provided in division (C)(3)(b), (c), 4805
(d), (e), (f), ~~or~~ (g), or (h) of this section, trafficking in 4806
marihuana is a felony of the fifth degree, and division ~~(C)(B)~~ of 4807
section 2929.13 of the Revised Code applies in determining whether 4808
to impose a prison term on the offender. 4809

(b) Except as otherwise provided in division (C)(3)(c), (d), 4810
(e), (f), ~~or~~ (g), or (h) of this section, if the offense was 4811
committed in the vicinity of a school or in the vicinity of a 4812
juvenile, trafficking in marihuana is a felony of the fourth 4813
degree, and division ~~(C)(B)~~ of section 2929.13 of the Revised Code 4814
applies in determining whether to impose a prison term on the 4815
offender. 4816

(c) Except as otherwise provided in this division, if the 4817
amount of the drug involved equals or exceeds two hundred grams 4818
but is less than one thousand grams, trafficking in marihuana is a 4819
felony of the fourth degree, and division ~~(C)(B)~~ of section 4820
2929.13 of the Revised Code applies in determining whether to 4821
impose a prison term on the offender. If the amount of the drug 4822
involved is within that range and if the offense was committed in 4823
the vicinity of a school or in the vicinity of a juvenile, 4824
trafficking in marihuana is a felony of the third degree, and 4825
division (C) of section 2929.13 of the Revised Code applies in 4826
determining whether to impose a prison term on the offender. 4827

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the

amount of the drug involved equals or exceeds forty thousand 4860
grams, trafficking in marihuana is a felony of the second degree, 4861
and the court shall impose as a mandatory prison term the maximum 4862
prison term prescribed for a felony of the second degree. If the 4863
amount of the drug involved equals or exceeds ~~twenty~~ forty 4864
thousand grams and if the offense was committed in the vicinity of 4865
a school or in the vicinity of a juvenile, trafficking in 4866
marihuana is a felony of the first degree, and the court shall 4867
impose as a mandatory prison term the maximum prison term 4868
prescribed for a felony of the first degree. 4869

~~(g)~~(h) Except as otherwise provided in this division, if the 4870
offense involves a gift of twenty grams or less of marihuana, 4871
trafficking in marihuana is a minor misdemeanor upon a first 4872
offense and a misdemeanor of the third degree upon a subsequent 4873
offense. If the offense involves a gift of twenty grams or less of 4874
marihuana and if the offense was committed in the vicinity of a 4875
school or in the vicinity of a juvenile, trafficking in marihuana 4876
is a misdemeanor of the third degree. 4877

(4) If the drug involved in the violation is cocaine or a 4878
compound, mixture, preparation, or substance containing cocaine, 4879
whoever violates division (A) of this section is guilty of 4880
trafficking in cocaine. The penalty for the offense shall be 4881
determined as follows: 4882

(a) Except as otherwise provided in division (C)(4)(b), (c), 4883
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 4884
felony of the fifth degree, and division (C) of section 2929.13 of 4885
the Revised Code applies in determining whether to impose a prison 4886
term on the offender. 4887

(b) Except as otherwise provided in division (C)(4)(c), (d), 4888
(e), (f), or (g) of this section, if the offense was committed in 4889
the vicinity of a school or in the vicinity of a juvenile, 4890
trafficking in cocaine is a felony of the fourth degree, and 4891

division (C) of section 2929.13 of the Revised Code applies in 4892
determining whether to impose a prison term on the offender. 4893

(c) Except as otherwise provided in this division, if the 4894
amount of the drug involved equals or exceeds five grams but is 4895
less than ten grams of cocaine ~~that is not crack cocaine or equals~~ 4896
~~or exceeds one gram but is less than five grams of crack cocaine,~~ 4897
trafficking in cocaine is a felony of the fourth degree, and there 4898
is a presumption for a prison term for the offense. If the amount 4899
of the drug involved is within ~~one of those ranges~~ that range and 4900
if the offense was committed in the vicinity of a school or in the 4901
vicinity of a juvenile, trafficking in cocaine is a felony of the 4902
third degree, and there is a presumption for a prison term for the 4903
offense. 4904

(d) Except as otherwise provided in this division, if the 4905
amount of the drug involved equals or exceeds ten grams but is 4906
less than ~~one hundred~~ twenty grams of cocaine ~~that is not crack~~ 4907
~~cocaine or equals or exceeds five grams but is less than ten grams~~ 4908
~~of crack cocaine,~~ trafficking in cocaine is a felony of the third 4909
degree, and the court shall impose as a mandatory prison term one 4910
of the prison terms prescribed for a felony of the third degree. 4911
If the amount of the drug involved is within ~~one of those ranges~~ 4912
that range and if the offense was committed in the vicinity of a 4913
school or in the vicinity of a juvenile, trafficking in cocaine is 4914
a felony of the second degree, and the court shall impose as a 4915
mandatory prison term one of the prison terms prescribed for a 4916
felony of the second degree. 4917

(e) Except as otherwise provided in this division, if the 4918
amount of the drug involved equals or exceeds ~~one hundred~~ twenty 4919
grams but is less than ~~five hundred~~ twenty-seven grams of cocaine 4920
~~that is not crack cocaine or equals or exceeds ten grams but is~~ 4921
~~less than twenty five grams of crack cocaine,~~ trafficking in 4922
cocaine is a felony of the second degree, and the court shall 4923

impose as a mandatory prison term one of the prison terms 4924
prescribed for a felony of the second degree. If the amount of the 4925
drug involved is within ~~one of those ranges~~ that range and if the 4926
offense was committed in the vicinity of a school or in the 4927
vicinity of a juvenile, trafficking in cocaine is a felony of the 4928
first degree, and the court shall impose as a mandatory prison 4929
term one of the prison terms prescribed for a felony of the first 4930
degree. 4931

(f) If the amount of the drug involved equals or exceeds ~~five~~ 4932
~~hundred~~ twenty-seven grams but is less than one ~~thousand~~ hundred 4933
grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 4934
~~twenty-five grams but is less than one hundred grams of crack~~ 4935
~~cocaine~~ and regardless of whether the offense was committed in the 4936
vicinity of a school or in the vicinity of a juvenile, trafficking 4937
in cocaine is a felony of the first degree, and the court shall 4938
impose as a mandatory prison term one of the prison terms 4939
prescribed for a felony of the first degree. 4940

(g) If the amount of the drug involved equals or exceeds one 4941
~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or~~ 4942
~~equals or exceeds one hundred grams of crack cocaine~~ and 4943
regardless of whether the offense was committed in the vicinity of 4944
a school or in the vicinity of a juvenile, trafficking in cocaine 4945
is a felony of the first degree, the offender is a major drug 4946
offender, and the court shall impose as a mandatory prison term 4947
the maximum prison term prescribed for a felony of the first 4948
degree and may impose an additional mandatory prison term 4949
prescribed for a major drug offender under division (D)(3)(b) of 4950
section 2929.14 of the Revised Code. 4951

(5) If the drug involved in the violation is L.S.D. or a 4952
compound, mixture, preparation, or substance containing L.S.D., 4953
whoever violates division (A) of this section is guilty of 4954
trafficking in L.S.D. The penalty for the offense shall be 4955

determined as follows: 4956

(a) Except as otherwise provided in division (C)(5)(b), (c), 4957
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 4958
felony of the fifth degree, and division (C) of section 2929.13 of 4959
the Revised Code applies in determining whether to impose a prison 4960
term on the offender. 4961

(b) Except as otherwise provided in division (C)(5)(c), (d), 4962
(e), (f), or (g) of this section, if the offense was committed in 4963
the vicinity of a school or in the vicinity of a juvenile, 4964
trafficking in L.S.D. is a felony of the fourth degree, and 4965
division (C) of section 2929.13 of the Revised Code applies in 4966
determining whether to impose a prison term on the offender. 4967

(c) Except as otherwise provided in this division, if the 4968
amount of the drug involved equals or exceeds ten unit doses but 4969
is less than fifty unit doses of L.S.D. in a solid form or equals 4970
or exceeds one gram but is less than five grams of L.S.D. in a 4971
liquid concentrate, liquid extract, or liquid distillate form, 4972
trafficking in L.S.D. is a felony of the fourth degree, and there 4973
is a presumption for a prison term for the offense. If the amount 4974
of the drug involved is within that range and if the offense was 4975
committed in the vicinity of a school or in the vicinity of a 4976
juvenile, trafficking in L.S.D. is a felony of the third degree, 4977
and there is a presumption for a prison term for the offense. 4978

(d) Except as otherwise provided in this division, if the 4979
amount of the drug involved equals or exceeds fifty unit doses but 4980
is less than two hundred fifty unit doses of L.S.D. in a solid 4981
form or equals or exceeds five grams but is less than twenty-five 4982
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 4983
distillate form, trafficking in L.S.D. is a felony of the third 4984
degree, and the court shall impose as a mandatory prison term one 4985
of the prison terms prescribed for a felony of the third degree. 4986
If the amount of the drug involved is within that range and if the 4987

offense was committed in the vicinity of a school or in the 4988
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4989
second degree, and the court shall impose as a mandatory prison 4990
term one of the prison terms prescribed for a felony of the second 4991
degree. 4992

(e) Except as otherwise provided in this division, if the 4993
amount of the drug involved equals or exceeds two hundred fifty 4994
unit doses but is less than one thousand unit doses of L.S.D. in a 4995
solid form or equals or exceeds twenty-five grams but is less than 4996
one hundred grams of L.S.D. in a liquid concentrate, liquid 4997
extract, or liquid distillate form, trafficking in L.S.D. is a 4998
felony of the second degree, and the court shall impose as a 4999
mandatory prison term one of the prison terms prescribed for a 5000
felony of the second degree. If the amount of the drug involved is 5001
within that range and if the offense was committed in the vicinity 5002
of a school or in the vicinity of a juvenile, trafficking in 5003
L.S.D. is a felony of the first degree, and the court shall impose 5004
as a mandatory prison term one of the prison terms prescribed for 5005
a felony of the first degree. 5006

(f) If the amount of the drug involved equals or exceeds one 5007
thousand unit doses but is less than five thousand unit doses of 5008
L.S.D. in a solid form or equals or exceeds one hundred grams but 5009
is less than five hundred grams of L.S.D. in a liquid concentrate, 5010
liquid extract, or liquid distillate form and regardless of 5011
whether the offense was committed in the vicinity of a school or 5012
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 5013
of the first degree, and the court shall impose as a mandatory 5014
prison term one of the prison terms prescribed for a felony of the 5015
first degree. 5016

(g) If the amount of the drug involved equals or exceeds five 5017
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5018
five hundred grams of L.S.D. in a liquid concentrate, liquid 5019

extract, or liquid distillate form and regardless of whether the 5020
offense was committed in the vicinity of a school or in the 5021
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 5022
first degree, the offender is a major drug offender, and the court 5023
shall impose as a mandatory prison term the maximum prison term 5024
prescribed for a felony of the first degree and may impose an 5025
additional mandatory prison term prescribed for a major drug 5026
offender under division (D)(3)(b) of section 2929.14 of the 5027
Revised Code. 5028

(6) If the drug involved in the violation is heroin or a 5029
compound, mixture, preparation, or substance containing heroin, 5030
whoever violates division (A) of this section is guilty of 5031
trafficking in heroin. The penalty for the offense shall be 5032
determined as follows: 5033

(a) Except as otherwise provided in division (C)(6)(b), (c), 5034
(d), (e), (f), or (g) of this section, trafficking in heroin is a 5035
felony of the fifth degree, and division (C) of section 2929.13 of 5036
the Revised Code applies in determining whether to impose a prison 5037
term on the offender. 5038

(b) Except as otherwise provided in division (C)(6)(c), (d), 5039
(e), (f), or (g) of this section, if the offense was committed in 5040
the vicinity of a school or in the vicinity of a juvenile, 5041
trafficking in heroin is a felony of the fourth degree, and 5042
division (C) of section 2929.13 of the Revised Code applies in 5043
determining whether to impose a prison term on the offender. 5044

(c) Except as otherwise provided in this division, if the 5045
amount of the drug involved equals or exceeds ten unit doses but 5046
is less than fifty unit doses or equals or exceeds one gram but is 5047
less than five grams, trafficking in heroin is a felony of the 5048
fourth degree, and there is a presumption for a prison term for 5049
the offense. If the amount of the drug involved is within that 5050
range and if the offense was committed in the vicinity of a school 5051

or in the vicinity of a juvenile, trafficking in heroin is a 5052
felony of the third degree, and there is a presumption for a 5053
prison term for the offense. 5054

(d) Except as otherwise provided in this division, if the 5055
amount of the drug involved equals or exceeds fifty unit doses but 5056
is less than one hundred unit doses or equals or exceeds five 5057
grams but is less than ten grams, trafficking in heroin is a 5058
felony of the third degree, and there is a presumption for a 5059
prison term for the offense. If the amount of the drug involved is 5060
within that range and if the offense was committed in the vicinity 5061
of a school or in the vicinity of a juvenile, trafficking in 5062
heroin is a felony of the second degree, and there is a 5063
presumption for a prison term for the offense. 5064

(e) Except as otherwise provided in this division, if the 5065
amount of the drug involved equals or exceeds one hundred unit 5066
doses but is less than five hundred unit doses or equals or 5067
exceeds ten grams but is less than fifty grams, trafficking in 5068
heroin is a felony of the second degree, and the court shall 5069
impose as a mandatory prison term one of the prison terms 5070
prescribed for a felony of the second degree. If the amount of the 5071
drug involved is within that range and if the offense was 5072
committed in the vicinity of a school or in the vicinity of a 5073
juvenile, trafficking in heroin is a felony of the first degree, 5074
and the court shall impose as a mandatory prison term one of the 5075
prison terms prescribed for a felony of the first degree. 5076

(f) If the amount of the drug involved equals or exceeds five 5077
hundred unit doses but is less than two thousand five hundred unit 5078
doses or equals or exceeds fifty grams but is less than two 5079
hundred fifty grams and regardless of whether the offense was 5080
committed in the vicinity of a school or in the vicinity of a 5081
juvenile, trafficking in heroin is a felony of the first degree, 5082
and the court shall impose as a mandatory prison term one of the 5083

prison terms prescribed for a felony of the first degree. 5084

(g) If the amount of the drug involved equals or exceeds two 5085
thousand five hundred unit doses or equals or exceeds two hundred 5086
fifty grams and regardless of whether the offense was committed in 5087
the vicinity of a school or in the vicinity of a juvenile, 5088
trafficking in heroin is a felony of the first degree, the 5089
offender is a major drug offender, and the court shall impose as a 5090
mandatory prison term the maximum prison term prescribed for a 5091
felony of the first degree and may impose an additional mandatory 5092
prison term prescribed for a major drug offender under division 5093
(D)(3)(b) of section 2929.14 of the Revised Code. 5094

(7) If the drug involved in the violation is hashish or a 5095
compound, mixture, preparation, or substance containing hashish, 5096
whoever violates division (A) of this section is guilty of 5097
trafficking in hashish. The penalty for the offense shall be 5098
determined as follows: 5099

(a) Except as otherwise provided in division (C)(7)(b), (c), 5100
(d), (e), ~~or (f)~~, or (g) of this section, trafficking in hashish 5101
is a felony of the fifth degree, and division ~~(C)(B)~~ of section 5102
2929.13 of the Revised Code applies in determining whether to 5103
impose a prison term on the offender. 5104

(b) Except as otherwise provided in division (C)(7)(c), (d), 5105
(e), ~~or (f)~~, or (g) of this section, if the offense was committed 5106
in the vicinity of a school or in the vicinity of a juvenile, 5107
trafficking in hashish is a felony of the fourth degree, and 5108
division ~~(C)(B)~~ of section 2929.13 of the Revised Code applies in 5109
determining whether to impose a prison term on the offender. 5110

(c) Except as otherwise provided in this division, if the 5111
amount of the drug involved equals or exceeds ten grams but is 5112
less than fifty grams of hashish in a solid form or equals or 5113
exceeds two grams but is less than ten grams of hashish in a 5114

liquid concentrate, liquid extract, or liquid distillate form, 5115
trafficking in hashish is a felony of the fourth degree, and 5116
division ~~(C)~~(B) of section 2929.13 of the Revised Code applies in 5117
determining whether to impose a prison term on the offender. If 5118
the amount of the drug involved is within that range and if the 5119
offense was committed in the vicinity of a school or in the 5120
vicinity of a juvenile, trafficking in hashish is a felony of the 5121
third degree, and division (C) of section 2929.13 of the Revised 5122
Code applies in determining whether to impose a prison term on the 5123
offender. 5124

(d) Except as otherwise provided in this division, if the 5125
amount of the drug involved equals or exceeds fifty grams but is 5126
less than two hundred fifty grams of hashish in a solid form or 5127
equals or exceeds ten grams but is less than fifty grams of 5128
hashish in a liquid concentrate, liquid extract, or liquid 5129
distillate form, trafficking in hashish is a felony of the third 5130
degree, and division (C) of section 2929.13 of the Revised Code 5131
applies in determining whether to impose a prison term on the 5132
offender. If the amount of the drug involved is within that range 5133
and if the offense was committed in the vicinity of a school or in 5134
the vicinity of a juvenile, trafficking in hashish is a felony of 5135
the second degree, and there is a presumption that a prison term 5136
shall be imposed for the offense. 5137

(e) Except as otherwise provided in this division, if the 5138
amount of the drug involved equals or exceeds two hundred fifty 5139
grams but is less than one thousand grams of hashish in a solid 5140
form or equals or exceeds fifty grams but is less than two hundred 5141
grams of hashish in a liquid concentrate, liquid extract, or 5142
liquid distillate form, trafficking in hashish is a felony of the 5143
third degree, and there is a presumption that a prison term shall 5144
be imposed for the offense. If the amount of the drug involved is 5145
within that range and if the offense was committed in the vicinity 5146

of a school or in the vicinity of a juvenile, trafficking in 5147
hashish is a felony of the second degree, and there is a 5148
presumption that a prison term shall be imposed for the offense. 5149

(f) Except as otherwise provided in this division, if the 5150
amount of the drug involved equals or exceeds one thousand grams 5151
but is less than two thousand grams of hashish in a solid form or 5152
equals or exceeds two hundred grams but is less than four hundred 5153
grams of hashish in a liquid concentrate, liquid extract, or 5154
liquid distillate form trafficking in hashish is a felony of the 5155
second degree, and the court shall impose a mandatory prison term 5156
of five, six, seven, or eight years. If the amount of the drug 5157
involved is within that range and if the offense was committed in 5158
the vicinity of a school or in the vicinity of a juvenile, 5159
trafficking in hashish is a felony of the first degree, and the 5160
court shall impose as a mandatory prison term the maximum prison 5161
term prescribed for a felony of the first degree. 5162

(g) Except as otherwise provided in this division, if the 5163
amount of the drug involved equals or exceeds two thousand grams 5164
of hashish in a solid form or equals or exceeds four hundred grams 5165
of hashish in a liquid concentrate, liquid extract, or liquid 5166
distillate form, trafficking in hashish is a felony of the second 5167
degree, and the court shall impose as a mandatory prison term the 5168
maximum prison term prescribed for a felony of the second degree. 5169
If the amount of the drug involved ~~is within that range~~ equals or 5170
exceeds two thousand grams of hashish in a solid form or equals or 5171
exceeds four hundred grams of hashish in a liquid concentrate, 5172
liquid extract, or liquid distillate form and if the offense was 5173
committed in the vicinity of a school or in the vicinity of a 5174
juvenile, trafficking in hashish is a felony of the first degree, 5175
and the court shall impose as a mandatory prison term the maximum 5176
prison term prescribed for a felony of the first degree. 5177

(D) In addition to any prison term authorized or required by 5178

division (C) of this section and sections 2929.13 and 2929.14 of 5179
the Revised Code, and in addition to any other sanction imposed 5180
for the offense under this section or sections 2929.11 to 2929.18 5181
of the Revised Code, the court that sentences an offender who is 5182
convicted of or pleads guilty to a violation of division (A) of 5183
this section shall do all of the following that are applicable 5184
regarding the offender: 5185

(1) If the violation of division (A) of this section is a 5186
felony of the first, second, or third degree, the court shall 5187
impose upon the offender the mandatory fine specified for the 5188
offense under division (B)(1) of section 2929.18 of the Revised 5189
Code unless, as specified in that division, the court determines 5190
that the offender is indigent. Except as otherwise provided in 5191
division (H)(1) of this section, a mandatory fine or any other 5192
fine imposed for a violation of this section is subject to 5193
division (F) of this section. If a person is charged with a 5194
violation of this section that is a felony of the first, second, 5195
or third degree, posts bail, and forfeits the bail, the clerk of 5196
the court shall pay the forfeited bail pursuant to divisions 5197
(D)(1) and (F) of this section, as if the forfeited bail was a 5198
fine imposed for a violation of this section. If any amount of the 5199
forfeited bail remains after that payment and if a fine is imposed 5200
under division (H)(1) of this section, the clerk of the court 5201
shall pay the remaining amount of the forfeited bail pursuant to 5202
divisions (H)(2) and (3) of this section, as if that remaining 5203
amount was a fine imposed under division (H)(1) of this section. 5204

(2) The court shall suspend the driver's or commercial 5205
driver's license or permit of the offender in accordance with 5206
division (G) of this section. 5207

(3) If the offender is a professionally licensed person, the 5208
court immediately shall comply with section 2925.38 of the Revised 5209
Code. 5210

(E) When a person is charged with the sale of or offer to 5211
sell a bulk amount or a multiple of a bulk amount of a controlled 5212
substance, the jury, or the court trying the accused, shall 5213
determine the amount of the controlled substance involved at the 5214
time of the offense and, if a guilty verdict is returned, shall 5215
return the findings as part of the verdict. In any such case, it 5216
is unnecessary to find and return the exact amount of the 5217
controlled substance involved, and it is sufficient if the finding 5218
and return is to the effect that the amount of the controlled 5219
substance involved is the requisite amount, or that the amount of 5220
the controlled substance involved is less than the requisite 5221
amount. 5222

(F)(1) Notwithstanding any contrary provision of section 5223
3719.21 of the Revised Code and except as provided in division (H) 5224
of this section, the clerk of the court shall pay any mandatory 5225
fine imposed pursuant to division (D)(1) of this section and any 5226
fine other than a mandatory fine that is imposed for a violation 5227
of this section pursuant to division (A) or (B)(5) of section 5228
2929.18 of the Revised Code to the county, township, municipal 5229
corporation, park district, as created pursuant to section 511.18 5230
or 1545.04 of the Revised Code, or state law enforcement agencies 5231
in this state that primarily were responsible for or involved in 5232
making the arrest of, and in prosecuting, the offender. However, 5233
the clerk shall not pay a mandatory fine so imposed to a law 5234
enforcement agency unless the agency has adopted a written 5235
internal control policy under division (F)(2) of this section that 5236
addresses the use of the fine moneys that it receives. Each agency 5237
shall use the mandatory fines so paid to subsidize the agency's 5238
law enforcement efforts that pertain to drug offenses, in 5239
accordance with the written internal control policy adopted by the 5240
recipient agency under division (F)(2) of this section. 5241

(2)(a) Prior to receiving any fine moneys under division 5242

(F)(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

(b) Each law enforcement agency that receives in any calendar year any fine moneys under division (F)(1) of this section or division (B) of section 2925.42 of the Revised Code shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency pursuant to division (F)(2)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(i) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(3) As used in division (F) of this section:

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.

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

(G) When required under division (D)(2) of this section or any other provision of this chapter, the court shall suspend for not less than six months or more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section or any other specified provision of this chapter. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

(H)(1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14

of the Revised Code, in addition to any other penalty or sanction 5307
imposed for the offense under this section or sections 2929.11 to 5308
2929.18 of the Revised Code, and in addition to the forfeiture of 5309
property in connection with the offense as prescribed in Chapter 5310
2981. of the Revised Code, the court that sentences an offender 5311
who is convicted of or pleads guilty to a violation of division 5312
(A) of this section may impose upon the offender an additional 5313
fine specified for the offense in division (B)(4) of section 5314
2929.18 of the Revised Code. A fine imposed under division (H)(1) 5315
of this section is not subject to division (F) of this section and 5316
shall be used solely for the support of one or more eligible 5317
alcohol and drug addiction programs in accordance with divisions 5318
(H)(2) and (3) of this section. 5319

(2) The court that imposes a fine under division (H)(1) of 5320
this section shall specify in the judgment that imposes the fine 5321
one or more eligible alcohol and drug addiction programs for the 5322
support of which the fine money is to be used. No alcohol and drug 5323
addiction program shall receive or use money paid or collected in 5324
satisfaction of a fine imposed under division (H)(1) of this 5325
section unless the program is specified in the judgment that 5326
imposes the fine. No alcohol and drug addiction program shall be 5327
specified in the judgment unless the program is an eligible 5328
alcohol and drug addiction program and, except as otherwise 5329
provided in division (H)(2) of this section, unless the program is 5330
located in the county in which the court that imposes the fine is 5331
located or in a county that is immediately contiguous to the 5332
county in which that court is located. If no eligible alcohol and 5333
drug addiction program is located in any of those counties, the 5334
judgment may specify an eligible alcohol and drug addiction 5335
program that is located anywhere within this state. 5336

(3) Notwithstanding any contrary provision of section 3719.21 5337
of the Revised Code, the clerk of the court shall pay any fine 5338

imposed under division (H)(1) of this section to the eligible 5339
alcohol and drug addiction program specified pursuant to division 5340
(H)(2) of this section in the judgment. The eligible alcohol and 5341
drug addiction program that receives the fine moneys shall use the 5342
moneys only for the alcohol and drug addiction services identified 5343
in the application for certification under section 3793.06 of the 5344
Revised Code or in the application for a license under section 5345
3793.11 of the Revised Code filed with the department of alcohol 5346
and drug addiction services by the alcohol and drug addiction 5347
program specified in the judgment. 5348

(4) Each alcohol and drug addiction program that receives in 5349
a calendar year any fine moneys under division (H)(3) of this 5350
section shall file an annual report covering that calendar year 5351
with the court of common pleas and the board of county 5352
commissioners of the county in which the program is located, with 5353
the court of common pleas and the board of county commissioners of 5354
each county from which the program received the moneys if that 5355
county is different from the county in which the program is 5356
located, and with the attorney general. The alcohol and drug 5357
addiction program shall file the report no later than the first 5358
day of March in the calendar year following the calendar year in 5359
which the program received the fine moneys. The report shall 5360
include statistics on the number of persons served by the alcohol 5361
and drug addiction program, identify the types of alcohol and drug 5362
addiction services provided to those persons, and include a 5363
specific accounting of the purposes for which the fine moneys 5364
received were used. No information contained in the report shall 5365
identify, or enable a person to determine the identity of, any 5366
person served by the alcohol and drug addiction program. Each 5367
report received by a court of common pleas, a board of county 5368
commissioners, or the attorney general is a public record open for 5369
inspection under section 149.43 of the Revised Code. 5370

(5) As used in divisions (H)(1) to (5) of this section: 5371

(a) "Alcohol and drug addiction program" and "alcohol and 5372
drug addiction services" have the same meanings as in section 5373
3793.01 of the Revised Code. 5374

(b) "Eligible alcohol and drug addiction program" means an 5375
alcohol and drug addiction program that is certified under section 5376
3793.06 of the Revised Code or licensed under section 3793.11 of 5377
the Revised Code by the department of alcohol and drug addiction 5378
services. 5379

(I) As used in this section, "drug" includes any substance 5380
that is represented to be a drug. 5381

Sec. 2925.05. (A) No person shall knowingly provide money or 5382
other items of value to another person with the purpose that the 5383
recipient of the money or items of value use them to obtain any 5384
controlled substance for the purpose of violating section 2925.04 5385
of the Revised Code or for the purpose of selling or offering to 5386
sell the controlled substance in the following amount: 5387

(1) If the drug to be sold or offered for sale is any 5388
compound, mixture, preparation, or substance included in schedule 5389
I or II, with the exception of marihuana, cocaine, L.S.D., heroin, 5390
and hashish, or schedule III, IV, or V, an amount of the drug that 5391
equals or exceeds the bulk amount of the drug; 5392

(2) If the drug to be sold or offered for sale is marihuana 5393
or a compound, mixture, preparation, or substance other than 5394
hashish containing marihuana, an amount of the marihuana that 5395
equals or exceeds two hundred grams; 5396

(3) If the drug to be sold or offered for sale is cocaine or 5397
a compound, mixture, preparation, or substance containing cocaine, 5398
an amount of the cocaine that equals or exceeds five grams ~~if the~~ 5399
~~cocaine is not crack cocaine or equals or exceeds one gram if the~~ 5400

~~cocaine is crack cocaine;~~ 5401

(4) If the drug to be sold or offered for sale is L.S.D. or a 5402
compound, mixture, preparation, or substance containing L.S.D., an 5403
amount of the L.S.D. that equals or exceeds ten unit doses if the 5404
L.S.D. is in a solid form or equals or exceeds one gram if the 5405
L.S.D. is in a liquid concentrate, liquid extract, or liquid 5406
distillate form; 5407

(5) If the drug to be sold or offered for sale is heroin or a 5408
compound, mixture, preparation, or substance containing heroin, an 5409
amount of the heroin that equals or exceeds ten unit doses or 5410
equals or exceeds one gram; 5411

(6) If the drug to be sold or offered for sale is hashish or 5412
a compound, mixture, preparation, or substance containing hashish, 5413
an amount of the hashish that equals or exceeds ten grams if the 5414
hashish is in a solid form or equals or exceeds two grams if the 5415
hashish is in a liquid concentrate, liquid extract, or liquid 5416
distillate form. 5417

(B) This section does not apply to any person listed in 5418
division (B)(1), (2), or (3) of section 2925.03 of the Revised 5419
Code to the extent and under the circumstances described in those 5420
divisions. 5421

(C)(1) If the drug involved in the violation is any compound, 5422
mixture, preparation, or substance included in schedule I or II, 5423
with the exception of marihuana, whoever violates division (A) of 5424
this section is guilty of aggravated funding of drug trafficking, 5425
a felony of the first degree, and, subject to division (E) of this 5426
section, the court shall impose as a mandatory prison term one of 5427
the prison terms prescribed for a felony of the first degree. 5428

(2) If the drug involved in the violation is any compound, 5429
mixture, preparation, or substance included in schedule III, IV, 5430
or V, whoever violates division (A) of this section is guilty of 5431

funding of drug trafficking, a felony of the second degree, and 5432
the court shall impose as a mandatory prison term one of the 5433
prison terms prescribed for a felony of the second degree. 5434

(3) If the drug involved in the violation is marihuana, 5435
whoever violates division (A) of this section is guilty of funding 5436
of marihuana trafficking, a felony of the third degree, and the 5437
court shall impose as a mandatory prison term one of the prison 5438
terms prescribed for a felony of the third degree. 5439

(D) In addition to any prison term authorized or required by 5440
division (C) or (E) of this section and sections 2929.13 and 5441
2929.14 of the Revised Code and in addition to any other sanction 5442
imposed for the offense under this section or sections 2929.11 to 5443
2929.18 of the Revised Code, the court that sentences an offender 5444
who is convicted of or pleads guilty to a violation of division 5445
(A) of this section shall do all of the following that are 5446
applicable regarding the offender: 5447

(1) The court shall impose the mandatory fine specified for 5448
the offense under division (B)(1) of section 2929.18 of the 5449
Revised Code unless, as specified in that division, the court 5450
determines that the offender is indigent. The clerk of the court 5451
shall pay a mandatory fine or other fine imposed for a violation 5452
of this section pursuant to division (A) of section 2929.18 of the 5453
Revised Code in accordance with and subject to the requirements of 5454
division (F) of section 2925.03 of the Revised Code. The agency 5455
that receives the fine shall use the fine in accordance with 5456
division (F) of section 2925.03 of the Revised Code. If a person 5457
is charged with a violation of this section, posts bail, and 5458
forfeits the bail, the forfeited bail shall be paid as if the 5459
forfeited bail were a fine imposed for a violation of this 5460
section. 5461

(2) The court shall suspend the offender's driver's or 5462
commercial driver's license or permit in accordance with division 5463

(G) of section 2925.03 of the Revised Code. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

(3) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (D)(3)(a) of section 2929.14 of the Revised Code and may impose an additional prison term under division (D)(3)(b) of that section.

Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance.

(B) This section does not apply to any of the following:

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;

(2) If the offense involves an anabolic steroid, any person

who is conducting or participating in a research project involving 5494
the use of an anabolic steroid if the project has been approved by 5495
the United States food and drug administration; 5496

(3) Any person who sells, offers for sale, prescribes, 5497
dispenses, or administers for livestock or other nonhuman species 5498
an anabolic steroid that is expressly intended for administration 5499
through implants to livestock or other nonhuman species and 5500
approved for that purpose under the "Federal Food, Drug, and 5501
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5502
and is sold, offered for sale, prescribed, dispensed, or 5503
administered for that purpose in accordance with that act; 5504

(4) Any person who obtained the controlled substance pursuant 5505
to a lawful prescription issued by a licensed health professional 5506
authorized to prescribe drugs. 5507

(C) Whoever violates division (A) of this section is guilty 5508
of one of the following: 5509

(1) If the drug involved in the violation is a compound, 5510
mixture, preparation, or substance included in schedule I or II, 5511
with the exception of marihuana, cocaine, L.S.D., heroin, and 5512
hashish, whoever violates division (A) of this section is guilty 5513
of aggravated possession of drugs. The penalty for the offense 5514
shall be determined as follows: 5515

(a) Except as otherwise provided in division (C)(1)(b), (c), 5516
(d), or (e) of this section, aggravated possession of drugs is a 5517
felony of the fifth degree, and division (B) of section 2929.13 of 5518
the Revised Code applies in determining whether to impose a prison 5519
term on the offender. 5520

(b) If the amount of the drug involved equals or exceeds the 5521
bulk amount but is less than five times the bulk amount, 5522
aggravated possession of drugs is a felony of the third degree, 5523
and there is a presumption for a prison term for the offense. 5524

(c) If the amount of the drug involved equals or exceeds five 5525
times the bulk amount but is less than fifty times the bulk 5526
amount, aggravated possession of drugs is a felony of the second 5527
degree, and the court shall impose as a mandatory prison term one 5528
of the prison terms prescribed for a felony of the second degree. 5529

(d) If the amount of the drug involved equals or exceeds 5530
fifty times the bulk amount but is less than one hundred times the 5531
bulk amount, aggravated possession of drugs is a felony of the 5532
first degree, and the court shall impose as a mandatory prison 5533
term one of the prison terms prescribed for a felony of the first 5534
degree. 5535

(e) If the amount of the drug involved equals or exceeds one 5536
hundred times the bulk amount, aggravated possession of drugs is a 5537
felony of the first degree, the offender is a major drug offender, 5538
and the court shall impose as a mandatory prison term the maximum 5539
prison term prescribed for a felony of the first degree and may 5540
impose an additional mandatory prison term prescribed for a major 5541
drug offender under division (D)(3)(b) of section 2929.14 of the 5542
Revised Code. 5543

(2) If the drug involved in the violation is a compound, 5544
mixture, preparation, or substance included in schedule III, IV, 5545
or V, whoever violates division (A) of this section is guilty of 5546
possession of drugs. The penalty for the offense shall be 5547
determined as follows: 5548

(a) Except as otherwise provided in division (C)(2)(b), (c), 5549
or (d) of this section, possession of drugs is a misdemeanor of 5550
the first degree or, if the offender previously has been convicted 5551
of a drug abuse offense, a felony of the fifth degree. 5552

(b) If the amount of the drug involved equals or exceeds the 5553
bulk amount but is less than five times the bulk amount, 5554
possession of drugs is a felony of the fourth degree, and division 5555

(C) of section 2929.13 of the Revised Code applies in determining 5556
whether to impose a prison term on the offender. 5557

(c) If the amount of the drug involved equals or exceeds five 5558
times the bulk amount but is less than fifty times the bulk 5559
amount, possession of drugs is a felony of the third degree, and 5560
there is a presumption for a prison term for the offense. 5561

(d) If the amount of the drug involved equals or exceeds 5562
fifty times the bulk amount, possession of drugs is a felony of 5563
the second degree, and the court shall impose upon the offender as 5564
a mandatory prison term one of the prison terms prescribed for a 5565
felony of the second degree. 5566

(3) If the drug involved in the violation is marihuana or a 5567
compound, mixture, preparation, or substance containing marihuana 5568
other than hashish, whoever violates division (A) of this section 5569
is guilty of possession of marihuana. The penalty for the offense 5570
shall be determined as follows: 5571

(a) Except as otherwise provided in division (C)(3)(b), (c), 5572
(d), (e), ~~or (f)~~, or (g) of this section, possession of marihuana 5573
is a minor misdemeanor. 5574

(b) If the amount of the drug involved equals or exceeds one 5575
hundred grams but is less than two hundred grams, possession of 5576
marihuana is a misdemeanor of the fourth degree. 5577

(c) If the amount of the drug involved equals or exceeds two 5578
hundred grams but is less than one thousand grams, possession of 5579
marihuana is a felony of the fifth degree, and division (B) of 5580
section 2929.13 of the Revised Code applies in determining whether 5581
to impose a prison term on the offender. 5582

(d) If the amount of the drug involved equals or exceeds one 5583
thousand grams but is less than five thousand grams, possession of 5584
marihuana is a felony of the third degree, and division (C) of 5585
section 2929.13 of the Revised Code applies in determining whether 5586

to impose a prison term on the offender. 5587

(e) If the amount of the drug involved equals or exceeds five 5588
thousand grams but is less than twenty thousand grams, possession 5589
of marihuana is a felony of the third degree, and there is a 5590
presumption that a prison term shall be imposed for the offense. 5591

(f) If the amount of the drug involved equals or exceeds 5592
twenty thousand grams but is less than forty thousand grams, 5593
possession of marihuana is a felony of the second degree, and the 5594
court shall impose a mandatory prison term of five, six, seven, or 5595
eight years. 5596

(g) If the amount of the drug involved equals or exceeds 5597
forty thousand grams, possession of marihuana is a felony of the 5598
second degree, and the court shall impose as a mandatory prison 5599
term the maximum prison term prescribed for a felony of the second 5600
degree. 5601

(4) If the drug involved in the violation is cocaine or a 5602
compound, mixture, preparation, or substance containing cocaine, 5603
whoever violates division (A) of this section is guilty of 5604
possession of cocaine. The penalty for the offense shall be 5605
determined as follows: 5606

(a) Except as otherwise provided in division (C)(4)(b), (c), 5607
(d), (e), or (f) of this section, possession of cocaine is a 5608
felony of the fifth degree, and division (B) of section 2929.13 of 5609
the Revised Code applies in determining whether to impose a prison 5610
term on the offender. 5611

(b) If the amount of the drug involved equals or exceeds five 5612
grams but is less than ~~twenty-five~~ ten grams of cocaine ~~that is~~ 5613
~~not crack cocaine or equals or exceeds one gram but is less than~~ 5614
~~five grams of crack cocaine,~~ possession of cocaine is a felony of 5615
the fourth degree, and ~~there is a presumption for a prison term~~ 5616
~~for the offense~~ division (B) of section 2929.13 of the Revised 5617

Code applies in determining whether to impose a prison term on the offender. 5618
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(c) If the amount of the drug involved equals or exceeds ~~twenty-five~~ ten grams but is less than ~~one hundred~~ twenty grams of cocaine ~~that is not crack cocaine or equals or exceeds five grams but is less than ten grams of crack cocaine,~~ possession of cocaine is a felony of the third degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 5620
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(d) If the amount of the drug involved equals or exceeds ~~one hundred~~ twenty grams but is less than ~~five hundred~~ twenty-seven grams of cocaine ~~that is not crack cocaine or equals or exceeds ten grams but is less than twenty-five grams of crack cocaine,~~ possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 5627
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(e) If the amount of the drug involved equals or exceeds ~~five hundred~~ twenty-seven grams but is less than one ~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or equals or exceeds twenty-five grams but is less than one hundred grams of crack cocaine,~~ possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 5634
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(f) If the amount of the drug involved equals or exceeds one ~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or equals or exceeds one hundred grams of crack cocaine,~~ possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code. 5641
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(5) If the drug involved in the violation is L.S.D., whoever
violates division (A) of this section is guilty of possession of
L.S.D. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c),
(d), (e), or (f) of this section, possession of L.S.D. is a felony
of the fifth degree, and division (B) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.

(b) If the amount of L.S.D. involved equals or exceeds ten
unit doses but is less than fifty unit doses of L.S.D. in a solid
form or equals or exceeds one gram but is less than five grams of
L.S.D. in a liquid concentrate, liquid extract, or liquid
distillate form, possession of L.S.D. is a felony of the fourth
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty
unit doses, but is less than two hundred fifty unit doses of
L.S.D. in a solid form or equals or exceeds five grams but is less
than twenty-five grams of L.S.D. in a liquid concentrate, liquid
extract, or liquid distillate form, possession of L.S.D. is a
felony of the third degree, and there is a presumption for a
prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two
hundred fifty unit doses but is less than one thousand unit doses
of L.S.D. in a solid form or equals or exceeds twenty-five grams
but is less than one hundred grams of L.S.D. in a liquid
concentrate, liquid extract, or liquid distillate form, possession
of L.S.D. is a felony of the second degree, and the court shall
impose as a mandatory prison term one of the prison terms
prescribed for a felony of the second degree.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), or (f) of this section, possession of heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13

of the Revised Code applies in determining whether to impose a 5713
prison term on the offender. 5714

(c) If the amount of the drug involved equals or exceeds 5715
fifty unit doses but is less than one hundred unit doses or equals 5716
or exceeds five grams but is less than ten grams, possession of 5717
heroin is a felony of the third degree, and there is a presumption 5718
for a prison term for the offense. 5719

(d) If the amount of the drug involved equals or exceeds one 5720
hundred unit doses but is less than five hundred unit doses or 5721
equals or exceeds ten grams but is less than fifty grams, 5722
possession of heroin is a felony of the second degree, and the 5723
court shall impose as a mandatory prison term one of the prison 5724
terms prescribed for a felony of the second degree. 5725

(e) If the amount of the drug involved equals or exceeds five 5726
hundred unit doses but is less than two thousand five hundred unit 5727
doses or equals or exceeds fifty grams but is less than two 5728
hundred fifty grams, possession of heroin is a felony of the first 5729
degree, and the court shall impose as a mandatory prison term one 5730
of the prison terms prescribed for a felony of the first degree. 5731

(f) If the amount of the drug involved equals or exceeds two 5732
thousand five hundred unit doses or equals or exceeds two hundred 5733
fifty grams, possession of heroin is a felony of the first degree, 5734
the offender is a major drug offender, and the court shall impose 5735
as a mandatory prison term the maximum prison term prescribed for 5736
a felony of the first degree and may impose an additional 5737
mandatory prison term prescribed for a major drug offender under 5738
division (D)(3)(b) of section 2929.14 of the Revised Code. 5739

(7) If the drug involved in the violation is hashish or a 5740
compound, mixture, preparation, or substance containing hashish, 5741
whoever violates division (A) of this section is guilty of 5742
possession of hashish. The penalty for the offense shall be 5743

determined as follows: 5744

(a) Except as otherwise provided in division (C)(7)(b), (c), 5745
(d), (e), ~~or (f)~~, or (g) of this section, possession of hashish is 5746
a minor misdemeanor. 5747

(b) If the amount of the drug involved equals or exceeds five 5748
grams but is less than ten grams of hashish in a solid form or 5749
equals or exceeds one gram but is less than two grams of hashish 5750
in a liquid concentrate, liquid extract, or liquid distillate 5751
form, possession of hashish is a misdemeanor of the fourth degree. 5752

(c) If the amount of the drug involved equals or exceeds ten 5753
grams but is less than fifty grams of hashish in a solid form or 5754
equals or exceeds two grams but is less than ten grams of hashish 5755
in a liquid concentrate, liquid extract, or liquid distillate 5756
form, possession of hashish is a felony of the fifth degree, and 5757
division (B) of section 2929.13 of the Revised Code applies in 5758
determining whether to impose a prison term on the offender. 5759

(d) If the amount of the drug involved equals or exceeds 5760
fifty grams but is less than two hundred fifty grams of hashish in 5761
a solid form or equals or exceeds ten grams but is less than fifty 5762
grams of hashish in a liquid concentrate, liquid extract, or 5763
liquid distillate form, possession of hashish is a felony of the 5764
third degree, and division (C) of section 2929.13 of the Revised 5765
Code applies in determining whether to impose a prison term on the 5766
offender. 5767

(e) If the amount of the drug involved equals or exceeds two 5768
hundred fifty grams but is less than one thousand grams of hashish 5769
in a solid form or equals or exceeds fifty grams but is less than 5770
two hundred grams of hashish in a liquid concentrate, liquid 5771
extract, or liquid distillate form, possession of hashish is a 5772
felony of the third degree, and there is a presumption that a 5773
prison term shall be imposed for the offense. 5774

(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form possession of hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the

mandatory fine specified for the offense under division (B)(1) of 5807
section 2929.18 of the Revised Code unless, as specified in that 5808
division, the court determines that the offender is indigent. 5809

(b) Notwithstanding any contrary provision of section 3719.21 5810
of the Revised Code, the clerk of the court shall pay a mandatory 5811
fine or other fine imposed for a violation of this section 5812
pursuant to division (A) of section 2929.18 of the Revised Code in 5813
accordance with and subject to the requirements of division (F) of 5814
section 2925.03 of the Revised Code. The agency that receives the 5815
fine shall use the fine as specified in division (F) of section 5816
2925.03 of the Revised Code. 5817

(c) If a person is charged with a violation of this section 5818
that is a felony of the first, second, or third degree, posts 5819
bail, and forfeits the bail, the clerk shall pay the forfeited 5820
bail pursuant to division (E)(1)(b) of this section as if it were 5821
a mandatory fine imposed under division (E)(1)(a) of this section. 5822

(2) The court shall suspend for not less than six months or 5823
more than five years the offender's driver's or commercial 5824
driver's license or permit. 5825

(3) If the offender is a professionally licensed person, in 5826
addition to any other sanction imposed for a violation of this 5827
section, the court immediately shall comply with section 2925.38 5828
of the Revised Code. 5829

(F) It is an affirmative defense, as provided in section 5830
2901.05 of the Revised Code, to a charge of a fourth degree felony 5831
violation under this section that the controlled substance that 5832
gave rise to the charge is in an amount, is in a form, is 5833
prepared, compounded, or mixed with substances that are not 5834
controlled substances in a manner, or is possessed under any other 5835
circumstances, that indicate that the substance was possessed 5836
solely for personal use. Notwithstanding any contrary provision of 5837

this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

Sec. 2929.01. As used in this chapter:

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

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

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

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

(B) "Basic probation supervision" means a requirement that 5868
the offender maintain contact with a person appointed to supervise 5869
the offender in accordance with sanctions imposed by the court or 5870
imposed by the parole board pursuant to section 2967.28 of the 5871
Revised Code. "Basic probation supervision" includes basic parole 5872
supervision and basic post-release control supervision. 5873

(C) "Cocaine," ~~"crack cocaine,"~~ "hashish," "L.S.D.," and 5874
"unit dose" have the same meanings as in section 2925.01 of the 5875
Revised Code. 5876

(D) "Community-based correctional facility" means a 5877
community-based correctional facility and program or district 5878
community-based correctional facility and program developed 5879
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 5880

(E) "Community control sanction" means a sanction that is not 5881
a prison term and that is described in section 2929.15, 2929.16, 5882
2929.17, or 2929.18 of the Revised Code or a sanction that is not 5883
a jail term and that is described in section 2929.26, 2929.27, or 5884
2929.28 of the Revised Code. "Community control sanction" includes 5885
probation if the sentence involved was imposed for a felony that 5886
was committed prior to July 1, 1996, or if the sentence involved 5887
was imposed for a misdemeanor that was committed prior to January 5888
1, 2004. 5889

(F) "Controlled substance," "marihuana," "schedule I," and 5890
"schedule II" have the same meanings as in section 3719.01 of the 5891
Revised Code. 5892

(G) "Curfew" means a requirement that an offender during a 5893
specified period of time be at a designated place. 5894

(H) "Day reporting" means a sanction pursuant to which an 5895
offender is required each day to report to and leave a center or 5896
other approved reporting location at specified times in order to 5897
participate in work, education or training, treatment, and other 5898

approved programs at the center or outside the center. 5899

(I) "Deadly weapon" has the same meaning as in section 5900
2923.11 of the Revised Code. 5901

(J) "Drug and alcohol use monitoring" means a program under 5902
which an offender agrees to submit to random chemical analysis of 5903
the offender's blood, breath, or urine to determine whether the 5904
offender has ingested any alcohol or other drugs. 5905

(K) "Drug treatment program" means any program under which a 5906
person undergoes assessment and treatment designed to reduce or 5907
completely eliminate the person's physical or emotional reliance 5908
upon alcohol, another drug, or alcohol and another drug and under 5909
which the person may be required to receive assessment and 5910
treatment on an outpatient basis or may be required to reside at a 5911
facility other than the person's home or residence while 5912
undergoing assessment and treatment. 5913

(L) "Economic loss" means any economic detriment suffered by 5914
a victim as a direct and proximate result of the commission of an 5915
offense and includes any loss of income due to lost time at work 5916
because of any injury caused to the victim, and any property loss, 5917
medical cost, or funeral expense incurred as a result of the 5918
commission of the offense. "Economic loss" does not include 5919
non-economic loss or any punitive or exemplary damages. 5920

(M) "Education or training" includes study at, or in 5921
conjunction with a program offered by, a university, college, or 5922
technical college or vocational study and also includes the 5923
completion of primary school, secondary school, and literacy 5924
curricula or their equivalent. 5925

(N) "Firearm" has the same meaning as in section 2923.11 of 5926
the Revised Code. 5927

(O) "Halfway house" means a facility licensed by the division 5928
of parole and community services of the department of 5929

rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

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

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

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

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

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

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

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

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code, division (E) or (G) of section 2929.24 of the Revised Code, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor conviction.

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

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

(W) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of ~~crack~~ cocaine; ~~at least one thousand~~

~~grams of cocaine that is not crack cocaine;~~ at least two thousand 5993
five hundred unit doses or two hundred fifty grams of heroin; at 5994
least five thousand unit doses of L.S.D. or five hundred grams of 5995
L.S.D. in a liquid concentrate, liquid extract, or liquid 5996
distillate form; or at least one hundred times the amount of any 5997
other schedule I or II controlled substance other than marihuana 5998
that is necessary to commit a felony of the third degree pursuant 5999
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6000
Code that is based on the possession of, sale of, or offer to sell 6001
the controlled substance. 6002

(X) "Mandatory prison term" means any of the following: 6003

(1) Subject to division (X)(2) of this section, the term in 6004
prison that must be imposed for the offenses or circumstances set 6005
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 6006
2929.13 and division (D) of section 2929.14 of the Revised Code. 6007
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 6008
and 2925.11 of the Revised Code, unless the maximum or another 6009
specific term is required under section 2929.14 or 2929.142 of the 6010
Revised Code, a mandatory prison term described in this division 6011
may be any prison term authorized for the level of offense. 6012

(2) The term of sixty or one hundred twenty days in prison 6013
that a sentencing court is required to impose for a third or 6014
fourth degree felony OVI offense pursuant to division (G)(2) of 6015
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 6016
of the Revised Code or the term of one, two, three, four, or five 6017
years in prison that a sentencing court is required to impose 6018
pursuant to division (G)(2) of section 2929.13 of the Revised 6019
Code. 6020

(3) The term in prison imposed pursuant to division (A) of 6021
section 2971.03 of the Revised Code for the offenses and in the 6022
circumstances described in division (F)(11) of section 2929.13 of 6023
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 6024

(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 6025
2971.03 of the Revised Code and that term as modified or 6026
terminated pursuant to section 2971.05 of the Revised Code. 6027

(Y) "Monitored time" means a period of time during which an 6028
offender continues to be under the control of the sentencing court 6029
or parole board, subject to no conditions other than leading a 6030
law-abiding life. 6031

(Z) "Offender" means a person who, in this state, is 6032
convicted of or pleads guilty to a felony or a misdemeanor. 6033

(AA) "Prison" means a residential facility used for the 6034
confinement of convicted felony offenders that is under the 6035
control of the department of rehabilitation and correction but 6036
does not include a violation sanction center operated under 6037
authority of section 2967.141 of the Revised Code. 6038

(BB) "Prison term" includes either of the following sanctions 6039
for an offender: 6040

(1) A stated prison term; 6041

(2) A term in a prison shortened by, or with the approval of, 6042
the sentencing court pursuant to section 2929.20, 2967.26, 6043
5120.031, 5120.032, or 5120.073 of the Revised Code. 6044

(CC) "Repeat violent offender" means a person about whom both 6045
of the following apply: 6046

(1) The person is being sentenced for committing or for 6047
complicity in committing any of the following: 6048

(a) Aggravated murder, murder, any felony of the first or 6049
second degree that is an offense of violence, or an attempt to 6050
commit any of these offenses if the attempt is a felony of the 6051
first or second degree; 6052

(b) An offense under an existing or former law of this state, 6053
another state, or the United States that is or was substantially 6054

equivalent to an offense described in division (CC)(1)(a) of this section. 6055
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(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC)(1)(a) or (b) of this section. 6057
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(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code. 6060
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(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense. 6065
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(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. 6068
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(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense. 6078
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(HH) "Fourth degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree. 6083
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(II) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility that a sentencing court may impose upon a person who is convicted of or pleads guilty to a fourth degree felony OVI offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code.

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

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender," have the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

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

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.

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

(PP) "Third degree felony OVI offense" means a violation of

division (A) of section 4511.19 of the Revised Code that, under 6117
division (G) of that section, is a felony of the third degree. 6118

(QQ) "Random drug testing" has the same meaning as in section 6119
5120.63 of the Revised Code. 6120

(RR) "Felony sex offense" has the same meaning as in section 6121
2967.28 of the Revised Code. 6122

(SS) "Body armor" has the same meaning as in section 6123
2941.1411 of the Revised Code. 6124

(TT) "Electronic monitoring" means monitoring through the use 6125
of an electronic monitoring device. 6126

(UU) "Electronic monitoring device" means any of the 6127
following: 6128

(1) Any device that can be operated by electrical or battery 6129
power and that conforms with all of the following: 6130

(a) The device has a transmitter that can be attached to a 6131
person, that will transmit a specified signal to a receiver of the 6132
type described in division (UU)(1)(b) of this section if the 6133
transmitter is removed from the person, turned off, or altered in 6134
any manner without prior court approval in relation to electronic 6135
monitoring or without prior approval of the department of 6136
rehabilitation and correction in relation to the use of an 6137
electronic monitoring device for an inmate on transitional control 6138
or otherwise is tampered with, that can transmit continuously and 6139
periodically a signal to that receiver when the person is within a 6140
specified distance from the receiver, and that can transmit an 6141
appropriate signal to that receiver if the person to whom it is 6142
attached travels a specified distance from that receiver. 6143

(b) The device has a receiver that can receive continuously 6144
the signals transmitted by a transmitter of the type described in 6145
division (UU)(1)(a) of this section, can transmit continuously 6146

those signals by telephone to a central monitoring computer of the 6147
type described in division (UU)(1)(c) of this section, and can 6148
transmit continuously an appropriate signal to that central 6149
monitoring computer if the receiver is turned off or altered 6150
without prior court approval or otherwise tampered with. 6151

(c) The device has a central monitoring computer that can 6152
receive continuously the signals transmitted by telephone by a 6153
receiver of the type described in division (UU)(1)(b) of this 6154
section and can monitor continuously the person to whom an 6155
electronic monitoring device of the type described in division 6156
(UU)(1)(a) of this section is attached. 6157

(2) Any device that is not a device of the type described in 6158
division (UU)(1) of this section and that conforms with all of the 6159
following: 6160

(a) The device includes a transmitter and receiver that can 6161
monitor and determine the location of a subject person at any 6162
time, or at a designated point in time, through the use of a 6163
central monitoring computer or through other electronic means. 6164

(b) The device includes a transmitter and receiver that can 6165
determine at any time, or at a designated point in time, through 6166
the use of a central monitoring computer or other electronic means 6167
the fact that the transmitter is turned off or altered in any 6168
manner without prior approval of the court in relation to the 6169
electronic monitoring or without prior approval of the department 6170
of rehabilitation and correction in relation to the use of an 6171
electronic monitoring device for an inmate on transitional control 6172
or otherwise is tampered with. 6173

(3) Any type of technology that can adequately track or 6174
determine the location of a subject person at any time and that is 6175
approved by the director of rehabilitation and correction, 6176
including, but not limited to, any satellite technology, voice 6177

tracking system, or retinal scanning system that is so approved. 6178

(VV) "Non-economic loss" means nonpecuniary harm suffered by 6179
a victim of an offense as a result of or related to the commission 6180
of the offense, including, but not limited to, pain and suffering; 6181
loss of society, consortium, companionship, care, assistance, 6182
attention, protection, advice, guidance, counsel, instruction, 6183
training, or education; mental anguish; and any other intangible 6184
loss. 6185

(WW) "Prosecutor" has the same meaning as in section 2935.01 6186
of the Revised Code. 6187

(XX) "Continuous alcohol monitoring" means the ability to 6188
automatically test and periodically transmit alcohol consumption 6189
levels and tamper attempts at least every hour, regardless of the 6190
location of the person who is being monitored. 6191

(YY) A person is "adjudicated a sexually violent predator" if 6192
the person is convicted of or pleads guilty to a violent sex 6193
offense and also is convicted of or pleads guilty to a sexually 6194
violent predator specification that was included in the 6195
indictment, count in the indictment, or information charging that 6196
violent sex offense or if the person is convicted of or pleads 6197
guilty to a designated homicide, assault, or kidnapping offense 6198
and also is convicted of or pleads guilty to both a sexual 6199
motivation specification and a sexually violent predator 6200
specification that were included in the indictment, count in the 6201
indictment, or information charging that designated homicide, 6202
assault, or kidnapping offense. 6203

(ZZ) An offense is "committed in proximity to a school" if 6204
the offender commits the offense in a school safety zone or within 6205
five hundred feet of any school building or the boundaries of any 6206
school premises, regardless of whether the offender knows the 6207
offense is being committed in a school safety zone or within five 6208

hundred feet of any school building or the boundaries of any 6209
school premises. 6210

(AAA) "Human trafficking" means a scheme or plan to which all 6211
of the following apply: 6212

(1) Its object is to compel a victim or victims to engage in 6213
sexual activity for hire, to engage in a performance that is 6214
obscene, sexually oriented, or nudity oriented, or to be a model 6215
or participant in the production of material that is obscene, 6216
sexually oriented, or nudity oriented. 6217

(2) It involves at least two felony offenses, whether or not 6218
there has been a prior conviction for any of the felony offenses, 6219
to which all of the following apply: 6220

(a) Each of the felony offenses is a violation of section 6221
2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or 6222
(2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) 6223
of section 2919.22 of the Revised Code or is a violation of a law 6224
of any state other than this state that is substantially similar 6225
to any of the sections or divisions of the Revised Code identified 6226
in this division. 6227

(b) At least one of the felony offenses was committed in this 6228
state. 6229

(c) The felony offenses are related to the same scheme or 6230
plan, are not isolated instances, and are not so closely related 6231
to each other and connected in time and place that they constitute 6232
a single event or transaction. 6233

(BBB) "Material," "nudity," "obscene," "performance," and 6234
"sexual activity" have the same meanings as in section 2907.01 of 6235
the Revised Code. 6236

(CCC) "Material that is obscene, sexually oriented, or nudity 6237
oriented" means any material that is obscene, that shows a person 6238

participating or engaging in sexual activity, masturbation, or 6239
bestiality, or that shows a person in a state of nudity. 6240

(DDD) "Performance that is obscene, sexually oriented, or 6241
nudity oriented" means any performance that is obscene, that shows 6242
a person participating or engaging in sexual activity, 6243
masturbation, or bestiality, or that shows a person in a state of 6244
nudity. 6245

Sec. 2929.13. (A) Except as provided in division (E), (F), or 6246
(G) of this section and unless a specific sanction is required to 6247
be imposed or is precluded from being imposed pursuant to law, a 6248
court that imposes a sentence upon an offender for a felony may 6249
impose any sanction or combination of sanctions on the offender 6250
that are provided in sections 2929.14 to 2929.18 of the Revised 6251
Code. The sentence shall not impose an unnecessary burden on state 6252
or local government resources. 6253

If the offender is eligible to be sentenced to community 6254
control sanctions, the court shall consider the appropriateness of 6255
imposing a financial sanction pursuant to section 2929.18 of the 6256
Revised Code or a sanction of community service pursuant to 6257
section 2929.17 of the Revised Code as the sole sanction for the 6258
offense. Except as otherwise provided in this division, if the 6259
court is required to impose a mandatory prison term for the 6260
offense for which sentence is being imposed, the court also shall 6261
impose any financial sanction pursuant to section 2929.18 of the 6262
Revised Code that is required for the offense and may impose any 6263
other financial sanction pursuant to that section but may not 6264
impose any additional sanction or combination of sanctions under 6265
section 2929.16 or 2929.17 of the Revised Code. 6266

If the offender is being sentenced for a fourth degree felony 6267
OVI offense or for a third degree felony OVI offense, in addition 6268
to the mandatory term of local incarceration or the mandatory 6269

prison term required for the offense by division (G)(1) or (2) of 6270
this section, the court shall impose upon the offender a mandatory 6271
fine in accordance with division (B)(3) of section 2929.18 of the 6272
Revised Code and may impose whichever of the following is 6273
applicable: 6274

(1) For a fourth degree felony OVI offense for which sentence 6275
is imposed under division (G)(1) of this section, an additional 6276
community control sanction or combination of community control 6277
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 6278
the court imposes upon the offender a community control sanction 6279
and the offender violates any condition of the community control 6280
sanction, the court may take any action prescribed in division (B) 6281
of section 2929.15 of the Revised Code relative to the offender, 6282
including imposing a prison term on the offender pursuant to that 6283
division. 6284

(2) For a third or fourth degree felony OVI offense for which 6285
sentence is imposed under division (G)(2) of this section, an 6286
additional prison term as described in division (D)(4) of section 6287
2929.14 of the Revised Code or a community control sanction as 6288
described in division (G)(2) of this section. 6289

(B)(1) Except as provided in division (B)(2), (E), (F), or 6290
(G) of this section, in sentencing an offender for a felony of the 6291
fourth or fifth degree, the sentencing court shall determine 6292
whether any of the following apply: 6293

(a) In committing the offense, the offender caused physical 6294
harm to a person. 6295

(b) In committing the offense, the offender attempted to 6296
cause or made an actual threat of physical harm to a person with a 6297
deadly weapon. 6298

(c) In committing the offense, the offender attempted to 6299
cause or made an actual threat of physical harm to a person, and 6300

the offender previously was convicted of an offense that caused 6301
physical harm to a person. 6302

(d) The offender held a public office or position of trust 6303
and the offense related to that office or position; the offender's 6304
position obliged the offender to prevent the offense or to bring 6305
those committing it to justice; or the offender's professional 6306
reputation or position facilitated the offense or was likely to 6307
influence the future conduct of others. 6308

(e) The offender committed the offense for hire or as part of 6309
an organized criminal activity. 6310

(f) The offense is a sex offense that is a fourth or fifth 6311
degree felony violation of section 2907.03, 2907.04, 2907.05, 6312
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 6313
Revised Code. 6314

(g) The offender at the time of the offense was serving, or 6315
the offender previously had served, a prison term. 6316

(h) The offender committed the offense while under a 6317
community control sanction, while on probation, or while released 6318
from custody on a bond or personal recognizance. 6319

(i) The offender committed the offense while in possession of 6320
a firearm. 6321

(2)(a) If the court makes a finding described in division 6322
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 6323
section and if the court, after considering the factors set forth 6324
in section 2929.12 of the Revised Code, finds that a prison term 6325
is consistent with the purposes and principles of sentencing set 6326
forth in section 2929.11 of the Revised Code and finds that the 6327
offender is not amenable to an available community control 6328
sanction, the court shall impose a prison term upon the offender. 6329

(b) Except as provided in division (E), (F), or (G) of this 6330

section, if the court does not make a finding described in 6331
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 6332
this section and if the court, after considering the factors set 6333
forth in section 2929.12 of the Revised Code, finds that a 6334
community control sanction or combination of community control 6335
sanctions is consistent with the purposes and principles of 6336
sentencing set forth in section 2929.11 of the Revised Code, the 6337
court shall impose a community control sanction or combination of 6338
community control sanctions upon the offender. 6339

(C) Except as provided in division (D), (E), (F), or (G) of 6340
this section, in determining whether to impose a prison term as a 6341
sanction for a felony of the third degree or a felony drug offense 6342
that is a violation of a provision of Chapter 2925. of the Revised 6343
Code and that is specified as being subject to this division for 6344
purposes of sentencing, the sentencing court shall comply with the 6345
purposes and principles of sentencing under section 2929.11 of the 6346
Revised Code and with section 2929.12 of the Revised Code. 6347

(D)(1) Except as provided in division (E) or (F) of this 6348
section, for a felony of the first or second degree, for a felony 6349
drug offense that is a violation of any provision of Chapter 6350
2925., 3719., or 4729. of the Revised Code for which a presumption 6351
in favor of a prison term is specified as being applicable, and 6352
for a violation of division (A)(4) or (B) of section 2907.05 of 6353
the Revised Code for which a presumption in favor of a prison term 6354
is specified as being applicable, it is presumed that a prison 6355
term is necessary in order to comply with the purposes and 6356
principles of sentencing under section 2929.11 of the Revised 6357
Code. Division (D)(2) of this section does not apply to a 6358
presumption established under this division for a violation of 6359
division (A)(4) of section 2907.05 of the Revised Code. 6360

(2) Notwithstanding the presumption established under 6361
division (D)(1) of this section for the offenses listed in that 6362

division other than a violation of division (A)(4) or (B) of 6363
section 2907.05 of the Revised Code, the sentencing court may 6364
impose a community control sanction or a combination of community 6365
control sanctions instead of a prison term on an offender for a 6366
felony of the first or second degree or for a felony drug offense 6367
that is a violation of any provision of Chapter 2925., 3719., or 6368
4729. of the Revised Code for which a presumption in favor of a 6369
prison term is specified as being applicable if it makes both of 6370
the following findings: 6371

(a) A community control sanction or a combination of 6372
community control sanctions would adequately punish the offender 6373
and protect the public from future crime, because the applicable 6374
factors under section 2929.12 of the Revised Code indicating a 6375
lesser likelihood of recidivism outweigh the applicable factors 6376
under that section indicating a greater likelihood of recidivism. 6377

(b) A community control sanction or a combination of 6378
community control sanctions would not demean the seriousness of 6379
the offense, because one or more factors under section 2929.12 of 6380
the Revised Code that indicate that the offender's conduct was 6381
less serious than conduct normally constituting the offense are 6382
applicable, and they outweigh the applicable factors under that 6383
section that indicate that the offender's conduct was more serious 6384
than conduct normally constituting the offense. 6385

(E)(1) Except as provided in division (F) of this section, 6386
for any drug offense that is a violation of any provision of 6387
Chapter 2925. of the Revised Code and that is a felony of the 6388
third, fourth, or fifth degree, the applicability of a presumption 6389
under division (D) of this section in favor of a prison term or of 6390
division (B) or (C) of this section in determining whether to 6391
impose a prison term for the offense shall be determined as 6392
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6393
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 6394

Revised Code, whichever is applicable regarding the violation. 6395

(2) If an offender who was convicted of or pleaded guilty to 6396
a felony violates the conditions of a community control sanction 6397
imposed for the offense solely by reason of producing positive 6398
results on a drug test, the court, as punishment for the violation 6399
of the sanction, shall not order that the offender be imprisoned 6400
unless the court determines on the record either of the following: 6401

(a) The offender had been ordered as a sanction for the 6402
felony to participate in a drug treatment program, in a drug 6403
education program, or in narcotics anonymous or a similar program, 6404
and the offender continued to use illegal drugs after a reasonable 6405
period of participation in the program. 6406

(b) The imprisonment of the offender for the violation is 6407
consistent with the purposes and principles of sentencing set 6408
forth in section 2929.11 of the Revised Code. 6409

(3) A court that sentences an offender for a drug abuse 6410
offense that is a felony of the third, fourth, or fifth degree may 6411
require that the offender be assessed by a properly credentialed 6412
professional within a specified period of time. The court shall 6413
require the professional to file a written assessment of the 6414
offender with the court. If the offender is eligible for a 6415
community control sanction and after considering the written 6416
assessment, the court may impose a community control sanction that 6417
includes treatment and recovery support services authorized by 6418
section 3793.02 of the Revised Code. If the court imposes 6419
treatment and recovery support services as a community control 6420
sanction, the court shall direct the level and type of treatment 6421
and recovery support services after considering the assessment and 6422
recommendation of treatment and recovery support services 6423
providers. 6424

(F) Notwithstanding divisions (A) to (E) of this section, the 6425

court shall impose a prison term or terms under sections 2929.02 6426
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 6427
of the Revised Code and except as specifically provided in section 6428
2929.20, division (K) of section 2967.19, or section 2967.191 of 6429
the Revised Code or when parole is authorized for the offense 6430
under section 2967.13 of the Revised Code shall not reduce the 6431
term or terms pursuant to section 2929.20, section 2967.19, 6432
section 2967.193, or any other provision of Chapter 2967. or 6433
Chapter 5120. of the Revised Code for any of the following 6434
offenses: 6435

(1) Aggravated murder when death is not imposed or murder; 6436

(2) Any rape, regardless of whether force was involved and 6437
regardless of the age of the victim, or an attempt to commit rape 6438
if, had the offender completed the rape that was attempted, the 6439
offender would have been guilty of a violation of division 6440
(A)(1)(b) of section 2907.02 of the Revised Code and would be 6441
sentenced under section 2971.03 of the Revised Code; 6442

(3) Gross sexual imposition or sexual battery, if the victim 6443
is less than thirteen years of age and if any of the following 6444
applies: 6445

(a) Regarding gross sexual imposition, the offender 6446
previously was convicted of or pleaded guilty to rape, the former 6447
offense of felonious sexual penetration, gross sexual imposition, 6448
or sexual battery, and the victim of the previous offense was less 6449
than thirteen years of age; 6450

(b) Regarding gross sexual imposition, the offense was 6451
committed on or after August 3, 2006, and evidence other than the 6452
testimony of the victim was admitted in the case corroborating the 6453
violation. 6454

(c) Regarding sexual battery, either of the following 6455
applies: 6456

(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.

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08,
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the
section requires the imposition of a prison term;

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

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

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

(a) Aggravated murder, murder, involuntary manslaughter,
rape, felonious sexual penetration as it existed under section
2907.12 of the Revised Code prior to September 3, 1996, a felony

of the first or second degree that resulted in the death of a 6488
person or in physical harm to a person, or complicity in or an 6489
attempt to commit any of those offenses; 6490

(b) An offense under an existing or former law of this state, 6491
another state, or the United States that is or was substantially 6492
equivalent to an offense listed in division (F)(7)(a) of this 6493
section that resulted in the death of a person or in physical harm 6494
to a person. 6495

(8) Any offense, other than a violation of section 2923.12 of 6496
the Revised Code, that is a felony, if the offender had a firearm 6497
on or about the offender's person or under the offender's control 6498
while committing the felony, with respect to a portion of the 6499
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 6500
of the Revised Code for having the firearm; 6501

(9) Any offense of violence that is a felony, if the offender 6502
wore or carried body armor while committing the felony offense of 6503
violence, with respect to the portion of the sentence imposed 6504
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 6505
Code for wearing or carrying the body armor; 6506

(10) Corrupt activity in violation of section 2923.32 of the 6507
Revised Code when the most serious offense in the pattern of 6508
corrupt activity that is the basis of the offense is a felony of 6509
the first degree; 6510

(11) Any violent sex offense or designated homicide, assault, 6511
or kidnapping offense if, in relation to that offense, the 6512
offender is adjudicated a sexually violent predator; 6513

(12) A violation of division (A)(1) or (2) of section 2921.36 6514
of the Revised Code, or a violation of division (C) of that 6515
section involving an item listed in division (A)(1) or (2) of that 6516
section, if the offender is an officer or employee of the 6517
department of rehabilitation and correction; 6518

(13) A violation of division (A)(1) or (2) of section 2903.06 6519
of the Revised Code if the victim of the offense is a peace 6520
officer, as defined in section 2935.01 of the Revised Code, or an 6521
investigator of the bureau of criminal identification and 6522
investigation, as defined in section 2903.11 of the Revised Code, 6523
with respect to the portion of the sentence imposed pursuant to 6524
division (D)(5) of section 2929.14 of the Revised Code; 6525

(14) A violation of division (A)(1) or (2) of section 2903.06 6526
of the Revised Code if the offender has been convicted of or 6527
pleaded guilty to three or more violations of division (A) or (B) 6528
of section 4511.19 of the Revised Code or an equivalent offense, 6529
as defined in section 2941.1415 of the Revised Code, or three or 6530
more violations of any combination of those divisions and 6531
offenses, with respect to the portion of the sentence imposed 6532
pursuant to division (D)(6) of section 2929.14 of the Revised 6533
Code; 6534

(15) Kidnapping, in the circumstances specified in section 6535
2971.03 of the Revised Code and when no other provision of 6536
division (F) of this section applies; 6537

(16) Kidnapping, abduction, compelling prostitution, 6538
promoting prostitution, engaging in a pattern of corrupt activity, 6539
illegal use of a minor in a nudity-oriented material or 6540
performance in violation of division (A)(1) or (2) of section 6541
2907.323 of the Revised Code, or endangering children in violation 6542
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 6543
the Revised Code, if the offender is convicted of or pleads guilty 6544
to a specification as described in section 2941.1422 of the 6545
Revised Code that was included in the indictment, count in the 6546
indictment, or information charging the offense; 6547

(17) A felony violation of division (A) or (B) of section 6548
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 6549
that section, and division (A)(6) of that section, require the 6550

imposition of a prison term; 6551

(18) A felony violation of section 2903.11, 2903.12, or 6552
2903.13 of the Revised Code, if the victim of the offense was a 6553
woman that the offender knew was pregnant at the time of the 6554
violation, with respect to a portion of the sentence imposed 6555
pursuant to division (D)(8) of section 2929.14 of the Revised 6556
Code. 6557

(G) Notwithstanding divisions (A) to (E) of this section, if 6558
an offender is being sentenced for a fourth degree felony OVI 6559
offense or for a third degree felony OVI offense, the court shall 6560
impose upon the offender a mandatory term of local incarceration 6561
or a mandatory prison term in accordance with the following: 6562

(1) If the offender is being sentenced for a fourth degree 6563
felony OVI offense and if the offender has not been convicted of 6564
and has not pleaded guilty to a specification of the type 6565
described in section 2941.1413 of the Revised Code, the court may 6566
impose upon the offender a mandatory term of local incarceration 6567
of sixty days or one hundred twenty days as specified in division 6568
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 6569
not reduce the term pursuant to section 2929.20, 2967.193, or any 6570
other provision of the Revised Code. The court that imposes a 6571
mandatory term of local incarceration under this division shall 6572
specify whether the term is to be served in a jail, a 6573
community-based correctional facility, a halfway house, or an 6574
alternative residential facility, and the offender shall serve the 6575
term in the type of facility specified by the court. A mandatory 6576
term of local incarceration imposed under division (G)(1) of this 6577
section is not subject to any other Revised Code provision that 6578
pertains to a prison term except as provided in division (A)(1) of 6579
this section. 6580

(2) If the offender is being sentenced for a third degree 6581
felony OVI offense, or if the offender is being sentenced for a 6582

fourth degree felony OVI offense and the court does not impose a 6583
mandatory term of local incarceration under division (G)(1) of 6584
this section, the court shall impose upon the offender a mandatory 6585
prison term of one, two, three, four, or five years if the 6586
offender also is convicted of or also pleads guilty to a 6587
specification of the type described in section 2941.1413 of the 6588
Revised Code or shall impose upon the offender a mandatory prison 6589
term of sixty days or one hundred twenty days as specified in 6590
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 6591
if the offender has not been convicted of and has not pleaded 6592
guilty to a specification of that type. The Subject to division 6593
(K) of section 2967.19 of the Revised Code, the court shall not 6594
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 6595
any other provision of the Revised Code. The offender shall serve 6596
the one-, two-, three-, four-, or five-year mandatory prison term 6597
consecutively to and prior to the prison term imposed for the 6598
underlying offense and consecutively to any other mandatory prison 6599
term imposed in relation to the offense. In no case shall an 6600
offender who once has been sentenced to a mandatory term of local 6601
incarceration pursuant to division (G)(1) of this section for a 6602
fourth degree felony OVI offense be sentenced to another mandatory 6603
term of local incarceration under that division for any violation 6604
of division (A) of section 4511.19 of the Revised Code. In 6605
addition to the mandatory prison term described in division (G)(2) 6606
of this section, the court may sentence the offender to a 6607
community control sanction under section 2929.16 or 2929.17 of the 6608
Revised Code, but the offender shall serve the prison term prior 6609
to serving the community control sanction. The department of 6610
rehabilitation and correction may place an offender sentenced to a 6611
mandatory prison term under this division in an intensive program 6612
prison established pursuant to section 5120.033 of the Revised 6613
Code if the department gave the sentencing judge prior notice of 6614
its intent to place the offender in an intensive program prison 6615

established under that section and if the judge did not notify the 6616
department that the judge disapproved the placement. Upon the 6617
establishment of the initial intensive program prison pursuant to 6618
section 5120.033 of the Revised Code that is privately operated 6619
and managed by a contractor pursuant to a contract entered into 6620
under section 9.06 of the Revised Code, both of the following 6621
apply: 6622

(a) The department of rehabilitation and correction shall 6623
make a reasonable effort to ensure that a sufficient number of 6624
offenders sentenced to a mandatory prison term under this division 6625
are placed in the privately operated and managed prison so that 6626
the privately operated and managed prison has full occupancy. 6627

(b) Unless the privately operated and managed prison has full 6628
occupancy, the department of rehabilitation and correction shall 6629
not place any offender sentenced to a mandatory prison term under 6630
this division in any intensive program prison established pursuant 6631
to section 5120.033 of the Revised Code other than the privately 6632
operated and managed prison. 6633

(H) If an offender is being sentenced for a sexually oriented 6634
offense or child-victim oriented offense that is a felony 6635
committed on or after January 1, 1997, the judge shall require the 6636
offender to submit to a DNA specimen collection procedure pursuant 6637
to section 2901.07 of the Revised Code. 6638

(I) If an offender is being sentenced for a sexually oriented 6639
offense or a child-victim oriented offense committed on or after 6640
January 1, 1997, the judge shall include in the sentence a summary 6641
of the offender's duties imposed under sections 2950.04, 2950.041, 6642
2950.05, and 2950.06 of the Revised Code and the duration of the 6643
duties. The judge shall inform the offender, at the time of 6644
sentencing, of those duties and of their duration. If required 6645
under division (A)(2) of section 2950.03 of the Revised Code, the 6646
judge shall perform the duties specified in that section, or, if 6647

required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

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

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

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

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime

victims reparations fund. 6680

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 6681
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), 6682
(J), or (L) of this section or in division (D)(6) of section 6683
2919.25 of the Revised Code and except in relation to an offense 6684
for which a sentence of death or life imprisonment is to be 6685
imposed, if the court imposing a sentence upon an offender for a 6686
felony elects or is required to impose a prison term on the 6687
offender pursuant to this chapter, the court shall impose a 6688
definite prison term that shall be one of the following: 6689

(1) For a felony of the first degree, the prison term shall 6690
be three, four, five, six, seven, eight, nine, or ten years. 6691

(2) For a felony of the second degree, the prison term shall 6692
be two, three, four, five, six, seven, or eight years. 6693

(3) For a felony of the third degree, the prison term shall 6694
be one, two, three, four, or five years. 6695

(4) For a felony of the fourth degree, the prison term shall 6696
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 6697
fourteen, fifteen, sixteen, seventeen, or eighteen months. 6698

(5) For a felony of the fifth degree, the prison term shall 6699
be six, seven, eight, nine, ten, eleven, or twelve months. 6700

(B) Except as provided in division (C), (D)(1), (D)(2), 6701
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), (J), or (L) of 6702
this section, in section 2907.02 , 2907.05, or 2919.25 of the 6703
Revised Code, or in Chapter 2925. of the Revised Code, if the 6704
court imposing a sentence upon an offender for a felony elects or 6705
is required to impose a prison term on the offender, the court 6706
shall impose the shortest prison term authorized for the offense 6707
pursuant to division (A) of this section, unless one or more of 6708
the following applies: 6709

(1) The offender was serving a prison term at the time of the offense, or the offender previously had served a prison term. 6710
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(2) The court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others. 6712
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(C) Except as provided in division (D)(7), (D)(8), (G), or (L) of this section, in section 2919.25 of the Revised Code, or in Chapter 2925. of the Revised Code, the court imposing a sentence upon an offender for a felony may impose the longest prison term authorized for the offense pursuant to division (A) of this section only upon offenders who committed the worst forms of the offense, upon offenders who pose the greatest likelihood of committing future crimes, upon certain major drug offenders under division (D)(3) of this section, and upon certain repeat violent offenders in accordance with division (D)(2) of this section. 6716
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(D)(1)(a) Except as provided in division (D)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms: 6726
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(i) A prison term of six years if the specification is of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony; 6732
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(ii) A prison term of three years if the specification is of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the 6738
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offender's person or under the offender's control while committing 6741
the offense and displaying the firearm, brandishing the firearm, 6742
indicating that the offender possessed the firearm, or using it to 6743
facilitate the offense; 6744

(iii) A prison term of one year if the specification is of 6745
the type described in section 2941.141 of the Revised Code that 6746
charges the offender with having a firearm on or about the 6747
offender's person or under the offender's control while committing 6748
the felony. 6749

(b) If a court imposes a prison term on an offender under 6750
division (D)(1)(a) of this section, subject to division (K) of 6751
section 2967.19 of the Revised Code, the prison term shall not be 6752
reduced pursuant to section 2967.19, section 2929.20, section 6753
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 6754
of the Revised Code. Except as provided in division (D)(1)(g) of 6755
this section, a court shall not impose more than one prison term 6756
on an offender under division (D)(1)(a) of this section for 6757
felonies committed as part of the same act or transaction. 6758

(c) Except as provided in division (D)(1)(e) of this section, 6759
if an offender who is convicted of or pleads guilty to a violation 6760
of section 2923.161 of the Revised Code or to a felony that 6761
includes, as an essential element, purposely or knowingly causing 6762
or attempting to cause the death of or physical harm to another, 6763
also is convicted of or pleads guilty to a specification of the 6764
type described in section 2941.146 of the Revised Code that 6765
charges the offender with committing the offense by discharging a 6766
firearm from a motor vehicle other than a manufactured home, the 6767
court, after imposing a prison term on the offender for the 6768
violation of section 2923.161 of the Revised Code or for the other 6769
felony offense under division (A), (D)(2), or (D)(3) of this 6770
section, shall impose an additional prison term of five years upon 6771
the offender that, subject to division (K) of section 2967.19 of 6772

the Revised Code, shall not be reduced pursuant to section 6773
2929.20, section 2967.19, section 2967.193, or any other provision 6774
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 6775
shall not impose more than one additional prison term on an 6776
offender under division (D)(1)(c) of this section for felonies 6777
committed as part of the same act or transaction. If a court 6778
imposes an additional prison term on an offender under division 6779
(D)(1)(c) of this section relative to an offense, the court also 6780
shall impose a prison term under division (D)(1)(a) of this 6781
section relative to the same offense, provided the criteria 6782
specified in that division for imposing an additional prison term 6783
are satisfied relative to the offender and the offense. 6784

(d) If an offender who is convicted of or pleads guilty to an 6785
offense of violence that is a felony also is convicted of or 6786
pleads guilty to a specification of the type described in section 6787
2941.1411 of the Revised Code that charges the offender with 6788
wearing or carrying body armor while committing the felony offense 6789
of violence, the court shall impose on the offender a prison term 6790
of two years. The prison term so imposed, subject to division (K) 6791
of section 2967.19 of the Revised Code, shall not be reduced 6792
pursuant to section 2929.20, section 2967.19, section 2967.193, or 6793
any other provision of Chapter 2967. or Chapter 5120. of the 6794
Revised Code. A court shall not impose more than one prison term 6795
on an offender under division (D)(1)(d) of this section for 6796
felonies committed as part of the same act or transaction. If a 6797
court imposes an additional prison term under division (D)(1)(a) 6798
or (c) of this section, the court is not precluded from imposing 6799
an additional prison term under division (D)(1)(d) of this 6800
section. 6801

(e) The court shall not impose any of the prison terms 6802
described in division (D)(1)(a) of this section or any of the 6803
additional prison terms described in division (D)(1)(c) of this 6804

section upon an offender for a violation of section 2923.12 or 6805
2923.123 of the Revised Code. The court shall not impose any of 6806
the prison terms described in division (D)(1)(a) or (b) of this 6807
section upon an offender for a violation of section 2923.122 that 6808
involves a deadly weapon that is a firearm other than a dangerous 6809
ordnance, section 2923.16, or section 2923.121 of the Revised 6810
Code. The court shall not impose any of the prison terms described 6811
in division (D)(1)(a) of this section or any of the additional 6812
prison terms described in division (D)(1)(c) of this section upon 6813
an offender for a violation of section 2923.13 of the Revised Code 6814
unless all of the following apply: 6815

(i) The offender previously has been convicted of aggravated 6816
murder, murder, or any felony of the first or second degree. 6817

(ii) Less than five years have passed since the offender was 6818
released from prison or post-release control, whichever is later, 6819
for the prior offense. 6820

(f) If an offender is convicted of or pleads guilty to a 6821
felony that includes, as an essential element, causing or 6822
attempting to cause the death of or physical harm to another and 6823
also is convicted of or pleads guilty to a specification of the 6824
type described in section 2941.1412 of the Revised Code that 6825
charges the offender with committing the offense by discharging a 6826
firearm at a peace officer as defined in section 2935.01 of the 6827
Revised Code or a corrections officer, as defined in section 6828
2941.1412 of the Revised Code, the court, after imposing a prison 6829
term on the offender for the felony offense under division (A), 6830
(D)(2), or (D)(3) of this section, shall impose an additional 6831
prison term of seven years upon the offender that, subject to 6832
division (K) of section 2967.28 of the Revised Code, shall not be 6833
reduced pursuant to section 2929.20, section 2967.19, section 6834
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 6835
of the Revised Code. If an offender is convicted of or pleads 6836

guilty to two or more felonies that include, as an essential 6837
element, causing or attempting to cause the death or physical harm 6838
to another and also is convicted of or pleads guilty to a 6839
specification of the type described under division (D)(1)(f) of 6840
this section in connection with two or more of the felonies of 6841
which the offender is convicted or to which the offender pleads 6842
guilty, the sentencing court shall impose on the offender the 6843
prison term specified under division (D)(1)(f) of this section for 6844
each of two of the specifications of which the offender is 6845
convicted or to which the offender pleads guilty and, in its 6846
discretion, also may impose on the offender the prison term 6847
specified under that division for any or all of the remaining 6848
specifications. If a court imposes an additional prison term on an 6849
offender under division (D)(1)(f) of this section relative to an 6850
offense, the court shall not impose a prison term under division 6851
(D)(1)(a) or (c) of this section relative to the same offense. 6852

(g) If an offender is convicted of or pleads guilty to two or 6853
more felonies, if one or more of those felonies is aggravated 6854
murder, murder, attempted aggravated murder, attempted murder, 6855
aggravated robbery, felonious assault, or rape, and if the 6856
offender is convicted of or pleads guilty to a specification of 6857
the type described under division (D)(1)(a) of this section in 6858
connection with two or more of the felonies, the sentencing court 6859
shall impose on the offender the prison term specified under 6860
division (D)(1)(a) of this section for each of the two most 6861
serious specifications of which the offender is convicted or to 6862
which the offender pleads guilty and, in its discretion, also may 6863
impose on the offender the prison term specified under that 6864
division for any or all of the remaining specifications. 6865

(2)(a) If division (D)(2)(b) of this section does not apply, 6866
the court may impose on an offender, in addition to the longest 6867
prison term authorized or required for the offense, an additional 6868

definite prison term of one, two, three, four, five, six, seven, 6869
eight, nine, or ten years if all of the following criteria are 6870
met: 6871

(i) The offender is convicted of or pleads guilty to a 6872
specification of the type described in section 2941.149 of the 6873
Revised Code that the offender is a repeat violent offender. 6874

(ii) The offense of which the offender currently is convicted 6875
or to which the offender currently pleads guilty is aggravated 6876
murder and the court does not impose a sentence of death or life 6877
imprisonment without parole, murder, terrorism and the court does 6878
not impose a sentence of life imprisonment without parole, any 6879
felony of the first degree that is an offense of violence and the 6880
court does not impose a sentence of life imprisonment without 6881
parole, or any felony of the second degree that is an offense of 6882
violence and the trier of fact finds that the offense involved an 6883
attempt to cause or a threat to cause serious physical harm to a 6884
person or resulted in serious physical harm to a person. 6885

(iii) The court imposes the longest prison term for the 6886
offense that is not life imprisonment without parole. 6887

(iv) The court finds that the prison terms imposed pursuant 6888
to division (D)(2)(a)(iii) of this section and, if applicable, 6889
division (D)(1) or (3) of this section are inadequate to punish 6890
the offender and protect the public from future crime, because the 6891
applicable factors under section 2929.12 of the Revised Code 6892
indicating a greater likelihood of recidivism outweigh the 6893
applicable factors under that section indicating a lesser 6894
likelihood of recidivism. 6895

(v) The court finds that the prison terms imposed pursuant to 6896
division (D)(2)(a)(iii) of this section and, if applicable, 6897
division (D)(1) or (3) of this section are demeaning to the 6898
seriousness of the offense, because one or more of the factors 6899

under section 2929.12 of the Revised Code indicating that the
offender's conduct is more serious than conduct normally
constituting the offense are present, and they outweigh the
applicable factors under that section indicating that the
offender's conduct is less serious than conduct normally
constituting the offense.

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

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

(ii) The offender within the preceding twenty years has been
convicted of or pleaded guilty to three or more offenses described
in division (CC)(1) of section 2929.01 of the Revised Code,
including all offenses described in that division of which the
offender is convicted or to which the offender pleads guilty in
the current prosecution and all offenses described in that
division of which the offender previously has been convicted or to
which the offender previously pleaded guilty, whether prosecuted
together or separately.

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

the offense involved an attempt to cause or a threat to cause 6932
serious physical harm to a person or resulted in serious physical 6933
harm to a person. 6934

(c) For purposes of division (D)(2)(b) of this section, two 6935
or more offenses committed at the same time or as part of the same 6936
act or event shall be considered one offense, and that one offense 6937
shall be the offense with the greatest penalty. 6938

(d) A sentence imposed under division (D)(2)(a) or (b) of 6939
this section, subject to division (K) of section 2967.19 of the 6940
Revised Code, shall not be reduced pursuant to section 2929.20, 6941
section 2967.19, or section 2967.193, or any other provision of 6942
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6943
shall serve an additional prison term imposed under this section 6944
consecutively to and prior to the prison term imposed for the 6945
underlying offense. 6946

(e) When imposing a sentence pursuant to division (D)(2)(a) 6947
or (b) of this section, the court shall state its findings 6948
explaining the imposed sentence. 6949

(3)(a) Except when an offender commits a violation of section 6950
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 6951
the violation is life imprisonment or commits a violation of 6952
section 2903.02 of the Revised Code, if the offender commits a 6953
violation of section 2925.03 or 2925.11 of the Revised Code and 6954
that section classifies the offender as a major drug offender and 6955
requires the imposition of a ten-year prison term on the offender, 6956
if the offender commits a felony violation of section 2925.02, 6957
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6958
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6959
division (C) of section 4729.51, or division (J) of section 6960
4729.54 of the Revised Code that includes the sale, offer to sell, 6961
or possession of a schedule I or II controlled substance, with the 6962
exception of marihuana, and the court imposing sentence upon the 6963

offender finds that the offender is guilty of a specification of 6964
the type described in section 2941.1410 of the Revised Code 6965
charging that the offender is a major drug offender, if the court 6966
imposing sentence upon an offender for a felony finds that the 6967
offender is guilty of corrupt activity with the most serious 6968
offense in the pattern of corrupt activity being a felony of the 6969
first degree, or if the offender is guilty of an attempted 6970
violation of section 2907.02 of the Revised Code and, had the 6971
offender completed the violation of section 2907.02 of the Revised 6972
Code that was attempted, the offender would have been subject to a 6973
sentence of life imprisonment or life imprisonment without parole 6974
for the violation of section 2907.02 of the Revised Code, the 6975
court shall impose upon the offender for the felony violation a 6976
ten-year prison term that, subject to division (K) of section 6977
2967.19 of the Revised Code, cannot be reduced pursuant to section 6978
2929.20, section 2967.19, or any other provision of Chapter 2967. 6979
or 5120. of the Revised Code. 6980

(b) The court imposing a prison term on an offender under 6981
division (D)(3)(a) of this section may impose an additional prison 6982
term of one, two, three, four, five, six, seven, eight, nine, or 6983
ten years, if the court, with respect to the term imposed under 6984
division (D)(3)(a) of this section and, if applicable, divisions 6985
(D)(1) and (2) of this section, makes both of the findings set 6986
forth in divisions (D)(2)(a)(iv) and (v) of this section. 6987

(4) If the offender is being sentenced for a third or fourth 6988
degree felony OVI offense under division (G)(2) of section 2929.13 6989
of the Revised Code, the sentencing court shall impose upon the 6990
offender a mandatory prison term in accordance with that division. 6991
In addition to the mandatory prison term, if the offender is being 6992
sentenced for a fourth degree felony OVI offense, the court, 6993
notwithstanding division (A)(4) of this section, may sentence the 6994
offender to a definite prison term of not less than six months and 6995

not more than thirty months, and if the offender is being 6996
sentenced for a third degree felony OVI offense, the sentencing 6997
court may sentence the offender to an additional prison term of 6998
any duration specified in division (A)(3) of this section. In 6999
either case, the additional prison term imposed shall be reduced 7000
by the sixty or one hundred twenty days imposed upon the offender 7001
as the mandatory prison term. The total of the additional prison 7002
term imposed under division (D)(4) of this section plus the sixty 7003
or one hundred twenty days imposed as the mandatory prison term 7004
shall equal a definite term in the range of six months to thirty 7005
months for a fourth degree felony OVI offense and shall equal one 7006
of the authorized prison terms specified in division (A)(3) of 7007
this section for a third degree felony OVI offense. If the court 7008
imposes an additional prison term under division (D)(4) of this 7009
section, the offender shall serve the additional prison term after 7010
the offender has served the mandatory prison term required for the 7011
offense. In addition to the mandatory prison term or mandatory and 7012
additional prison term imposed as described in division (D)(4) of 7013
this section, the court also may sentence the offender to a 7014
community control sanction under section 2929.16 or 2929.17 of the 7015
Revised Code, but the offender shall serve all of the prison terms 7016
so imposed prior to serving the community control sanction. 7017

If the offender is being sentenced for a fourth degree felony 7018
OVI offense under division (G)(1) of section 2929.13 of the 7019
Revised Code and the court imposes a mandatory term of local 7020
incarceration, the court may impose a prison term as described in 7021
division (A)(1) of that section. 7022

(5) If an offender is convicted of or pleads guilty to a 7023
violation of division (A)(1) or (2) of section 2903.06 of the 7024
Revised Code and also is convicted of or pleads guilty to a 7025
specification of the type described in section 2941.1414 of the 7026
Revised Code that charges that the victim of the offense is a 7027

peace officer, as defined in section 2935.01 of the Revised Code, 7028
or an investigator of the bureau of criminal identification and 7029
investigation, as defined in section 2903.11 of the Revised Code, 7030
the court shall impose on the offender a prison term of five 7031
years. If a court imposes a prison term on an offender under 7032
division (D)(5) of this section, the prison term, subject to 7033
division (K) of section 2967.19 of the Revised Code, shall not be 7034
reduced pursuant to section 2929.20, section 2967.19, section 7035
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7036
of the Revised Code. A court shall not impose more than one prison 7037
term on an offender under division (D)(5) of this section for 7038
felonies committed as part of the same act. 7039

(6) If an offender is convicted of or pleads guilty to a 7040
violation of division (A)(1) or (2) of section 2903.06 of the 7041
Revised Code and also is convicted of or pleads guilty to a 7042
specification of the type described in section 2941.1415 of the 7043
Revised Code that charges that the offender previously has been 7044
convicted of or pleaded guilty to three or more violations of 7045
division (A) or (B) of section 4511.19 of the Revised Code or an 7046
equivalent offense, as defined in section 2941.1415 of the Revised 7047
Code, or three or more violations of any combination of those 7048
divisions and offenses, the court shall impose on the offender a 7049
prison term of three years. If a court imposes a prison term on an 7050
offender under division (D)(6) of this section, the prison term, 7051
subject to division (K) of section 2967.19 of the Revised Code, 7052
shall not be reduced pursuant to section 2929.20, section 2967.19, 7053
section 2967.193, or any other provision of Chapter 2967. or 7054
Chapter 5120. of the Revised Code. A court shall not impose more 7055
than one prison term on an offender under division (D)(6) of this 7056
section for felonies committed as part of the same act. 7057

(7)(a) If an offender is convicted of or pleads guilty to a 7058
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 7059

2923.32, division (A)(1) or (2) of section 2907.323, or division 7060
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 7061
Code and also is convicted of or pleads guilty to a specification 7062
of the type described in section 2941.1422 of the Revised Code 7063
that charges that the offender knowingly committed the offense in 7064
furtherance of human trafficking, the court shall impose on the 7065
offender a mandatory prison term that is one of the following: 7066

(i) If the offense is a felony of the first degree, a 7067
definite prison term of not less than five years and not greater 7068
than ten years; 7069

(ii) If the offense is a felony of the second or third 7070
degree, a definite prison term of not less than three years and 7071
not greater than the maximum prison term allowed for the offense 7072
by division (A) of section 2929.14 of the Revised Code; 7073

(iii) If the offense is a felony of the fourth or fifth 7074
degree, a definite prison term that is the maximum prison term 7075
allowed for the offense by division (A) of section 2929.14 of the 7076
Revised Code. 7077

(b) The Subject to division (K) of section 2967.19 of the 7078
Revised Code, the prison term imposed under division (D)(7)(a) of 7079
this section shall not be reduced pursuant to section 2929.20, 7080
section 2967.19, section 2967.193, or any other provision of 7081
Chapter 2967. of the Revised Code. A court shall not impose more 7082
than one prison term on an offender under division (D)(7)(a) of 7083
this section for felonies committed as part of the same act, 7084
scheme, or plan. 7085

(8) If an offender is convicted of or pleads guilty to a 7086
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7087
Revised Code and also is convicted of or pleads guilty to a 7088
specification of the type described in section 2941.1423 of the 7089
Revised Code that charges that the victim of the violation was a 7090

woman whom the offender knew was pregnant at the time of the 7091
violation, notwithstanding the range of prison terms prescribed in 7092
division (A) of this section for felonies of the same degree as 7093
the violation, the court shall impose on the offender a mandatory 7094
prison term that is either a definite prison term of six months or 7095
one of the prison terms prescribed in section 2929.14 of the 7096
Revised Code for felonies of the same degree as the violation. 7097

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 7098
mandatory prison term is imposed upon an offender pursuant to 7099
division (D)(1)(a) of this section for having a firearm on or 7100
about the offender's person or under the offender's control while 7101
committing a felony, if a mandatory prison term is imposed upon an 7102
offender pursuant to division (D)(1)(c) of this section for 7103
committing a felony specified in that division by discharging a 7104
firearm from a motor vehicle, or if both types of mandatory prison 7105
terms are imposed, the offender shall serve any mandatory prison 7106
term imposed under either division consecutively to any other 7107
mandatory prison term imposed under either division or under 7108
division (D)(1)(d) of this section, consecutively to and prior to 7109
any prison term imposed for the underlying felony pursuant to 7110
division (A), (D)(2), or (D)(3) of this section or any other 7111
section of the Revised Code, and consecutively to any other prison 7112
term or mandatory prison term previously or subsequently imposed 7113
upon the offender. 7114

(b) If a mandatory prison term is imposed upon an offender 7115
pursuant to division (D)(1)(d) of this section for wearing or 7116
carrying body armor while committing an offense of violence that 7117
is a felony, the offender shall serve the mandatory term so 7118
imposed consecutively to any other mandatory prison term imposed 7119
under that division or under division (D)(1)(a) or (c) of this 7120
section, consecutively to and prior to any prison term imposed for 7121
the underlying felony under division (A), (D)(2), or (D)(3) of 7122

this section or any other section of the Revised Code, and 7123
consecutively to any other prison term or mandatory prison term 7124
previously or subsequently imposed upon the offender. 7125

(c) If a mandatory prison term is imposed upon an offender 7126
pursuant to division (D)(1)(f) of this section, the offender shall 7127
serve the mandatory prison term so imposed consecutively to and 7128
prior to any prison term imposed for the underlying felony under 7129
division (A), (D)(2), or (D)(3) of this section or any other 7130
section of the Revised Code, and consecutively to any other prison 7131
term or mandatory prison term previously or subsequently imposed 7132
upon the offender. 7133

(d) If a mandatory prison term is imposed upon an offender 7134
pursuant to division (D)(7) or (8) of this section, the offender 7135
shall serve the mandatory prison term so imposed consecutively to 7136
any other mandatory prison term imposed under that division or 7137
under any other provision of law and consecutively to any other 7138
prison term or mandatory prison term previously or subsequently 7139
imposed upon the offender. 7140

(2) If an offender who is an inmate in a jail, prison, or 7141
other residential detention facility violates section 2917.02, 7142
2917.03, ~~2921.34~~, or 2921.35 of the Revised Code or division 7143
(A)(1) or (2) of section 2921.34 of the Revised Code, if an 7144
offender who is under detention at a detention facility commits a 7145
felony violation of section 2923.131 of the Revised Code, or if an 7146
offender who is an inmate in a jail, prison, or other residential 7147
detention facility or is under detention at a detention facility 7148
commits another felony while the offender is an escapee in 7149
violation of division (A)(1) or (2) of section 2921.34 of the 7150
Revised Code, any prison term imposed upon the offender for one of 7151
those violations shall be served by the offender consecutively to 7152
the prison term or term of imprisonment the offender was serving 7153
when the offender committed that offense and to any other prison 7154

term previously or subsequently imposed upon the offender. 7155

(3) If a prison term is imposed for a violation of division 7156
(B) of section 2911.01 of the Revised Code, a violation of 7157
division (A) of section 2913.02 of the Revised Code in which the 7158
stolen property is a firearm or dangerous ordnance, or a felony 7159
violation of division (B) of section 2921.331 of the Revised Code, 7160
the offender shall serve that prison term consecutively to any 7161
other prison term or mandatory prison term previously or 7162
subsequently imposed upon the offender. 7163

(4) If multiple prison terms are imposed on an offender for 7164
convictions of multiple offenses, the court may require the 7165
offender to serve the prison terms consecutively if the court 7166
finds that the consecutive service is necessary to protect the 7167
public from future crime or to punish the offender and that 7168
consecutive sentences are not disproportionate to the seriousness 7169
of the offender's conduct and to the danger the offender poses to 7170
the public, and if the court also finds any of the following: 7171

(a) The offender committed one or more of the multiple 7172
offenses while the offender was awaiting trial or sentencing, was 7173
under a sanction imposed pursuant to section 2929.16, 2929.17, or 7174
2929.18 of the Revised Code, or was under post-release control for 7175
a prior offense. 7176

(b) At least two of the multiple offenses were committed as 7177
part of one or more courses of conduct, and the harm caused by two 7178
or more of the multiple offenses so committed was so great or 7179
unusual that no single prison term for any of the offenses 7180
committed as part of any of the courses of conduct adequately 7181
reflects the seriousness of the offender's conduct. 7182

(c) The offender's history of criminal conduct demonstrates 7183
that consecutive sentences are necessary to protect the public 7184
from future crime by the offender. 7185

(5) If a mandatory prison term is imposed upon an offender 7186
pursuant to division (D)(5) or (6) of this section, the offender 7187
shall serve the mandatory prison term consecutively to and prior 7188
to any prison term imposed for the underlying violation of 7189
division (A)(1) or (2) of section 2903.06 of the Revised Code 7190
pursuant to division (A) of this section or section 2929.142 of 7191
the Revised Code. If a mandatory prison term is imposed upon an 7192
offender pursuant to division (D)(5) of this section, and if a 7193
mandatory prison term also is imposed upon the offender pursuant 7194
to division (D)(6) of this section in relation to the same 7195
violation, the offender shall serve the mandatory prison term 7196
imposed pursuant to division (D)(5) of this section consecutively 7197
to and prior to the mandatory prison term imposed pursuant to 7198
division (D)(6) of this section and consecutively to and prior to 7199
any prison term imposed for the underlying violation of division 7200
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 7201
division (A) of this section or section 2929.142 of the Revised 7202
Code. 7203

(6) When consecutive prison terms are imposed pursuant to 7204
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 7205
of this section, the term to be served is the aggregate of all of 7206
the terms so imposed. 7207

(F)(1) If a court imposes a prison term for a felony of the 7208
first degree, for a felony of the second degree, for a felony sex 7209
offense, or for a felony of the third degree that is not a felony 7210
sex offense and in the commission of which the offender caused or 7211
threatened to cause physical harm to a person, it shall include in 7212
the sentence a requirement that the offender be subject to a 7213
period of post-release control after the offender's release from 7214
imprisonment, in accordance with that division. If a court imposes 7215
a sentence including a prison term of a type described in this 7216
division on or after July 11, 2006, the failure of a court to 7217

include a post-release control requirement in the sentence 7218
pursuant to this division does not negate, limit, or otherwise 7219
affect the mandatory period of post-release control that is 7220
required for the offender under division (B) of section 2967.28 of 7221
the Revised Code. Section 2929.191 of the Revised Code applies if, 7222
prior to July 11, 2006, a court imposed a sentence including a 7223
prison term of a type described in this division and failed to 7224
include in the sentence pursuant to this division a statement 7225
regarding post-release control. 7226

(2) If a court imposes a prison term for a felony of the 7227
third, fourth, or fifth degree that is not subject to division 7228
(F)(1) of this section, it shall include in the sentence a 7229
requirement that the offender be subject to a period of 7230
post-release control after the offender's release from 7231
imprisonment, in accordance with that division, if the parole 7232
board determines that a period of post-release control is 7233
necessary. Section 2929.191 of the Revised Code applies if, prior 7234
to July 11, 2006, a court imposed a sentence including a prison 7235
term of a type described in this division and failed to include in 7236
the sentence pursuant to this division a statement regarding 7237
post-release control. 7238

(G) The court shall impose sentence upon the offender in 7239
accordance with section 2971.03 of the Revised Code, and Chapter 7240
2971. of the Revised Code applies regarding the prison term or 7241
term of life imprisonment without parole imposed upon the offender 7242
and the service of that term of imprisonment if any of the 7243
following apply: 7244

(1) A person is convicted of or pleads guilty to a violent 7245
sex offense or a designated homicide, assault, or kidnapping 7246
offense, and, in relation to that offense, the offender is 7247
adjudicated a sexually violent predator. 7248

(2) A person is convicted of or pleads guilty to a violation 7249

of division (A)(1)(b) of section 2907.02 of the Revised Code 7250
committed on or after January 2, 2007, and either the court does 7251
not impose a sentence of life without parole when authorized 7252
pursuant to division (B) of section 2907.02 of the Revised Code, 7253
or division (B) of section 2907.02 of the Revised Code provides 7254
that the court shall not sentence the offender pursuant to section 7255
2971.03 of the Revised Code. 7256

(3) A person is convicted of or pleads guilty to attempted 7257
rape committed on or after January 2, 2007, and a specification of 7258
the type described in section 2941.1418, 2941.1419, or 2941.1420 7259
of the Revised Code. 7260

(4) A person is convicted of or pleads guilty to a violation 7261
of section 2905.01 of the Revised Code committed on or after 7262
January 1, 2008, and that section requires the court to sentence 7263
the offender pursuant to section 2971.03 of the Revised Code. 7264

(5) A person is convicted of or pleads guilty to aggravated 7265
murder committed on or after January 1, 2008, and division 7266
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 7267
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 7268
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 7269
2929.06 of the Revised Code requires the court to sentence the 7270
offender pursuant to division (B)(3) of section 2971.03 of the 7271
Revised Code. 7272

(6) A person is convicted of or pleads guilty to murder 7273
committed on or after January 1, 2008, and division (B)(2) of 7274
section 2929.02 of the Revised Code requires the court to sentence 7275
the offender pursuant to section 2971.03 of the Revised Code. 7276

(H) If a person who has been convicted of or pleaded guilty 7277
to a felony is sentenced to a prison term or term of imprisonment 7278
under this section, sections 2929.02 to 2929.06 of the Revised 7279
Code, section 2929.142 of the Revised Code, section 2971.03 of the 7280

Revised Code, or any other provision of law, section 5120.163 of 7281
the Revised Code applies regarding the person while the person is 7282
confined in a state correctional institution. 7283

(I) If an offender who is convicted of or pleads guilty to a 7284
felony that is an offense of violence also is convicted of or 7285
pleads guilty to a specification of the type described in section 7286
2941.142 of the Revised Code that charges the offender with having 7287
committed the felony while participating in a criminal gang, the 7288
court shall impose upon the offender an additional prison term of 7289
one, two, or three years. 7290

(J)(1) If an offender who is convicted of or pleads guilty to 7291
aggravated murder, murder, or a felony of the first, second, or 7292
third degree that is an offense of violence also is convicted of 7293
or pleads guilty to a specification of the type described in 7294
section 2941.143 of the Revised Code that charges the offender 7295
with having committed the offense in a school safety zone or 7296
towards a person in a school safety zone, the court shall impose 7297
upon the offender an additional prison term of two years. The 7298
offender shall serve the additional two years consecutively to and 7299
prior to the prison term imposed for the underlying offense. 7300

(2)(a) If an offender is convicted of or pleads guilty to a 7301
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 7302
of the Revised Code and to a specification of the type described 7303
in section 2941.1421 of the Revised Code and if the court imposes 7304
a prison term on the offender for the felony violation, the court 7305
may impose upon the offender an additional prison term as follows: 7306

(i) Subject to division (J)(2)(a)(ii) of this section, an 7307
additional prison term of one, two, three, four, five, or six 7308
months; 7309

(ii) If the offender previously has been convicted of or 7310
pleaded guilty to one or more felony or misdemeanor violations of 7311

section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 7312
Revised Code and also was convicted of or pleaded guilty to a 7313
specification of the type described in section 2941.1421 of the 7314
Revised Code regarding one or more of those violations, an 7315
additional prison term of one, two, three, four, five, six, seven, 7316
eight, nine, ten, eleven, or twelve months. 7317

(b) In lieu of imposing an additional prison term under 7318
division (J)(2)(a) of this section, the court may directly impose 7319
on the offender a sanction that requires the offender to wear a 7320
real-time processing, continual tracking electronic monitoring 7321
device during the period of time specified by the court. The 7322
period of time specified by the court shall equal the duration of 7323
an additional prison term that the court could have imposed upon 7324
the offender under division (J)(2)(a) of this section. A sanction 7325
imposed under this division shall commence on the date specified 7326
by the court, provided that the sanction shall not commence until 7327
after the offender has served the prison term imposed for the 7328
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 7329
of the Revised Code and any residential sanction imposed for the 7330
violation under section 2929.16 of the Revised Code. A sanction 7331
imposed under this division shall be considered to be a community 7332
control sanction for purposes of section 2929.15 of the Revised 7333
Code, and all provisions of the Revised Code that pertain to 7334
community control sanctions shall apply to a sanction imposed 7335
under this division, except to the extent that they would by their 7336
nature be clearly inapplicable. The offender shall pay all costs 7337
associated with a sanction imposed under this division, including 7338
the cost of the use of the monitoring device. 7339

(K) At the time of sentencing, the court may recommend the 7340
offender for placement in a program of shock incarceration under 7341
section 5120.031 of the Revised Code or for placement in an 7342
intensive program prison under section 5120.032 of the Revised 7343

Code, disapprove placement of the offender in a program of shock 7344
incarceration or an intensive program prison of that nature, or 7345
make no recommendation on placement of the offender. In no case 7346
shall the department of rehabilitation and correction place the 7347
offender in a program or prison of that nature unless the 7348
department determines as specified in section 5120.031 or 5120.032 7349
of the Revised Code, whichever is applicable, that the offender is 7350
eligible for the placement. 7351

If the court disapproves placement of the offender in a 7352
program or prison of that nature, the department of rehabilitation 7353
and correction shall not place the offender in any program of 7354
shock incarceration or intensive program prison. 7355

If the court recommends placement of the offender in a 7356
program of shock incarceration or in an intensive program prison, 7357
and if the offender is subsequently placed in the recommended 7358
program or prison, the department shall notify the court of the 7359
placement and shall include with the notice a brief description of 7360
the placement. 7361

If the court recommends placement of the offender in a 7362
program of shock incarceration or in an intensive program prison 7363
and the department does not subsequently place the offender in the 7364
recommended program or prison, the department shall send a notice 7365
to the court indicating why the offender was not placed in the 7366
recommended program or prison. 7367

If the court does not make a recommendation under this 7368
division with respect to an offender and if the department 7369
determines as specified in section 5120.031 or 5120.032 of the 7370
Revised Code, whichever is applicable, that the offender is 7371
eligible for placement in a program or prison of that nature, the 7372
department shall screen the offender and determine if there is an 7373
available program of shock incarceration or an intensive program 7374
prison for which the offender is suited. If there is an available 7375

program of shock incarceration or an intensive program prison for 7376
which the offender is suited, the department shall notify the 7377
court of the proposed placement of the offender as specified in 7378
section 5120.031 or 5120.032 of the Revised Code and shall include 7379
with the notice a brief description of the placement. The court 7380
shall have ten days from receipt of the notice to disapprove the 7381
placement. 7382

(L) If a person is convicted of or pleads guilty to 7383
aggravated vehicular homicide in violation of division (A)(1) of 7384
section 2903.06 of the Revised Code and division (B)(2)(c) of that 7385
section applies, the person shall be sentenced pursuant to section 7386
2929.142 of the Revised Code. 7387

Sec. 2929.20. (A) As used in this section: 7388

(1)(a) Except as provided in division (A)(1)(b) of this 7389
section, "eligible offender" means any person who, on or after 7390
April 7, 2009, is serving a stated prison term of that includes 7391
one or more nonmandatory prison terms that in the aggregate are 7392
ten years or less ~~when either of the following applies:~~ 7393

~~(i) The stated prison term does not include a mandatory~~ 7394
~~prison term.~~ 7395

~~(ii) The stated prison term includes a mandatory prison term,~~ 7396
~~and the person has served the mandatory prison term.~~ 7397

(b) "Eligible offender" does not include any person who, on 7398
or after April 7, 2009, is serving a stated prison term for any of 7399
the following criminal offenses that was a felony and was 7400
committed while the person held a public office in this state: 7401

(i) A violation of section 2921.02, 2921.03, 2921.05, 7402
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 7403
Code; 7404

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 7405

2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(ii) or described in division (A)(1)(b)(iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.

(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term.

(3) "Public office" means any elected federal, state, or local government office in this state.

(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's ~~stated aggregated nonmandatory prison term or terms of ten years or less~~ through a judicial release under this section.

(C) An eligible offender may file a motion for judicial release with the sentencing court within the following applicable periods:

(1) If the ~~stated aggregated nonmandatory prison term or terms~~ is less than two years, the eligible offender may file the motion ~~not earlier than thirty days~~ after the offender ~~is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than has served~~ thirty days after the expiration of all mandatory ~~prison terms of the aggregated nonmandatory prison term or terms.~~

(2) If the ~~stated aggregated nonmandatory prison term or terms~~ is at least two years but less than five years, the eligible offender may file the motion ~~not earlier than one hundred eighty days~~ after the offender ~~is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than has served~~ one hundred eighty days after the expiration of all mandatory prison terms ~~of the aggregated nonmandatory prison term or terms.~~

(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion after the eligible offender has served four years of the aggregated nonmandatory prison term or terms.

(4) If the ~~stated aggregated nonmandatory prison term or terms~~ is more than five years ~~or more~~ but not more than ten years, the eligible offender may file the motion ~~not earlier than five years~~ after the eligible offender ~~is delivered to a state correctional institution or, if the prison term includes a~~

~~mandatory prison term or terms, not earlier than has served five 7468
years after the expiration of all mandatory prison of the 7469
aggregated nonmandatory prison term or terms. 7470~~

(D) Upon receipt of a timely motion for judicial release 7471
filed by an eligible offender under division (C) of this section 7472
or upon the sentencing court's own motion made within the 7473
appropriate time specified in that division, the court may deny 7474
the motion without a hearing or schedule a hearing on the motion. 7475
The court shall not grant the motion without a hearing. If a court 7476
denies a motion without a hearing, the court later may consider 7477
judicial release for that eligible offender on a subsequent motion 7478
filed by that eligible offender unless the court denies the motion 7479
with prejudice. If a court denies a motion with prejudice, the 7480
court may later consider judicial release on its own motion. If a 7481
court denies a motion after a hearing, the court shall not 7482
consider a subsequent motion for that eligible offender. The court 7483
shall hold only one hearing for any eligible offender. 7484

A hearing under this section shall be conducted in open court 7485
within sixty days after the motion is filed, provided that the 7486
court may delay the hearing for one hundred eighty additional 7487
days. If the court holds a hearing, the court shall enter a ruling 7488
on the motion within ten days after the hearing. If the court 7489
denies the motion without a hearing, the court shall enter its 7490
ruling on the motion within sixty days after the motion is filed. 7491

(E) If a court schedules a hearing under division (D) of this 7492
section, the court shall notify the eligible offender and the head 7493
of the state correctional institution in which the eligible 7494
offender is confined prior to the hearing. The head of the state 7495
correctional institution immediately shall notify the appropriate 7496
person at the department of rehabilitation and correction of the 7497
hearing, and the department within twenty-four hours after receipt 7498
of the notice, shall post on the database it maintains pursuant to 7499

section 5120.66 of the Revised Code the offender's name and all of 7500
the information specified in division (A)(1)(c)(i) of that 7501
section. If the court schedules a hearing for judicial release, 7502
the court promptly shall give notice of the hearing to the 7503
prosecuting attorney of the county in which the eligible offender 7504
was indicted. Upon receipt of the notice from the court, the 7505
prosecuting attorney shall notify the victim of the offense or the 7506
victim's representative pursuant to section 2930.16 of the Revised 7507
Code. 7508

(F) Upon an offender's successful completion of 7509
rehabilitative activities, the head of the state correctional 7510
institution may notify the sentencing court of the successful 7511
completion of the activities. 7512

(G) Prior to the date of the hearing on a motion for judicial 7513
release under this section, the head of the state correctional 7514
institution in which the eligible offender is confined shall send 7515
to the court a report on the eligible offender's conduct in the 7516
institution and in any institution from which the eligible 7517
offender may have been transferred. The report shall cover the 7518
eligible offender's participation in school, vocational training, 7519
work, treatment, and other rehabilitative activities and any 7520
disciplinary action taken against the eligible offender. The 7521
report shall be made part of the record of the hearing. 7522

(H) If the court grants a hearing on a motion for judicial 7523
release under this section, the eligible offender shall attend the 7524
hearing if ordered to do so by the court. Upon receipt of a copy 7525
of the journal entry containing the order, the head of the state 7526
correctional institution in which the eligible offender is 7527
incarcerated shall deliver the eligible offender to the sheriff of 7528
the county in which the hearing is to be held. The sheriff shall 7529
convey the eligible offender to and from the hearing. 7530

(I) At the hearing on a motion for judicial release under 7531

this section, the court shall afford the eligible offender and the
eligible offender's attorney an opportunity to present written
and, if present, oral information relevant to the motion. The
court shall afford a similar opportunity to the prosecuting
attorney, the victim or the victim's representative, as defined in
section 2930.01 of the Revised Code, and any other person the
court determines is likely to present additional relevant
information. The court shall consider any statement of a victim
made pursuant to section 2930.14 or 2930.17 of the Revised Code,
any victim impact statement prepared pursuant to section 2947.051
of the Revised Code, and any report made under division (G) of
this section. The court may consider any written statement of any
person submitted to the court pursuant to division (L) of this
section. After ruling on the motion, the court shall notify the
victim of the ruling in accordance with sections 2930.03 and
2930.16 of the Revised Code.

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

(a) That a sanction other than a prison term would adequately
punish the offender and protect the public from future criminal
violations by the eligible offender because the applicable factors
indicating a lesser likelihood of recidivism outweigh the
applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean
the seriousness of the offense because factors indicating that the
eligible offender's conduct in committing the offense was less

serious than conduct normally constituting the offense outweigh 7564
factors indicating that the eligible offender's conduct was more 7565
serious than conduct normally constituting the offense. 7566

(2) A court that grants a judicial release to an eligible 7567
offender under division (J)(1) of this section shall specify on 7568
the record both findings required in that division and also shall 7569
list all the factors described in that division that were 7570
presented at the hearing. 7571

(K) If the court grants a motion for judicial release under 7572
this section, the court shall order the release of the eligible 7573
offender, shall place the eligible offender under an appropriate 7574
community control sanction, under appropriate conditions, and 7575
under the supervision of the department of probation serving the 7576
court and shall reserve the right to reimpose the sentence that it 7577
reduced if the offender violates the sanction. If the court 7578
reimposes the reduced sentence, it may do so either concurrently 7579
with, or consecutive to, any new sentence imposed upon the 7580
eligible offender as a result of the violation that is a new 7581
offense. The period of community control shall be no longer than 7582
five years. The court, in its discretion, may reduce the period of 7583
community control by the amount of time the eligible offender 7584
spent in jail or prison for the offense and in prison. If the 7585
court made any findings pursuant to division (J)(1) of this 7586
section, the court shall serve a copy of the findings upon counsel 7587
for the parties within fifteen days after the date on which the 7588
court grants the motion for judicial release. 7589

If the court grants a motion for judicial release, the court 7590
shall notify the appropriate person at the department of 7591
rehabilitation and correction, and the department shall post 7592
notice of the release on the database it maintains pursuant to 7593
section 5120.66 of the Revised Code. 7594

(L) In addition to and independent of the right of a victim 7595

to make a statement pursuant to section 2930.14, 2930.17, or 7596
2946.051 of the Revised Code and any right of a person to present 7597
written information or make a statement pursuant to division (I) 7598
of this section, any person may submit to the court, at any time 7599
prior to the hearing on the offender's motion for judicial 7600
release, a written statement concerning the effects of the 7601
offender's crime or crimes, the circumstances surrounding the 7602
crime or crimes, the manner in which the crime or crimes were 7603
perpetrated, and the person's opinion as to whether the offender 7604
should be released. 7605

(M) The changes to this section that are made on the 7606
effective date of this division apply to any judicial release 7607
decision made on or after the effective date of this division for 7608
any eligible offender. 7609

Sec. 2929.26. (A) Except when a mandatory jail term is 7610
required by law, the court imposing a sentence for a misdemeanor, 7611
other than a minor misdemeanor, may impose upon the offender any 7612
community residential sanction or combination of community 7613
residential sanctions under this section. Community residential 7614
sanctions include, but are not limited to, the following: 7615

(1) A term of up to one hundred eighty days in a halfway 7616
house or a term in a halfway house not to exceed the longest jail 7617
term available for the offense, whichever is shorter, if the 7618
political subdivision that would have responsibility for paying 7619
the costs of confining the offender in a jail has entered into a 7620
contract with the halfway house for use of the facility for 7621
misdemeanor offenders; 7622

(2) A term of up to one hundred eighty days in an alternative 7623
residential facility or a term in an alternative residential 7624
facility not to exceed the longest jail term available for the 7625
offense, whichever is shorter. The court may specify the level of 7626

security in the alternative residential facility that is needed 7627
for the offender. 7628

(3) If the offender is an eligible offender, as defined in 7629
section 307.932 of the Revised Code, a term of up to thirty days 7630
in a community alternative sentencing center or district community 7631
alternative sentencing center established and operated in 7632
accordance with that section, in the circumstances specified in 7633
that section, with one of the conditions of the sanction being 7634
that the offender complete in the center the entire term imposed. 7635

(B) The A sentence to a community residential sanction under 7636
division (A)(3) of this section shall be in accordance with 7637
section 307.932 of the Revised Code. In all other cases, the court 7638
that sentences an offender to a community residential sanction 7639
under this section may do either or both of the following: 7640

(1) Permit the offender to serve the offender's sentence in 7641
intermittent confinement, overnight, on weekends or at any other 7642
time or times that will allow the offender to continue at the 7643
offender's occupation or care for the offender's family; 7644

(2) Authorize the offender to be released so that the 7645
offender may seek or maintain employment, receive education or 7646
training, receive treatment, perform community service, or 7647
otherwise fulfill an obligation imposed by law or by the court. A 7648
release pursuant to this division shall be only for the duration 7649
of time that is needed to fulfill the purpose of the release and 7650
for travel that reasonably is necessary to fulfill the purposes of 7651
the release. 7652

(C) The court may order that a reasonable portion of the 7653
income earned by the offender upon a release pursuant to division 7654
(B) of this section be applied to any financial sanction imposed 7655
under section 2929.28 of the Revised Code. 7656

(D) No court shall sentence any person to a prison term for a 7657

misdemeanor or minor misdemeanor or to a jail term for a minor 7658
misdemeanor. 7659

(E) If a court sentences a person who has been convicted of 7660
or pleaded guilty to a misdemeanor to a community residential 7661
sanction as described in division (A) of this section, at the time 7662
of reception and at other times the person in charge of the 7663
operation of the halfway house, alternative residential facility, 7664
community alternative sentencing center, district community 7665
alternative sentencing center, or other place at which the 7666
offender will serve the residential sanction determines to be 7667
appropriate, the person in charge of the operation of the halfway 7668
house, alternative residential facility, community alternative 7669
sentencing center, district community alternative sentencing 7670
center, or other place may cause the convicted offender to be 7671
examined and tested for tuberculosis, HIV infection, hepatitis, 7672
including, but not limited to, hepatitis A, B, and C, and other 7673
contagious diseases. The person in charge of the operation of the 7674
halfway house, alternative residential facility, community 7675
alternative sentencing center, district community alternative 7676
sentencing center, or other place at which the offender will serve 7677
the residential sanction may cause a convicted offender in the 7678
halfway house, alternative residential facility, community 7679
alternative sentencing center, district community alternative 7680
sentencing center, or other place who refuses to be tested or 7681
treated for tuberculosis, HIV infection, hepatitis, including, but 7682
not limited to, hepatitis A, B, and C, or another contagious 7683
disease to be tested and treated involuntarily. 7684

(F) A political subdivision may enter into a contract with a 7685
halfway house for use of the halfway house to house misdemeanor 7686
offenders under a sanction imposed under division (A)(1) of this 7687
section. 7688

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b) and (B)(2) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the

Revised Code; or, if the misdemeanor or misdemeanors are not 7720
offenses of violence, in a minimum security jail. 7721

(D) Nothing in this section prohibits the commitment, 7722
referral, or sentencing of a person who is convicted of or pleads 7723
guilty to a felony to a community-based correctional facility. 7724

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 7725
a case who has requested to receive notice under this section 7726
shall be given notice of the incarceration of the defendant. If an 7727
alleged juvenile offender is committed to the temporary custody of 7728
a school, camp, institution, or other facility operated for the 7729
care of delinquent children or to the legal custody of the 7730
department of youth services, a victim in a case who has requested 7731
to receive notice under this section shall be given notice of the 7732
commitment. Promptly after sentence is imposed upon the defendant 7733
or the commitment of the alleged juvenile offender is ordered, the 7734
prosecutor in the case shall notify the victim of the date on 7735
which the defendant will be released from confinement or the 7736
prosecutor's reasonable estimate of that date or the date on which 7737
the alleged juvenile offender will have served the minimum period 7738
of commitment or the prosecutor's reasonable estimate of that 7739
date. The prosecutor also shall notify the victim of the name of 7740
the custodial agency of the defendant or alleged juvenile offender 7741
and tell the victim how to contact that custodial agency. If the 7742
custodial agency is the department of rehabilitation and 7743
correction, the prosecutor shall notify the victim of the services 7744
offered by the office of victims' services pursuant to section 7745
5120.60 of the Revised Code. If the custodial agency is the 7746
department of youth services, the prosecutor shall notify the 7747
victim of the services provided by the office of victims' services 7748
within the release authority of the department pursuant to section 7749
5139.55 of the Revised Code and the victim's right pursuant to 7750
section 5139.56 of the Revised Code to submit a written request to 7751

the release authority to be notified of actions the release 7752
authority takes with respect to the alleged juvenile offender. The 7753
victim shall keep the custodial agency informed of the victim's 7754
current address and telephone number. 7755

(B)(1) Upon the victim's request, the prosecutor promptly 7756
shall notify the victim of any hearing for judicial release of the 7757
defendant pursuant to section 2929.20 of the Revised Code, of any 7758
hearing for release of the defendant pursuant to section 2967.19 7759
of the Revised Code, or of any hearing for judicial release or 7760
early release of the alleged juvenile offender pursuant to section 7761
2151.38 of the Revised Code and of the victim's right to make a 7762
statement under those sections. The court shall notify the victim 7763
of its ruling in each of those hearings and on each of those 7764
applications. 7765

(2) If an offender is sentenced to a prison term pursuant to 7766
division (A)(3) or (B) of section 2971.03 of the Revised Code, 7767
upon the request of the victim of the crime, the prosecutor 7768
promptly shall notify the victim of any hearing to be conducted 7769
pursuant to section 2971.05 of the Revised Code to determine 7770
whether to modify the requirement that the offender serve the 7771
entire prison term in a state correctional facility in accordance 7772
with division (C) of that section, whether to continue, revise, or 7773
revoke any existing modification of that requirement, or whether 7774
to terminate the prison term in accordance with division (D) of 7775
that section. The court shall notify the victim of any order 7776
issued at the conclusion of the hearing. 7777

(C) Upon the victim's request made at any time before the 7778
particular notice would be due, the custodial agency of a 7779
defendant or alleged juvenile offender shall give the victim any 7780
of the following notices that is applicable: 7781

(1) At least three weeks before the adult parole authority 7782
recommends a pardon or commutation of sentence for the defendant 7783

or at least three weeks prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code;

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

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

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

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

(6) Notice of the defendant's or alleged juvenile offender's 7815
release from confinement or custody and the terms and conditions 7816
of the release. 7817

Sec. 2930.17. (A) In determining whether to grant a judicial 7818
release to a defendant from a prison term pursuant to section 7819
2929.20 of the Revised Code at a time before the defendant's 7820
stated prison term expires, in determining whether to grant a 7821
release to an offender from a prison term pursuant to section 7822
2967.19 of the Revised Code at a time before the offender's stated 7823
prison term expires, or in determining whether to grant a judicial 7824
release or early release to an alleged juvenile offender from a 7825
commitment to the department of youth services pursuant to section 7826
2151.38 of the Revised Code, the court shall permit a victim of a 7827
crime or specified delinquent act for which the defendant or 7828
alleged juvenile offender was incarcerated or committed to make a 7829
statement, in addition to any other statement made under this 7830
chapter, concerning the effects of that crime or specified 7831
delinquent act on the victim, the circumstances surrounding the 7832
crime or specified delinquent act, the manner in which the crime 7833
or specified delinquent act was perpetrated, and the victim's 7834
opinion whether the defendant or alleged juvenile offender should 7835
be released. The victim may make the statement in writing or 7836
orally, at the court's discretion. The court shall give the 7837
defendant or alleged juvenile offender and either the adult parole 7838
authority or the department of youth services, whichever is 7839
applicable, a copy of any written impact statement made by the 7840
victim under this division. 7841

(B) In deciding whether to grant a judicial release or early 7842
release to the defendant or alleged juvenile offender, the court 7843
shall consider a statement made by the victim under division (A) 7844
of this section or section 2930.14 or 2947.051 of the Revised 7845
Code. 7846

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 7847
division (A)(1)(b) of this section, whoever violates a prohibition 7848
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 7849
Code shall be punished as follows: 7850

(i) If the most serious sexually oriented offense that was 7851
the basis of the registration, notice of intent to reside, change 7852
of address notification, or address verification requirement that 7853
was violated under the prohibition is aggravated murder or murder 7854
if committed by an adult or a comparable category of offense 7855
committed in another jurisdiction, the offender is guilty of a 7856
felony of the first degree. 7857

(ii) If the most serious sexually oriented offense or 7858
child-victim oriented offense that was the basis of the 7859
registration, notice of intent to reside, change of address 7860
notification, or address verification requirement that was 7861
violated under the prohibition is a felony of the first, second, 7862
third, or fourth degree if committed by an adult or a comparable 7863
category of offense committed in another jurisdiction, the 7864
offender is guilty of a felony of the same degree as the most 7865
serious sexually oriented offense or child-victim oriented offense 7866
that was the basis of the registration, notice of intent to 7867
reside, change of address, or address verification requirement 7868
that was violated under the prohibition, or, if the most serious 7869
sexually oriented offense or child-victim oriented offense that 7870
was the basis of the registration, notice of intent to reside, 7871
change of address, or address verification requirement that was 7872
violated under the prohibition is a comparable category of offense 7873
committed in another jurisdiction, the offender is guilty of a 7874
felony of the same degree as that offense committed in the other 7875
jurisdiction would constitute if committed in this state. 7876

(iii) If the most serious sexually oriented offense or 7877

child-victim oriented offense that was the basis of the 7878
registration, notice of intent to reside, change of address 7879
notification, or address verification requirement that was 7880
violated under the prohibition is a felony of the fifth degree or 7881
a misdemeanor if committed by an adult or a comparable category of 7882
offense committed in another jurisdiction, the offender is guilty 7883
of a felony of the fourth degree. 7884

(b) If the offender previously has been convicted of or 7885
pleaded guilty to, or previously has been adjudicated a delinquent 7886
child for committing, a violation of a prohibition in section 7887
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 7888
whoever violates a prohibition in section 2950.04, 2950.041, 7889
2950.05, or 2950.06 of the Revised Code shall be punished as 7890
follows: 7891

(i) If the most serious sexually oriented offense that was 7892
the basis of the registration, notice of intent to reside, change 7893
of address notification, or address verification requirement that 7894
was violated under the prohibition is aggravated murder or murder 7895
if committed by an adult or a comparable category of offense 7896
committed in another jurisdiction, the offender is guilty of a 7897
felony of the first degree. 7898

(ii) If the most serious sexually oriented offense or 7899
child-victim oriented offense that was the basis of the 7900
registration, notice of intent to reside, change of address 7901
notification, or address verification requirement that was 7902
violated under the prohibition is a felony of the first, second, 7903
or third degree if committed by an adult or a comparable category 7904
of offense committed in another jurisdiction, the offender is 7905
guilty of a felony of the same degree as the most serious sexually 7906
oriented offense or child-victim oriented offense that was the 7907
basis of the registration, notice of intent to reside, change of 7908
address, or address verification requirement that was violated 7909

under the prohibition, or, if the most serious sexually oriented 7910
offense or child-victim oriented offense that was the basis of the 7911
registration, notice of intent to reside, change of address, or 7912
address verification requirement that was violated under the 7913
prohibition is a comparable category of offense committed in 7914
another jurisdiction, the offender is guilty of a felony of the 7915
same degree as that offense committed in the other jurisdiction 7916
would constitute if committed in this state. 7917

(iii) If the most serious sexually oriented offense or 7918
child-victim oriented offense that was the basis of the 7919
registration, notice of intent to reside, change of address 7920
notification, or address verification requirement that was 7921
violated under the prohibition is a felony of the fourth or fifth 7922
degree if committed by an adult or a comparable category of 7923
offense committed in another jurisdiction, the offender is guilty 7924
of a felony of the third degree. 7925

(iv) If the most serious sexually oriented offense or 7926
child-victim oriented offense that was the basis of the 7927
registration, notice of intent to reside, change of address 7928
notification, or address verification requirement that was 7929
violated under the prohibition is a misdemeanor if committed by an 7930
adult or a comparable category of offense committed in another 7931
jurisdiction, the offender is guilty of a felony of the fourth 7932
degree. 7933

(2)(a) In addition to any penalty or sanction imposed under 7934
division (A)(1) of this section or any other provision of law for 7935
a violation of a prohibition in section 2950.04, 2950.041, 7936
2950.05, or 2950.06 of the Revised Code, if the offender or 7937
delinquent child is subject to a community control sanction, is on 7938
parole, is subject to one or more post-release control sanctions, 7939
or is subject to any other type of supervised release at the time 7940
of the violation, the violation shall constitute a violation of 7941

the terms and conditions of the community control sanction, 7942
parole, post-release control sanction, or other type of supervised 7943
release. 7944

(b) In addition to any penalty or sanction imposed under 7945
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 7946
provision of law for a violation of a prohibition in section 7947
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 7948
offender previously has been convicted of or pleaded guilty to, or 7949
previously has been adjudicated a delinquent child for committing, 7950
a violation of a prohibition in section 2950.04, 2950.041, 7951
2950.05, or 2950.06 of the Revised Code when the most serious 7952
sexually oriented offense or child-victim oriented offense that 7953
was the basis of the requirement that was violated under the 7954
prohibition is a felony if committed by an adult or a comparable 7955
category of offense committed in another jurisdiction, the court 7956
imposing a sentence upon the offender shall impose a definite 7957
prison term of no less than three years. The definite prison term 7958
imposed under this section is not restricted by division (B) of 7959
section 2929.14 of the Revised Code and, subject to division (K) 7960
of section 2967.19 of the Revised Code, shall not be reduced to 7961
less than three years pursuant to any provision of Chapter 2967. 7962
or any other provision of the Revised Code. 7963

(3) As used in division (A)(1) of this section, "comparable 7964
category of offense committed in another jurisdiction" means a 7965
sexually oriented offense or child-victim oriented offense that 7966
was the basis of the registration, notice of intent to reside, 7967
change of address notification, or address verification 7968
requirement that was violated, that is a violation of an existing 7969
or former law of another state or the United States, an existing 7970
or former law applicable in a military court or in an Indian 7971
tribal court, or an existing or former law of any nation other 7972
than the United States, and that, if it had been committed in this 7973

state, would constitute or would have constituted aggravated 7974
murder or murder for purposes of division (A)(1)(a)(i) of this 7975
section, a felony of the first, second, third, or fourth degree 7976
for purposes of division (A)(1)(a)(ii) of this section, a felony 7977
of the fifth degree or a misdemeanor for purposes of division 7978
(A)(1)(a)(iii) of this section, aggravated murder or murder for 7979
purposes of division (A)(1)(b)(i) of this section, a felony of the 7980
first, second, or third degree for purposes of division 7981
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 7982
degree for purposes of division (A)(1)(b)(iii) of this section, or 7983
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 7984
section. 7985

(B) If a person violates a prohibition in section 2950.04, 7986
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 7987
the person as a result of the person being adjudicated a 7988
delinquent child and being classified a juvenile offender 7989
registrant or an out-of-state juvenile offender registrant, both 7990
of the following apply: 7991

(1) If the violation occurs while the person is under 7992
eighteen years of age, the person is subject to proceedings under 7993
Chapter 2152. of the Revised Code based on the violation. 7994

(2) If the violation occurs while the person is eighteen 7995
years of age or older, the person is subject to criminal 7996
prosecution based on the violation. 7997

(C) Whoever violates division (C) of section 2950.13 of the 7998
Revised Code is guilty of a misdemeanor of the first degree. 7999

Sec. 2951.041. (A)(1) If an offender is charged with a 8000
criminal offense, including but not limited to a violation of 8001
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 8002
the Revised Code, and the court has reason to believe that drug or 8003
alcohol usage by the offender was a factor leading to the 8004

offender's criminal offense with which the offender is charged or 8005
that, at the time of committing that offense, the offender had a 8006
mental illness or was a mentally retarded person and that the 8007
mental illness or status as a mentally retarded person was a 8008
factor leading to the offender's criminal behavior, the court may 8009
accept, prior to the entry of a guilty plea, the offender's 8010
request for intervention in lieu of conviction. The request shall 8011
include a statement from the offender as to whether the offender 8012
is alleging that drug or alcohol usage by the offender was a 8013
factor leading to the criminal offense with which the offender is 8014
charged or is alleging that, at the time of committing that 8015
offense, the offender had a mental illness or was a mentally 8016
retarded person and that the mental illness or status as a 8017
mentally retarded person was a factor leading to the criminal 8018
offense with which the offender is charged. The request also shall 8019
include a waiver of the defendant's right to a speedy trial, the 8020
preliminary hearing, the time period within which the grand jury 8021
may consider an indictment against the offender, and arraignment, 8022
unless the hearing, indictment, or arraignment has already 8023
occurred. The court may reject an offender's request without a 8024
hearing. If the court elects to consider an offender's request, 8025
the court shall conduct a hearing to determine whether the 8026
offender is eligible under this section for intervention in lieu 8027
of conviction and shall stay all criminal proceedings pending the 8028
outcome of the hearing. If the court schedules a hearing, the 8029
court shall order an assessment of the offender for the purpose of 8030
determining the offender's eligibility for intervention in lieu of 8031
conviction and recommending an appropriate intervention plan. 8032

If the offender alleges that drug or alcohol usage by the 8033
offender was a factor leading to the criminal offense with which 8034
the offender is charged, the court may order that the offender be 8035
assessed by a program certified pursuant to section 3793.06 of the 8036
Revised Code or a properly credentialed professional for the 8037

purpose of determining the offender's eligibility for intervention 8038
in lieu of conviction and recommending an appropriate intervention 8039
plan. The program or the properly credentialed professional shall 8040
provide a written assessment of the offender to the court. 8041

(2) The victim notification provisions of division (C) of 8042
section 2930.08 of the Revised Code apply in relation to any 8043
hearing held under division (A)(1) of this section. 8044

(B) An offender is eligible for intervention in lieu of 8045
conviction if the court finds all of the following: 8046

(1) The offender previously has not been convicted of or 8047
pleaded guilty to a felony offense of violence or previously has 8048
been convicted of or pleaded guilty to any felony that is not an 8049
offense of violence and the prosecuting attorney recommends that 8050
the offender be found eligible for participation in intervention 8051
in lieu of treatment under this section, previously has not been 8052
through intervention in lieu of conviction under this section or 8053
any similar regimen, and is charged with a felony for which the 8054
court, upon conviction, would impose sentence under division 8055
(B)(2)(b) of section 2929.13 of the Revised Code or with a 8056
misdemeanor. 8057

(2) The offense is not a felony of the first, second, or 8058
third degree, is not an offense of violence, is not a violation of 8059
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 8060
not a violation of division (A)(1) of section 2903.08 of the 8061
Revised Code, is not a violation of division (A) of section 8062
4511.19 of the Revised Code or a municipal ordinance that is 8063
substantially similar to that division, and is not an offense for 8064
which a sentencing court is required to impose a mandatory prison 8065
term, a mandatory term of local incarceration, or a mandatory term 8066
of imprisonment in a jail. 8067

(3) The offender is not charged with a violation of section 8068

2925.02, ~~2925.03~~, 2925.04, or 2925.06 of the Revised Code, is not 8069
charged with a violation of section 2925.03 of the Revised Code 8070
that is a felony of the first, second, third, or fourth degree, 8071
and is not charged with a violation of section 2925.11 of the 8072
Revised Code that is a felony of the first, second, or third 8073
degree. 8074

(4) ~~The offender is not charged with a violation of section~~ 8075
~~2925.11 of the Revised Code that is a felony of the fourth degree,~~ 8076
~~or the offender is charged with a violation of that section that~~ 8077
~~is a felony of the fourth degree and the prosecutor in the case~~ 8078
~~has recommended that the offender be classified as being eligible~~ 8079
~~for intervention in lieu of conviction under this section.~~ 8080

~~(5) The~~ If an offender alleges that drug or alcohol usage by 8081
the offender was a factor leading to the criminal offense with 8082
which the offender is charged, the court has ordered that the 8083
offender has been be assessed by an ~~appropriately licensed~~ 8084
~~provider, certified facility, or licensed and credentialed~~ 8085
~~professional, including, but not limited to, a program licensed by~~ 8086
~~the department of alcohol and drug addiction services pursuant to~~ 8087
~~section 3793.11 of the Revised Code, a program certified by that~~ 8088
~~department pursuant to section 3793.06 of the Revised Code,~~ a 8089
public or private hospital, the United States department of 8090
veterans affairs, another appropriate agency of the government of 8091
the United States, or a licensed physician, psychiatrist, 8092
psychologist, independent social worker, professional counselor, 8093
or chemical dependency counselor or a properly credentialed 8094
professional for the purpose of determining the offender's 8095
eligibility for intervention in lieu of conviction and 8096
recommending an appropriate intervention plan, the offender has 8097
been assessed by a program of that nature or a properly 8098
credentialed professional in accordance with the court's order, 8099
and the program or properly credentialed professional has filed 8100

the written assessment of the offender with the court. 8101

(5) If an offender alleges that, at the time of committing 8102
the criminal offense with which the offender is charged, the 8103
offender had a mental illness or was a mentally retarded person 8104
and that the mental illness or status as a mentally retarded 8105
person was a factor leading to that offense, the offender has been 8106
assessed by a psychiatrist, psychologist, independent social 8107
worker, or professional clinical counselor for the purpose of 8108
determining the offender's eligibility for intervention in lieu of 8109
conviction and recommending an appropriate intervention plan. 8110

(6) The offender's drug ~~or~~ usage, alcohol usage, mental 8111
illness, or mental retardation, whichever is applicable, was a 8112
factor leading to the criminal offense with which the offender is 8113
charged, intervention in lieu of conviction would not demean the 8114
seriousness of the offense, and intervention would substantially 8115
reduce the likelihood of any future criminal activity. 8116

(7) The alleged victim of the offense was not sixty-five 8117
years of age or older, permanently and totally disabled, under 8118
thirteen years of age, or a peace officer engaged in the officer's 8119
official duties at the time of the alleged offense. 8120

(8) If the offender is charged with a violation of section 8121
2925.24 of the Revised Code, the alleged violation did not result 8122
in physical harm to any person, and the offender previously has 8123
not been treated for drug abuse. 8124

(9) The offender is willing to comply with all terms and 8125
conditions imposed by the court pursuant to division (D) of this 8126
section. 8127

(C) At the conclusion of a hearing held pursuant to division 8128
(A) of this section, the court shall enter its determination as to 8129
whether the offender is eligible for intervention in lieu of 8130
conviction and as to whether to grant the offender's request. If 8131

the court finds under division (B) of this section that the 8132
offender is eligible for intervention in lieu of conviction and 8133
grants the offender's request, the court shall accept the 8134
offender's plea of guilty and waiver of the defendant's right to a 8135
speedy trial, the preliminary hearing, the time period within 8136
which the grand jury may consider an indictment against the 8137
offender, and arraignment, unless the hearing, indictment, or 8138
arraignment has already occurred. In addition, the court then may 8139
stay all criminal proceedings and order the offender to comply 8140
with all terms and conditions imposed by the court pursuant to 8141
division (D) of this section. If the court finds that the offender 8142
is not eligible or does not grant the offender's request, the 8143
criminal proceedings against the offender shall proceed as if the 8144
offender's request for intervention in lieu of conviction had not 8145
been made. 8146

(D) If the court grants an offender's request for 8147
intervention in lieu of conviction, the court shall place the 8148
offender under the general control and supervision of the county 8149
probation department, the adult parole authority, or another 8150
appropriate local probation or court services agency, if one 8151
exists, as if the offender was subject to a community control 8152
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 8153
Revised Code. The court shall establish an intervention plan for 8154
the offender. The terms and conditions of the intervention plan 8155
shall require the offender, for at least one year from the date on 8156
which the court grants the order of intervention in lieu of 8157
conviction, to abstain from the use of illegal drugs and alcohol, 8158
to participate in treatment and recovery support services, and to 8159
submit to regular random testing for drug and alcohol use and may 8160
include any other treatment terms and conditions, or terms and 8161
conditions similar to community control sanctions, which may 8162
include community service or restitution, that are ordered by the 8163
court. 8164

(E) If the court grants an offender's request for 8165
intervention in lieu of conviction and the court finds that the 8166
offender has successfully completed the intervention plan for the 8167
offender, including the requirement that the offender abstain from 8168
using illegal drugs and alcohol for a period of at least one year 8169
from the date on which the court granted the order of intervention 8170
in lieu of conviction, the requirement that the offender 8171
participate in treatment and recovery support services, and all 8172
other terms and conditions ordered by the court, the court shall 8173
dismiss the proceedings against the offender. Successful 8174
completion of the intervention plan and period of abstinence under 8175
this section shall be without adjudication of guilt and is not a 8176
criminal conviction for purposes of any disqualification or 8177
disability imposed by law and upon conviction of a crime, and the 8178
court may order the sealing of records related to the offense in 8179
question in the manner provided in sections 2953.31 to 2953.36 of 8180
the Revised Code. 8181

(F) If the court grants an offender's request for 8182
intervention in lieu of conviction and the offender fails to 8183
comply with any term or condition imposed as part of the 8184
intervention plan for the offender, the supervising authority for 8185
the offender promptly shall advise the court of this failure, and 8186
the court shall hold a hearing to determine whether the offender 8187
failed to comply with any term or condition imposed as part of the 8188
plan. If the court determines that the offender has failed to 8189
comply with any of those terms and conditions, it shall enter a 8190
finding of guilty and shall impose an appropriate sanction under 8191
Chapter 2929. of the Revised Code. If the court sentences the 8192
offender to a prison term, the court, after consulting with the 8193
department of rehabilitation and correction regarding the 8194
availability of services, may order continued court-supervised 8195
activity and treatment of the offender during the prison term and, 8196
upon consideration of reports received from the department 8197

concerning the offender's progress in the program of activity and treatment, may consider judicial release under section 2929.20 of the Revised Code. 8198
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(G) As used in this section: 8201

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 8202
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(2) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section. 8204
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(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 8206
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(4) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code. 8208
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(5) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 8210
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(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 8212
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Sec. 2967.05. (A) As used in this section: 8214

(1) "Imminent danger of death" means that the inmate has a medically diagnosable condition that will cause death to occur within a short period of time. 8215
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As used in division (A)(1) of this section, "within a short period of time" means generally within six months. 8218
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(2)(a) "Medically incapacitated" means any diagnosable medical condition, including mental dementia and severe, permanent medical or cognitive disability, that prevents the inmate from completing activities of daily living without significant assistance, that incapacitates the inmate to the extent that institutional confinement does not offer additional restrictions, that is likely to continue throughout the entire period of parole, 8220
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and that is unlikely to improve noticeably. 8227

(b) "Medically incapacitated" does not include conditions 8228
related solely to mental illness unless the mental illness is 8229
accompanied by injury, disease, or organic defect. 8230

(3)(a) "Terminal illness" means a condition that satisfies 8231
all of the following criteria: 8232

(i) The condition is irreversible and incurable and is caused 8233
by disease, illness, or injury from which the inmate is unlikely 8234
to recover. 8235

(ii) In accordance with reasonable medical standards and a 8236
reasonable degree of medical certainty, the condition is likely to 8237
cause death to the inmate within twelve months. 8238

(iii) Institutional confinement of the inmate does not offer 8239
additional protections for public safety or against the inmate's 8240
risk to reoffend. 8241

(b) The department of rehabilitation and correction shall 8242
adopt rules pursuant to Chapter 119. of the Revised Code to 8243
implement the definition of "terminal illness" in division 8244
(A)(3)(a) of this section. 8245

(B) Upon the recommendation of the director of rehabilitation 8246
and correction, accompanied by a certificate of the attending 8247
physician that an inmate is terminally ill, medically 8248
incapacitated, or in imminent danger of death, the governor may 8249
order the inmate's release ~~as if~~ on indefinite parole on or after 8250
a specified date, reserving the right to return the inmate to the 8251
institution pursuant to this section. The inmate shall not be 8252
released until an appropriate placement in a skilled nursing 8253
facility has been secured for the inmate and the skilled nursing 8254
facility has secured a funding source for the placement. The 8255
department of job and family services shall give priority to the 8256
processing and determination of an inmate's eligibility for 8257

initial or continued medicaid funding under this section. The 8258
department of job and family services' processing and 8259
determination of the inmate's eligibility may be based solely on 8260
identifying information provided by the department of 8261
rehabilitation and correction. In addition to the reimbursement 8262
otherwise provided to a skilled nursing facility under Chapter 8263
5111. of the Revised Code, the department of job and family 8264
services, through the medicaid program, shall reimburse a skilled 8265
nursing facility that provides care to inmates under this section 8266
for reasonable additional costs incurred by the facility in 8267
providing the security required by division (D)(1)(e) of this 8268
section and will take all necessary steps to implement the payment 8269
of these additional costs. An inmate shall not be released to a 8270
skilled nursing facility until the inmate has undergone 8271
preadmission screening and resident review and the level of care 8272
review and determination process established under the 8273
Administrative Code and has been determined to meet the criteria 8274
for skilled nursing care. A skilled nursing facility shall meet 8275
the requirements set forth in division (D) of this section. If, 8276
subsequent to the inmate's release, the inmate's health improves 8277
so that the inmate is no longer terminally ill, medically 8278
incapacitated, or in imminent danger of death, the inmate shall be 8279
returned, by order of the governor, to the institution from which 8280
the inmate was released. If the inmate violates any rules or 8281
conditions applicable to the inmate, the inmate may be returned to 8282
an institution under the control of the department of 8283
rehabilitation and correction. The governor may direct the adult 8284
parole authority to investigate or cause to be investigated the 8285
inmate and make a recommendation in the manner set forth in 8286
section 2967.03 of the Revised Code. An inmate released under this 8287
section shall be subject to supervision by the adult parole 8288
authority in accordance with any recommendation of the adult 8289
parole authority that is approved by the governor. The adult 8290

parole authority shall adopt rules pursuant to section 119.03 of 8291
the Revised Code to establish the procedure for medical release of 8292
an inmate when an inmate is terminally ill, medically 8293
incapacitated, or in imminent danger of death. 8294

(C) No inmate is eligible for release under this section if 8295
the inmate is serving a death sentence, a sentence of life without 8296
parole, or a sentence under Chapter 2971. of the Revised Code for 8297
a felony of the first or second degree, ~~a sentence for aggravated~~ 8298
~~murder or murder, or a mandatory prison term for an offense of~~ 8299
~~violence or any specification described in Chapter 2941. of the~~ 8300
Revised Code. 8301

(D)(1) An inmate shall not be released to a skilled nursing 8302
facility under this section unless the skilled nursing facility 8303
meets all of the following requirements: 8304

(a) The skilled nursing facility is certified as a skilled 8305
nursing facility under Title XVIII or XIX of the "Social Security 8306
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and has 8307
obtained any approval or authorization needed for its operation as 8308
described in division (E) of this section. 8309

(b) The skilled nursing facility is under contract with the 8310
department of rehabilitation and correction solely for the care of 8311
inmates released under this section and is certified by the 8312
department. 8313

(c) The skilled nursing facility is located in Ohio, and the 8314
facility's location presents a minimal risk to public safety. 8315

(d) The skilled nursing facility is operated by a licensed 8316
nursing home administrator who has a minimum of six years of 8317
active licensure, a master's degree in healthcare administration, 8318
and experience in the administration of an assisted living 8319
program, a home care program, a skilled nursing facility, a 8320
hospice care program, and a long term acute care hospital. 8321

(e) Employees of the facility or a contractor provide security to the skilled nursing facility. The security staff shall be directed by a person with at least thirty years of experience as a law enforcement officer with a law enforcement agency employing a minimum of five hundred law enforcement officers, whose experience includes a minimum of five years of supervisory experience. 8322
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(2) The department of health shall issue a certificate of need to the operator of a skilled nursing facility that accepts inmates under this section. 8329
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(E) The department of job and family services shall apply to the centers for medicare and medicaid services of the United States department of health and human services for any approval or other authorization needed for the operation of the skilled nursing facility to be used to provide care to inmates under this section, and for a statement of the applicable parameters for operation of the facility. The department shall notify the facility and the department of rehabilitation and correction of the grant by the centers of any such approval or authorization needed for the facility and of the applicable parameters for its operation. 8332
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(F) Sections 3721.10 to 3721.18 of the Revised Code do not apply to an inmate receiving care in a skilled nursing facility under divisions (B) to (D) of this section. 8343
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Sec. 2967.14. (A) The department of rehabilitation and correction or the adult parole authority may require or allow a parolee or, a releasee, or a prisoner otherwise released from a state correctional institution to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division (C) of this section during a part or for the entire 8346
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period of the offender's or parolee's conditional release or of 8353
the releasee's term of post-release control. The court of common 8354
pleas that placed an offender under a sanction consisting of a 8355
term in a halfway house or in an alternative residential sanction 8356
may require the offender to reside in a halfway house or other 8357
suitable community residential center that is designated by the 8358
court and that has been licensed by the division pursuant to 8359
division (C) of this section during a part or for the entire 8360
period of the offender's residential sanction. 8361

(B) The division of parole and community services may 8362
negotiate and enter into agreements with any public or private 8363
agency or a department or political subdivision of the state that 8364
operates a halfway house, reentry center, or community residential 8365
center that has been licensed by the division pursuant to division 8366
(C) of this section. An agreement under this division shall 8367
provide for the purchase of beds, shall set limits of supervision 8368
and levels of occupancy, and shall determine the scope of services 8369
for all eligible offenders, including those subject to a 8370
residential sanction, as defined in rules adopted by the director 8371
of rehabilitation and correction in accordance with Chapter 119. 8372
of the Revised Code, or those released from prison without 8373
supervision. ~~The payments for beds and services shall be equal to~~ 8374
~~the halfway house's or community residential center's average~~ 8375
~~daily per capita costs with its facility at full occupancy.~~ The 8376
payments for beds and services shall not exceed the total 8377
operating costs of the halfway house, reentry center, or community 8378
residential center during the term of an agreement. The director 8379
of rehabilitation and correction shall adopt rules in accordance 8380
with Chapter 119. of the Revised Code for determining includable 8381
and excludable costs and income to be used in computing the 8382
agency's average daily per capita costs with its facility at full 8383
occupancy. 8384

The department of rehabilitation and correction may use no more than ten per cent of the amount appropriated to the department each fiscal year for the halfway house, reentry center, and community residential center program to pay for contracts for nonresidential services for offenders under the supervision of the adult parole authority. The nonresidential services may include, but are not limited to, treatment for substance abuse, mental health counseling, ~~and~~ counseling for sex offenders, and electronic monitoring services.

(C) The division of parole and community services may license a halfway house, reentry center, or community residential center as a suitable facility for the care and treatment of adult offenders, including offenders sentenced under section 2929.16 or 2929.26 of the Revised Code, only if the halfway house, reentry center, or community residential center complies with the standards that the division adopts in accordance with Chapter 119. of the Revised Code for the licensure of halfway houses, reentry centers, and community residential centers. The division shall annually inspect each licensed halfway house, licensed reentry center, and licensed community residential center to determine if it is in compliance with the licensure standards.

Sec. 2967.19. (A) The director of rehabilitation and correction may petition the sentencing court for the release from prison of any offender confined in a state correctional institution under a stated prison term of one year or more who has served at least eighty-five per cent of the offender's stated prison term and is eligible under division (B) of this section for a release under this section. If the director wishes to submit a petition for release under this section, the director shall submit the petition not earlier than ninety days prior to the date on which the offender has served eighty-five per cent of the offender's stated prison term. The director's submission of a

petition for release under this section constitutes a 8417
recommendation by the director that the court strongly consider 8418
release of the offender consistent with the purposes and 8419
principles of sentencing set forth in section 2929.13 of the 8420
Revised Code. 8421

(B) Except as otherwise provided in this division, an 8422
offender serving a stated prison term of one year or more is 8423
eligible for release from prison under this section. An offender 8424
is not eligible for release from prison under this section if the 8425
offender is serving a term of life imprisonment, including any 8426
term of life imprisonment that has parole eligibility, if the 8427
offender is serving a mandatory prison term imposed under division 8428
(D)(1)(a), (D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 8429
2929.14 of the Revised Code, or if the offender is serving a 8430
prison term for any of the following: 8431

(1) Aggravated murder, murder, voluntary manslaughter, 8432
involuntary manslaughter, felonious assault, kidnapping, rape, 8433
aggravated arson, or aggravated robbery; 8434

(2) Complicity in, an attempt to commit, or conspiracy to 8435
commit any offense listed in division (B)(1) of this section; 8436

(3) Any offense that is a felony of the first or second 8437
degree, that is not described in division (B)(1) or (2) of this 8438
section, and for which the offender is not serving a term of life 8439
imprisonment if the offender previously has been convicted of or 8440
pleaded guilty to aggravated murder, murder, any felony of the 8441
first or second degree, or any offense under an existing or former 8442
law of this state, another state, or the United States that is or 8443
was substantially equivalent to aggravated murder, murder, or a 8444
felony of the first or second degree; 8445

(4) Any felony, other than carrying a concealed weapon, that 8446
was committed while the person had a firearm, as defined in 8447

section 2923.11 of the Revised Code, on or about the offender's 8448
person or under the offender's control; 8449

(5) Any violation of section 2925.03 of the Revised Code that 8450
is a felony of the first or second degree; 8451

(6) Engaging in a pattern of corrupt activity in violation of 8452
section 2923.32 of the Revised Code. 8453

(C) The director shall include with any petition submitted to 8454
the sentencing court under this section an institutional summary 8455
report that covers the offender's participation while confined in 8456
a state correctional institution in school, training, work, 8457
treatment, and other rehabilitative activities and any 8458
disciplinary action taken against the offender while so confined. 8459
The director shall include with the petition a post-release 8460
control assessment and placement plan, when relevant, and any 8461
other documentation requested by the court, if available. 8462

(D) When the director submits a petition under this section 8463
for release of an offender, the department promptly shall give 8464
notice of the petition to the prosecuting attorney of the county 8465
in which the offender was indicted and to any victim of the 8466
offender or victim's representative of any victim of the offender 8467
who is registered with the office of victim's services. 8468

The department also shall post notice of the petition on the 8469
database it maintains under section 5120.66 of the Revised Code 8470
and include information on where a person may send comments 8471
regarding the petition. 8472

(E) Upon receipt of a petition for release of an offender 8473
submitted by the director under this section, the court may deny 8474
the petition without a hearing. The court shall not grant a 8475
petition for release of an offender without a hearing. If a court 8476
denies a petition for release of an offender without a hearing, 8477
the court may later consider release of that offender on a 8478

subsequent petition. The court shall enter its ruling within 8479
thirty days after the petition is filed. 8480

(F) If the court grants a hearing on a petition for release 8481
of an offender, the court shall notify the head of the state 8482
correctional institution in which the offender is confined of the 8483
hearing prior to the hearing. If the court makes a journal entry 8484
ordering the offender to be conveyed to the hearing, except as 8485
otherwise provided in this division, the head of the correctional 8486
institution shall deliver the offender to the sheriff of the 8487
county in which the hearing is to be held, and the sheriff shall 8488
convey the offender to and from the hearing. Upon the court's own 8489
motion or the motion of the offender or the prosecuting attorney 8490
of the county in which the offender was indicted, the court may 8491
permit the offender to appear at the hearing by video conferencing 8492
equipment if equipment of that nature is available and compatible. 8493

Upon receipt of notice from a court of a hearing on the 8494
release of an offender under this division, the head of the state 8495
correctional institution in which the offender is confined 8496
immediately shall notify the appropriate person at the department 8497
of rehabilitation and correction of the hearing, and the 8498
department within twenty-four hours after receipt of the notice 8499
shall post on the database it maintains pursuant to section 8500
5120.66 of the Revised Code the offender's name and all of the 8501
information specified in division (A)(1)(c)(i) of that section. If 8502
the court grants a hearing on a petition for release of an 8503
offender under this section, the court promptly shall give notice 8504
of the hearing to the prosecuting attorney of the county in which 8505
the offender was indicted. Upon receipt of the notice from the 8506
court, the prosecuting attorney shall notify pursuant to section 8507
2930.16 of the Revised Code any victim of the offender or the 8508
victim's representative of the hearing. 8509

(G) If the court grants a hearing on a petition for release 8510

of an offender under this section, at the hearing, the court shall 8511
afford the offender and the offender's attorney an opportunity to 8512
present written information and, if present, oral information 8513
relevant to the motion. The court shall afford a similar 8514
opportunity to the prosecuting attorney, victim or victim's 8515
representative, as defined in section 2930.01 of the Revised Code, 8516
and any other person the court determines is likely to present 8517
additional relevant information. If the court pursuant to division 8518
(F) of this section permits the offender to appear at the hearing 8519
by video conferencing equipment, the offender's opportunity to 8520
present oral information shall be as a part of the video 8521
conferencing. The court shall consider any statement of a victim 8522
made under section 2930.14 or 2930.17 of the Revised Code, any 8523
victim impact statement prepared under 2947.051 of the Revised 8524
Code, and any report, plan, and other documentation submitted by 8525
the director under division (C) of this section. After ruling on 8526
the motion, the court shall notify the victim in accordance with 8527
sections 2930.03 and 2930.16 of the Revised Code. 8528

(H) If the court grants a petition for release of an offender 8529
under this section, it shall order the offender's release under 8530
the supervision of the adult parole authority. The court shall not 8531
make a release under this section effective prior to the date on 8532
which the offender has served at least eighty-five per cent of the 8533
offender's stated prison term. If the sentence under which the 8534
offender is confined in a state correctional institution and from 8535
which the offender is being released was imposed for a felony of 8536
the first or second degree, the court shall order that the 8537
offender be monitored by means of a global positioning device, 8538
with the cost of monitoring borne by the offender through the 8539
imposition of supervision fees under section 5120.56 of the 8540
Revised Code. If the offender is indigent, the cost shall be paid 8541
out of the reparations fund created under section 2743.191 of the 8542
Revised Code. The initial period of supervision by the adult 8543

parole authority and the monitoring of the offender by means of a 8544
global positioning device when ordered shall conclude on the date 8545
of expiration of the stated prison term from which the offender 8546
was released. If the parole board imposed a period of post-release 8547
control on the offender under section 2967.28 of the Revised Code, 8548
upon the conclusion of that initial period of supervision and that 8549
initial period of monitoring when ordered, the offender shall be 8550
placed on post-release control in accordance with the post-release 8551
control sanctions the board imposed on the offender under that 8552
section. 8553

If the court grants a petition for release of an offender 8554
under this section, it shall notify the appropriate person at the 8555
department of rehabilitation and correction of the release, and 8556
the department shall post notice of the release on the database it 8557
maintains pursuant to section 5120.66 of the Revised Code. 8558

(I) Within ninety days after the effective date of this 8559
section, the chair of the parole board or the chair's designee 8560
shall review the cases of all parole-eligible inmates who are age 8561
sixty-five or older and who have had a statutory first parole 8562
consideration hearing. 8563

(J) Upon completion of the review described in division (I) 8564
of this section, the chair of the parole board shall present to 8565
the board the cases of the offenders described in that division. 8566
Upon presentation of the case of an offender, the board, by 8567
majority vote, may choose to rehear the offender's case for 8568
possible release on parole. 8569

(K)(1) An offender who is serving a mandatory prison term 8570
imposed under a provision other than division (D)(1)(a), 8571
(D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 2929.14 of 8572
the Revised Code is not automatically ineligible as a result of 8573
the offender's service of that term for release from prison under 8574
this section. 8575

(2) An offender who is serving a mandatory prison term imposed under division (D)(1)(a), (D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 2929.14 of the Revised Code and one or more other prison terms or mandatory prison terms may be eligible for release from prison under this section after the offender has served all mandatory prison terms imposed under division (D)(1)(a), (D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 2929.14 of the Revised Code, if the offender otherwise is eligible for the release under divisions (B) and (K)(1) of this section.

(L) The department shall adopt under Chapter 119. of the Revised Code any rules necessary to implement this section.

Sec. 2967.193. (A) Except as provided in division (C) of this section or in section 2929.13, 2929.14, or 2967.13 of the Revised Code and subject to the maximum total specified in this section, a person confined in a state correctional institution may earn one day or seven days of credit, determined based on the category set forth in division (D)(1), (2), or (3) of this section in which the person is included, as a deduction from the person's stated prison term for each ~~full~~ completed month during which the person productively participates in an education program, vocational training, employment in prison industries, or ~~treatment for substance abuse, treatment as a sex offender, or any other constructive program~~ as developed by the department with specific standards for performance by prisoners. ~~At the end of each calendar month in which a prisoner productively participates in a program or activity listed in this division, the department of rehabilitation and correction shall deduct one day from the date on which the prisoner's stated prison term will expire. The total number of days of credit that a person may earn under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.~~ If the prisoner violates prison rules, the department may deny the prisoner a credit that

otherwise could have been awarded to the prisoner or may withdraw 8608
one or more credits previously earned by the prisoner. 8609

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~~If a prisoner is released before the expiration of the 8611
prisoner's stated prison term by reason of credit earned under 8612
this section, the department shall retain control of the prisoner 8613
by means of an appropriate post release control sanction imposed 8614
by the parole board until the end of the stated prison term if the 8615
parole board imposes a post release control sanction pursuant to 8616
section 2967.28 of the Revised Code. If the parole board is not 8617
required to impose a post release control sanction under section 8618
2967.28 of the Revised Code, the parole board may elect not to 8619
impose a post release control sanction on the prisoner. 8620~~

(B) The department of rehabilitation and correction shall 8621
adopt rules that specify the programs or activities for which 8622
credit may be earned under this section, the criteria for 8623
determining productive participation in the programs or activities 8624
and for awarding credit, and the criteria for denying or 8625
withdrawing previously earned credit as a result of a violation of 8626
prison rules. 8627

(C) No person who is serving a sentence of life imprisonment 8628
without parole imposed pursuant to section 2929.03 or 2929.06 of 8629
the Revised Code ~~or~~, who is serving a prison term or a term of 8630
life imprisonment without parole imposed pursuant to section 8631
2971.03 of the Revised Code, or who is serving a sentence for a 8632
sexually oriented offense shall be awarded any days of credit 8633
under division (A) of this section. 8634

(D) The determination of whether a person confined in a state 8635
correctional institution may earn one day of credit or seven days 8636
of credit under division (A) of this section for each completed 8637
month during which the person productively participates in a 8638
program specified under that division shall be made in accordance 8639

with the following: 8640

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section or in section 2929.13, 2929.14, or 2967.13 of the Revised Code, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree: 8641
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(a) A violation of section 2903.11, 2903.15, 2905.01, 2907.21, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code; 8647
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(b) A conspiracy or attempt to commit, or complicity in committing, aggravated murder, murder, any other offense for which the maximum penalty is death or imprisonment for life, or any offense listed in division (D)(1)(a) of this section. 8652
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(2) The offender may earn seven days of credit under division (A) of this section, except as provided in division (C) of this section or in section 2929.13, 2929.14, or 2967.13 of the Revised Code, if the most serious offense for which the offender is confined is a felony of the first or second degree and division (D)(1) of this section does not apply to the offender. 8656
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(3) The offender may earn seven days of credit under division (A) of this section, except as provided in division (C) of this section or in section 2929.13, 2929.14, or 2967.13 of the Revised Code, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony. 8662
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(E) As used in this section, "sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 8668
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Sec. 2967.28. (A) As used in this section: 8670

(1) "Monitored time" means the monitored time sanction 8671
specified in section 2929.17 of the Revised Code. 8672

(2) "Deadly weapon" and "dangerous ordnance" have the same 8673
meanings as in section 2923.11 of the Revised Code. 8674

(3) "Felony sex offense" means a violation of a section 8675
contained in Chapter 2907. of the Revised Code that is a felony. 8676

(B) Each sentence to a prison term for a felony of the first 8677
degree, for a felony of the second degree, for a felony sex 8678
offense, or for a felony of the third degree that is not a felony 8679
sex offense and in the commission of which the offender caused or 8680
threatened to cause physical harm to a person shall include a 8681
requirement that the offender be subject to a period of 8682
post-release control imposed by the parole board after the 8683
offender's release from imprisonment. If a court imposes a 8684
sentence including a prison term of a type described in this 8685
division on or after July 11, 2006, the failure of a sentencing 8686
court to notify the offender pursuant to division (B)(3)(c) of 8687
section 2929.19 of the Revised Code of this requirement or to 8688
include in the judgment of conviction entered on the journal a 8689
statement that the offender's sentence includes this requirement 8690
does not negate, limit, or otherwise affect the mandatory period 8691
of supervision that is required for the offender under this 8692
division. Section 2929.191 of the Revised Code applies if, prior 8693
to July 11, 2006, a court imposed a sentence including a prison 8694
term of a type described in this division and failed to notify the 8695
offender pursuant to division (B)(3)(c) of section 2929.19 of the 8696
Revised Code regarding post-release control or to include in the 8697
judgment of conviction entered on the journal or in the sentence 8698
pursuant to division (F)(1) of section 2929.14 of the Revised Code 8699
a statement regarding post-release control. Unless reduced by the 8700

parole board pursuant to division (D) of this section when 8701
authorized under that division, a period of post-release control 8702
required by this division for an offender shall be of one of the 8703
following periods: 8704

(1) For a felony of the first degree or for a felony sex 8705
offense, five years; 8706

(2) For a felony of the second degree that is not a felony 8707
sex offense, three years; 8708

(3) For a felony of the third degree that is not a felony sex 8709
offense and in the commission of which the offender caused or 8710
threatened physical harm to a person, three years. 8711

(C) Any sentence to a prison term for a felony of the third, 8712
fourth, or fifth degree that is not subject to division (B)(1) or 8713
(3) of this section shall include a requirement that the offender 8714
be subject to a period of post-release control of up to three 8715
years after the offender's release from imprisonment, if the 8716
parole board, in accordance with division (D) of this section, 8717
determines that a period of post-release control is necessary for 8718
that offender. Section 2929.191 of the Revised Code applies if, 8719
prior to July 11, 2006, a court imposed a sentence including a 8720
prison term of a type described in this division and failed to 8721
notify the offender pursuant to division (B)(3)(d) of section 8722
2929.19 of the Revised Code regarding post-release control or to 8723
include in the judgment of conviction entered on the journal or in 8724
the sentence pursuant to division (F)(2) of section 2929.14 of the 8725
Revised Code a statement regarding post-release control. Pursuant 8726
to an agreement entered into under section 2967.29 of the Revised 8727
Code, a court of common pleas or parole board may impose sanctions 8728
or conditions on an offender who is placed on post-release control 8729
under this division. 8730

(D)(1) Before the prisoner is released from imprisonment, the 8731

parole board or, pursuant to an agreement under section 2967.29 of 8732
the Revised Code, the court shall impose upon a prisoner described 8733
in division (B) of this section, may impose upon a prisoner 8734
described in division (C) of this section, and shall impose upon a 8735
prisoner described in division (B)(2)(b) of section 5120.031 or in 8736
division (B)(1) of section 5120.032 of the Revised Code, one or 8737
more post-release control sanctions to apply during the prisoner's 8738
period of post-release control. Whenever the board or court 8739
imposes one or more post-release control sanctions upon a 8740
prisoner, the board or court, in addition to imposing the 8741
sanctions, also shall include as a condition of the post-release 8742
control that the offender not leave the state without permission 8743
of the court or the offender's parole or probation officer and 8744
that the offender abide by the law. The board or court may impose 8745
any other conditions of release under a post-release control 8746
sanction that the board or court considers appropriate, and the 8747
conditions of release may include any community residential 8748
sanction, community nonresidential sanction, or financial sanction 8749
that the sentencing court was authorized to impose pursuant to 8750
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 8751
to the release of a prisoner for whom it will impose one or more 8752
post-release control sanctions under this division, the parole 8753
board or court shall review the prisoner's criminal history, all 8754
juvenile court adjudications finding the prisoner, while a 8755
juvenile, to be a delinquent child, and the record of the 8756
prisoner's conduct while imprisoned. The parole board or court 8757
shall consider any recommendation regarding post-release control 8758
sanctions for the prisoner made by the office of victims' 8759
services. After considering those materials, the board or court 8760
shall determine, for a prisoner described in division (B) of this 8761
section, division (B)(2)(b) of section 5120.031, or division 8762
(B)(1) of section 5120.032 of the Revised Code, which post-release 8763
control sanction or combination of post-release control sanctions 8764

is reasonable under the circumstances or, for a prisoner described 8765
in division (C) of this section, whether a post-release control 8766
sanction is necessary and, if so, which post-release control 8767
sanction or combination of post-release control sanctions is 8768
reasonable under the circumstances. In the case of a prisoner 8769
convicted of a felony of the fourth or fifth degree other than a 8770
felony sex offense, the board or court shall presume that 8771
monitored time is the appropriate post-release control sanction 8772
unless the board or court determines that a more restrictive 8773
sanction is warranted. A post-release control sanction imposed 8774
under this division takes effect upon the prisoner's release from 8775
imprisonment. 8776

Regardless of whether the prisoner was sentenced to the 8777
prison term prior to, on, or after July 11, 2006, prior to the 8778
release of a prisoner for whom it will impose one or more 8779
post-release control sanctions under this division, the parole 8780
board shall notify the prisoner that, if the prisoner violates any 8781
sanction so imposed or any condition of post-release control 8782
described in division (B) of section 2967.131 of the Revised Code 8783
that is imposed on the prisoner, the parole board may impose a 8784
prison term of up to one-half of the stated prison term originally 8785
imposed upon the prisoner. 8786

(2) If a prisoner who is placed on post-release control under 8787
this section is released before the expiration of the prisoner's 8788
stated prison term by reason of credit earned under section 8789
2967.193 of the Revised Code and if the prisoner earned sixty or 8790
more days of credit, the adult parole authority shall supervise 8791
the offender with an active global positioning system device for 8792
the first fourteen days after the offender's release from 8793
imprisonment. This division does not prohibit or limit the 8794
imposition of any post-release control sanction otherwise 8795
authorized by this section. 8796

(3) At any time after a prisoner is released from 8797
imprisonment and during the period of post-release control 8798
applicable to the releasee, the adult parole authority or, 8799
pursuant to an agreement under section 2967.29 of the Revised 8800
Code, the court may review the releasee's behavior under the 8801
post-release control sanctions imposed upon the releasee under 8802
this section. The authority or court may determine, based upon the 8803
review and in accordance with the standards established under 8804
division (E) of this section, that a more restrictive or a less 8805
restrictive sanction is appropriate and may impose a different 8806
sanction. The authority also may recommend that the parole board 8807
or court increase or reduce the duration of the period of 8808
post-release control imposed by the court. If the authority 8809
recommends that the board or court increase the duration of 8810
post-release control, the board or court shall review the 8811
releasee's behavior and may increase the duration of the period of 8812
post-release control imposed by the court up to eight years. If 8813
the authority recommends that the board or court reduce the 8814
duration of control for an offense described in division (B) or 8815
(C) of this section, the board or court shall review the 8816
releasee's behavior and may reduce the duration of the period of 8817
control imposed by the court. In no case shall the board or court 8818
reduce the duration of the period of control imposed for an 8819
offense described in division (B)(1) of this section to a period 8820
less than the length of the stated prison term originally imposed, 8821
and in no case shall the board or court permit the releasee to 8822
leave the state without permission of the court or the releasee's 8823
parole or probation officer. 8824

(E) The department of rehabilitation and correction, in 8825
accordance with Chapter 119. of the Revised Code, shall adopt 8826
rules that do all of the following: 8827

(1) Establish standards for the imposition by the parole 8828

board of post-release control sanctions under this section that 8829
are consistent with the overriding purposes and sentencing 8830
principles set forth in section 2929.11 of the Revised Code and 8831
that are appropriate to the needs of releasees; 8832

(2) Establish standards by which the parole board can 8833
determine which prisoners described in division (C) of this 8834
section should be placed under a period of post-release control; 8835

(3) Establish standards to be used by the parole board in 8836
reducing the duration of the period of post-release control 8837
imposed by the court when authorized under division (D) of this 8838
section, in imposing a more restrictive post-release control 8839
sanction than monitored time upon a prisoner convicted of a felony 8840
of the fourth or fifth degree other than a felony sex offense, or 8841
in imposing a less restrictive control sanction upon a releasee 8842
based on the releasee's activities including, but not limited to, 8843
remaining free from criminal activity and from the abuse of 8844
alcohol or other drugs, successfully participating in approved 8845
rehabilitation programs, maintaining employment, and paying 8846
restitution to the victim or meeting the terms of other financial 8847
sanctions; 8848

(4) Establish standards to be used by the adult parole 8849
authority in modifying a releasee's post-release control sanctions 8850
pursuant to division (D)(2) of this section; 8851

(5) Establish standards to be used by the adult parole 8852
authority or parole board in imposing further sanctions under 8853
division (F) of this section on releasees who violate post-release 8854
control sanctions, including standards that do the following: 8855

(a) Classify violations according to the degree of 8856
seriousness; 8857

(b) Define the circumstances under which formal action by the 8858
parole board is warranted; 8859

(c) Govern the use of evidence at violation hearings; 8860

(d) Ensure procedural due process to an alleged violator; 8861

(e) Prescribe nonresidential community control sanctions for 8862
most misdemeanor and technical violations; 8863

(f) Provide procedures for the return of a releasee to 8864
imprisonment for violations of post-release control. 8865

(F)(1) Whenever the parole board imposes one or more 8866
post-release control sanctions upon an offender under this 8867
section, the offender upon release from imprisonment shall be 8868
under the general jurisdiction of the adult parole authority and 8869
generally shall be supervised by the field services section 8870
through its staff of parole and field officers as described in 8871
section 5149.04 of the Revised Code, as if the offender had been 8872
placed on parole. If the offender upon release from imprisonment 8873
violates the post-release control sanction or any conditions 8874
described in division (A) of section 2967.131 of the Revised Code 8875
that are imposed on the offender, the public or private person or 8876
entity that operates or administers the sanction or the program or 8877
activity that comprises the sanction shall report the violation 8878
directly to the adult parole authority or to the officer of the 8879
authority who supervises the offender. The authority's officers 8880
may treat the offender as if the offender were on parole and in 8881
violation of the parole, and otherwise shall comply with this 8882
section. 8883

(2) If the adult parole authority or, pursuant to an 8884
agreement under section 2967.29 of the Revised Code, the court 8885
determines that a releasee has violated a post-release control 8886
sanction or any conditions described in division (A) of section 8887
2967.131 of the Revised Code imposed upon the releasee and that a 8888
more restrictive sanction is appropriate, the authority or court 8889
may impose a more restrictive sanction upon the releasee, in 8890

accordance with the standards established under division (E) of 8891
this section or in accordance with the agreement made under 8892
section 2967.29 of the Revised Code, or may report the violation 8893
to the parole board for a hearing pursuant to division (F)(3) of 8894
this section. The authority or court may not, pursuant to this 8895
division, increase the duration of the releasee's post-release 8896
control or impose as a post-release control sanction a residential 8897
sanction that includes a prison term, but the authority or court 8898
may impose on the releasee any other residential sanction, 8899
nonresidential sanction, or financial sanction that the sentencing 8900
court was authorized to impose pursuant to sections 2929.16, 8901
2929.17, and 2929.18 of the Revised Code. 8902

(3) The parole board or, pursuant to an agreement under 8903
section 2967.29 of the Revised Code, the court may hold a hearing 8904
on any alleged violation by a releasee of a post-release control 8905
sanction or any conditions described in division (A) of section 8906
2967.131 of the Revised Code that are imposed upon the releasee. 8907
If after the hearing the board or court finds that the releasee 8908
violated the sanction or condition, the board or court may 8909
increase the duration of the releasee's post-release control up to 8910
the maximum duration authorized by division (B) or (C) of this 8911
section or impose a more restrictive post-release control 8912
sanction. When appropriate, the board or court may impose as a 8913
post-release control sanction a residential sanction that includes 8914
a prison term. The board or court shall consider a prison term as 8915
a post-release control sanction imposed for a violation of 8916
post-release control when the violation involves a deadly weapon 8917
or dangerous ordnance, physical harm or attempted serious physical 8918
harm to a person, or sexual misconduct, or when the releasee 8919
committed repeated violations of post-release control sanctions. 8920
Unless a releasee's stated prison term was reduced pursuant to 8921
section 5120.032 of the Revised Code, the period of a prison term 8922
that is imposed as a post-release control sanction under this 8923

division shall not exceed nine months, and the maximum cumulative 8924
prison term for all violations under this division shall not 8925
exceed one-half of the stated prison term originally imposed upon 8926
the offender as part of this sentence. If a releasee's stated 8927
prison term was reduced pursuant to section 5120.032 of the 8928
Revised Code, the period of a prison term that is imposed as a 8929
post-release control sanction under this division and the maximum 8930
cumulative prison term for all violations under this division 8931
shall not exceed the period of time not served in prison under the 8932
sentence imposed by the court. The period of a prison term that is 8933
imposed as a post-release control sanction under this division 8934
shall not count as, or be credited toward, the remaining period of 8935
post-release control. 8936

If an offender is imprisoned for a felony committed while 8937
under post-release control supervision and is again released on 8938
post-release control for a period of time determined by division 8939
(F)(4)(d) of this section, the maximum cumulative prison term for 8940
all violations under this division shall not exceed one-half of 8941
the total stated prison terms of the earlier felony, reduced by 8942
any prison term administratively imposed by the parole board or 8943
court, plus one-half of the total stated prison term of the new 8944
felony. 8945

(4) Any period of post-release control shall commence upon an 8946
offender's actual release from prison. If an offender is serving 8947
an indefinite prison term or a life sentence in addition to a 8948
stated prison term, the offender shall serve the period of 8949
post-release control in the following manner: 8950

(a) If a period of post-release control is imposed upon the 8951
offender and if the offender also is subject to a period of parole 8952
under a life sentence or an indefinite sentence, and if the period 8953
of post-release control ends prior to the period of parole, the 8954
offender shall be supervised on parole. The offender shall receive 8955

credit for post-release control supervision during the period of 8956
parole. The offender is not eligible for final release under 8957
section 2967.16 of the Revised Code until the post-release control 8958
period otherwise would have ended. 8959

(b) If a period of post-release control is imposed upon the 8960
offender and if the offender also is subject to a period of parole 8961
under an indefinite sentence, and if the period of parole ends 8962
prior to the period of post-release control, the offender shall be 8963
supervised on post-release control. The requirements of parole 8964
supervision shall be satisfied during the post-release control 8965
period. 8966

(c) If an offender is subject to more than one period of 8967
post-release control, the period of post-release control for all 8968
of the sentences shall be the period of post-release control that 8969
expires last, as determined by the parole board or court. Periods 8970
of post-release control shall be served concurrently and shall not 8971
be imposed consecutively to each other. 8972

(d) The period of post-release control for a releasee who 8973
commits a felony while under post-release control for an earlier 8974
felony shall be the longer of the period of post-release control 8975
specified for the new felony under division (B) or (C) of this 8976
section or the time remaining under the period of post-release 8977
control imposed for the earlier felony as determined by the parole 8978
board or court. 8979

Sec. 2981.07. (A) No person shall destroy, damage, remove, or 8980
transfer property that is subject to forfeiture or otherwise take 8981
any action in regard to property that is subject to forfeiture 8982
with purpose to do any of the following: 8983

(1) Prevent or impair the state's or political subdivision's 8984
lawful authority to take the property into its custody or control 8985
under this chapter or to continue holding the property under its 8986

lawful custody or control; 8987

(2) Impair or defeat the court's continuing jurisdiction over 8988
the person and property; 8989

(3) Devalue property that the person knows, or has reasonable 8990
cause to believe, is subject to forfeiture proceedings under this 8991
chapter. 8992

(B)(1) Whoever violates this section is guilty of 8993
interference with or diminishing forfeitable property. 8994

(2) Except as otherwise provided in divisions (B)(3), (4), 8995
and (5) of this section, interference with or diminishing 8996
forfeitable property is a misdemeanor of the first degree. 8997

(3) If the value of the property is ~~five hundred~~ one thousand 8998
dollars or more but less than ~~five~~ seven thousand five hundred 8999
dollars, interference with or diminishing forfeitable property is 9000
a felony of the fifth degree. 9001

(4) If the value of the property is ~~five~~ seven thousand five 9002
hundred dollars or more but less than one hundred fifty thousand 9003
dollars, interference with or diminishing forfeitable property is 9004
a felony of the fourth degree. 9005

(5) If the value of the property is one hundred fifty 9006
thousand dollars or more, interference with or diminishing 9007
forfeitable property is a felony of the third degree. 9008

Sec. 4507.51. (A)(1) Every application for an identification 9009
card or duplicate shall be made on a form furnished by the 9010
registrar of motor vehicles, shall be signed by the applicant, and 9011
by the applicant's parent or guardian if the applicant is under 9012
eighteen years of age, and shall contain the following information 9013
pertaining to the applicant: name, date of birth, sex, general 9014
description including the applicant's height, weight, hair color, 9015
and eye color, address, and social security number. The 9016

application also shall state whether an applicant wishes to 9017
certify willingness to make an anatomical gift under section 9018
2108.05 of the Revised Code and shall include information about 9019
the requirements of sections 2108.01 to 2108.29 of the Revised 9020
Code that apply to persons who are less than eighteen years of 9021
age. The statement regarding willingness to make such a donation 9022
shall be given no consideration in the decision of whether to 9023
issue an identification card. Each applicant shall be photographed 9024
in color at the time of making application. 9025

(2)(a) The application also shall state whether the applicant 9026
has executed a valid durable power of attorney for health care 9027
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 9028
executed a declaration governing the use or continuation, or the 9029
withholding or withdrawal, of life-sustaining treatment pursuant 9030
to sections 2133.01 to 2133.15 of the Revised Code and, if the 9031
applicant has executed either type of instrument, whether the 9032
applicant wishes the identification card issued to indicate that 9033
the applicant has executed the instrument. 9034

(b) On and after October 7, 2009, the application also shall 9035
state whether the applicant is a veteran, active duty, or 9036
reservist of the armed forces of the United States and, if the 9037
applicant is such, whether the applicant wishes the identification 9038
card issued to indicate that the applicant is a veteran, active 9039
duty, or reservist of the armed forces of the United States by a 9040
military designation on the identification card. 9041

(3) The registrar or deputy registrar, in accordance with 9043
section 3503.11 of the Revised Code, shall register as an elector 9044
any person who applies for an identification card or duplicate if 9045
the applicant is eligible and wishes to be registered as an 9046
elector. The decision of an applicant whether to register as an 9047
elector shall be given no consideration in the decision of whether 9048

to issue the applicant an identification card or duplicate. 9049

(B) The application for an identification card or duplicate 9050
shall be filed in the office of the registrar or deputy registrar. 9051
Each applicant shall present documentary evidence as required by 9052
the registrar of the applicant's age and identity, and the 9053
applicant shall swear that all information given is true. An 9054
identification card issued by the department of rehabilitation and 9055
correction under section 5120.59 of the Revised Code shall be 9056
sufficient documentary evidence under this division upon 9057
verification of the applicant's social security number by the 9058
registrar or a deputy registrar. Upon issuing an identification 9059
card under this section for a person who has been issued an 9060
identification card under section 5120.59 of the Revised Code, the 9061
registrar or deputy registrar shall destroy the identification 9062
card issued under section 5120.59 of the Revised Code. 9063

All applications for an identification card or duplicate 9064
shall be filed in duplicate, and if submitted to a deputy 9065
registrar, a copy shall be forwarded to the registrar. The 9066
registrar shall prescribe rules for the manner in which a deputy 9067
registrar is to file and maintain applications and other records. 9068
The registrar shall maintain a suitable, indexed record of all 9069
applications denied and cards issued or canceled. 9070

(C) In addition to any other information it contains, on and 9071
after the date that is fifteen months after the effective date of 9072
this amendment, the form furnished by the registrar of motor 9073
vehicles for an application for an identification card or 9074
duplicate shall inform applicants that the applicant must present 9075
a copy of the applicant's DD-214 or an equivalent document in 9076
order to qualify to have the card or duplicate indicate that the 9077
applicant is an honorably discharged veteran of the armed forces 9078
of the United States based on a request made pursuant to division 9079
(A)(2)(b) of this section. 9080

Sec. 5120.035. (A) As used in this section: 9081

(1) "Alcohol and drug addiction services" has the same meaning as in section 3793.01 of the Revised Code. 9082
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(2) "Second Chance Act" means the "Second Chance Act of 2007: Community Safety Through Recidivism Prevention," 122 Stat. 657, 42 U.S.C. 17501, et seq., as now or hereafter amended. 9084
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(B) The department of rehabilitation and correction, together with the department of alcohol and drug addiction services as the single state authority for alcohol and drug addiction services, shall develop an implementation plan related to any funding approved by the bureau of justice assistance of the United States department of justice through the Second Chance Act related to reentry of offenders into the community. The department of rehabilitation and correction, together with the department of alcohol and drug addiction services, shall develop the plan not later than ninety days after either of the departments is notified by the United States department of justice that this state will receive funding through the Second Chance Act. The implementation plan shall include, but is not limited to, all of the following: 9087
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(1) A process and funding system for the reentry of offenders seeking alcohol and drug addiction services; 9100
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(2) The planning, development, implementation, outcomes, monitoring, regulation, and evaluation of a statewide system for clinically appropriate alcohol and drug addiction services. 9102
9103
9104

Sec. 5120.07. (A) There is hereby created the ex-offender reentry coalition consisting of the following seventeen members or their designees: 9105
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(1) The director of rehabilitation and correction; 9108

(2) The director of aging; 9109

(3) The director of alcohol and drug addiction services;	9110
(4) The director of development;	9111
(5) The superintendent of public instruction;	9112
(6) The director of health;	9113
(7) The director of job and family services;	9114
(8) The director of mental health;	9115
(9) The director of mental retardation and developmental disabilities;	9116 9117
(10) The director of public safety;	9118
(11) The director of youth services;	9119
(12) The chancellor of the Ohio board of regents;	9120
(13) The director <u>A representative or member</u> of the governor's office of external affairs and economic opportunity <u>staff</u> ;	9121 9122 9123
(14) The director of the governor's office of faith based and community initiatives;	9124 9125
(15) The director of the rehabilitation services commission;	9126
(16) <u>(15)</u> The director of the department of commerce;	9127
(17) <u>(16)</u> The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;	9128 9129 9130
<u>(17) The director of veterans services.</u>	9131
(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition.	9132 9133 9134
(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, including but not limited to, service providers, community-based organizations, and	9135 9136 9137

local governments, the coalition shall identify and examine social 9138
service barriers and other obstacles to the reentry of 9139
ex-offenders into the community. Not later than one year after ~~the~~ 9140
~~effective date of this act~~ April 7, 2009, and on or before the 9141
same date of each year thereafter, the coalition shall submit to 9142
the speaker of the house of representatives and the president of 9143
the senate a report, including recommendations for legislative 9144
action, the activities of the coalition, and the barriers 9145
affecting the successful reentry of ex-offenders into the 9146
community. The report shall analyze the effects of those barriers 9147
on ex-offenders and on their children and other family members in 9148
various areas, including but not limited to, the following: 9149

- (1) Admission to public and other housing; 9150
- (2) Child support obligations and procedures; 9151
- (3) Parental incarceration and family reunification; 9152
- (4) Social security benefits, veterans' benefits, food 9153
stamps, and other forms of public assistance; 9154
- (5) Employment; 9155
- (6) Education programs and financial assistance; 9156
- (7) Substance abuse, mental health, and sex offender 9157
treatment programs and financial assistance; 9158
- (8) Civic and political participation; 9159
- (9) Other collateral consequences under the Revised Code or 9160
the Ohio administrative code law that may result from a criminal 9161
conviction. 9162

Sec. 5120.10. (A)(1) The director of rehabilitation and 9163
correction, by rule, shall promulgate minimum standards for jails 9164
in Ohio, including minimum security jails dedicated under section 9165
341.34 or 753.21 of the Revised Code. Whenever the director files 9166

a rule or an amendment to a rule in final form with both the 9167
secretary of state and the director of the legislative service 9168
commission pursuant to section 111.15 of the Revised Code, the 9169
director of rehabilitation and correction promptly shall send a 9170
copy of the rule or amendment, if the rule or amendment pertains 9171
to minimum jail standards, by ordinary mail to the political 9172
subdivisions or affiliations of political subdivisions that 9173
operate jails to which the standards apply. 9174

(2) The rules promulgated in accordance with division (A)(1) 9175
of this section shall serve as criteria for the investigative and 9176
supervisory powers and duties vested by division (D) of this 9177
section in the division of parole and community services of the 9178
department of rehabilitation and correction or in another division 9179
of the department to which those powers and duties are assigned. 9180

(B) The director may initiate an action in the court of 9181
common pleas of the county in which a facility that is subject to 9182
the rules promulgated under division (A)(1) of this section is 9183
situated to enjoin compliance with the minimum standards for jails 9184
or with the minimum standards and minimum renovation, 9185
modification, and construction criteria for minimum security 9186
jails. 9187

(C) Upon the request of an administrator of a jail facility, 9188
the chief executive of a municipal corporation, or a board of 9189
county commissioners, the director of rehabilitation and 9190
correction or the director's designee shall grant a variance from 9191
the minimum standards for jails in Ohio for a facility that is 9192
subject to one of those minimum standards when the director 9193
determines that strict compliance with the minimum standards would 9194
cause unusual, practical difficulties or financial hardship, that 9195
existing or alternative practices meet the intent of the minimum 9196
standards, and that granting a variance would not seriously affect 9197
the security of the facility, the supervision of the inmates, or 9198

the safe, healthful operation of the facility. If the director or 9199
the director's designee denies a variance, the applicant may 9200
appeal the denial pursuant to section 119.12 of the Revised Code. 9201

(D) The following powers and duties shall be exercised by the 9202
division of parole and community services unless assigned to 9203
another division by the director: 9204

(1) The investigation and supervision of county and municipal 9205
jails, workhouses, minimum security jails, and other correctional 9206
institutions and agencies; 9207

(2) The review and approval of plans submitted to the 9208
department of rehabilitation and correction pursuant to division 9209
(E) of this section; 9210

(3) The management and supervision of the adult parole 9211
authority created by section 5149.02 of the Revised Code; 9212

(4) The review and approval of proposals for community-based 9213
correctional facilities and programs and district community-based 9214
correctional facilities and programs that are submitted pursuant 9215
to division (B) of section 2301.51 of the Revised Code; 9216

(5) The distribution of funds made available to the division 9217
for purposes of assisting in the renovation, maintenance, and 9218
operation of community-based correctional facilities and programs 9219
and district community-based correctional facilities and programs 9220
in accordance with section 5120.112 of the Revised Code; 9221

(6) The performance of the duty imposed upon the department 9222
of rehabilitation and correction in section 5149.31 of the Revised 9223
Code to establish and administer a program of subsidies to 9224
eligible municipal corporations, counties, and groups of 9225
contiguous counties for the development, implementation, and 9226
operation of community-based corrections programs; 9227

(7) Licensing halfway houses and community residential 9228

centers for the care and treatment of adult offenders in 9229
accordance with section 2967.14 of the Revised Code; 9230

(8) Contracting with a public or private agency or a 9231
department or political subdivision of the state that operates a 9232
licensed halfway house or community residential center for the 9233
provision of housing, supervision, and other services to parolees, 9234
releasees, persons placed under a residential sanction, persons 9235
under transitional control, and other eligible offenders in 9236
accordance with section 2967.14 of the Revised Code. 9237

Other powers and duties may be assigned by the director of 9238
rehabilitation and correction to the division of parole and 9239
community services. This section does not apply to the department 9240
of youth services or its institutions or employees. 9241

(E) No plan for any new jail, workhouse, or lockup, and no 9242
plan for a substantial addition or alteration to an existing jail, 9243
workhouse, or lockup, shall be adopted unless the officials 9244
responsible for adopting the plan have submitted the plan to the 9245
department of rehabilitation and correction for approval, and the 9246
department has approved the plan as provided in division (D)(2) of 9247
this section. 9248

(F) The division of parole and community services shall 9249
review, approve, and certify proposals for community alternative 9250
sentencing centers and district community alternative sentencing 9251
centers that are submitted pursuant to section 307.932 of the 9252
Revised Code. 9253

Sec. 5120.111. With respect to community-based correctional 9254
facilities and programs and district community-based correctional 9255
facilities and programs authorized under section 2301.51 of the 9256
Revised Code and to community alternative sentencing centers and 9257
district community alternative sentencing centers authorized under 9258
section 307.932 of the Revised Code, the department of 9259

rehabilitation and correction shall do all of the following: 9260

(A) Adopt rules, under Chapter 119. of the Revised Code, that 9261
serve as criteria for the operation of community-based 9262
correctional facilities and programs and district community-based 9263
correctional facilities and programs approved in accordance with 9264
sections 2301.51 and 5120.10 of the Revised Code; 9265

(B) Adopt rules, under Chapter 119. of the Revised Code, 9266
governing the procedures for the submission of proposals for the 9267
establishment of community-based correctional facilities and 9268
programs and district community-based correctional facilities and 9269
programs to the division of parole and community services under 9270
division (B) of section 2301.51 of the Revised Code or for the 9271
establishment and operation of community alternative sentencing 9272
centers and district community alternative sentencing centers 9273
under section 307.932 of the Revised Code and adopt rules under 9274
Chapter 119. of the Revised Code that establish certification 9275
guidelines for community alternative sentencing centers and 9276
district community alternative sentencing centers under section 9277
307.932 of the Revised Code; 9278

(C) Prescribe forms that are to be used by facility governing 9279
boards of community-based correctional facilities and programs and 9280
district community-based correctional facilities and programs in 9281
making application for state financial assistance under section 9282
2301.56 of the Revised Code; 9283

(D) Adopt rules, under Chapter 119. of the Revised Code, that 9284
prescribe the standards of operation for the facilities and 9285
programs that must be satisfied for ~~the~~ community-based 9286
correctional facilities and programs and district community-based 9287
correctional facilities and programs to be eligible for state 9288
financial assistance; 9289

(E) Through the division of parole and community services, 9290

accept and review proposals for the establishment of ~~the~~ 9291
community-based correctional facilities and programs and district 9292
community-based correctional facilities and programs and approve 9293
those proposals that satisfy the minimum requirements contained in 9294
section 2301.52 of the Revised Code; and administer the program 9295
for state financial assistance to the facilities and programs in 9296
accordance with section 5120.112 of the Revised Code; 9297

(F) Accept, through the division of parole and community 9298
services, and review proposals for the establishment and operation 9299
of community alternative sentencing centers and district community 9300
alternative sentencing centers and approve and certify those 9301
proposals that satisfy the requirements contained in section 9302
307.932 of the Revised Code. 9303

Sec. 5120.113. (A) For each inmate committed to the 9304
department of rehabilitation and correction, except as provided in 9305
division (B) of this section, the department shall prepare a 9306
written reentry plan for the inmate to help guide the inmate's 9307
rehabilitation program during imprisonment, to assist in the 9308
inmate's reentry into the community, and to assess the inmate's 9309
needs upon release. 9310

(B) Division (A) of this section does not apply to an inmate 9311
who has been sentenced to life imprisonment without parole or who 9312
has been sentenced to death. Division (A) of this section does not 9313
apply to any inmate who is expected to be imprisoned for thirty 9314
days or less, but the department may prepare a written reentry 9315
plan of the type described in that division if the department 9316
determines that the plan is needed. 9317

(C) The department may collect, if available, any social and 9318
other information that will aid in the preparation of reentry 9319
plans under this section. 9320

(D) In the event the department does not prepare a written 9321

reentry plan as specified in division (A) of this section, or 9322
makes a decision to not prepare a written reentry plan under 9323
division (B) of this section or to not collect information under 9324
division (C) of this section, that fact does not give rise to a 9325
claim for damages against the state, the department, the director 9326
of the department, or any employee of the department. 9327

Sec. 5120.59. Before a prisoner is released from a state 9328
correctional institution, the department of rehabilitation and 9329
correction shall attempt to verify the prisoner's identification 9330
and social security number. If the department is not able to 9331
verify the prisoner's identification and social security number, 9332
if the prisoner has no other documentary evidence required by the 9333
registrar of motor vehicles for the issuance of an identification 9334
card under section 4507.50 of the Revised Code, and if the 9335
department determines that the prisoner is legally living in the 9336
United States, the department shall issue to the prisoner upon the 9337
prisoner's release an identification card that the prisoner may 9338
present to the registrar or a deputy registrar of motor vehicles 9339
~~to obtain an identification card under section 4507.50 of the~~ 9340
~~Revised Code. The director of rehabilitation and correction may~~ 9341
~~adopt rules for the implementation of this section.~~ 9342

Sec. 5120.60. (A) There is hereby created in the division of 9343
parole and community services the office of ~~victims'~~ victim 9344
services. 9345

(B) The office shall provide assistance to victims of crime, 9346
victims' representatives designated under section 2930.02 of the 9347
Revised Code, and members of the victim's family. The assistance 9348
shall include, but not be limited to, providing information about 9349
the policies and procedures of the department of rehabilitation 9350
and correction and the status of offenders under the department's 9351
jurisdiction. 9352

(C) The office shall also make available publications that 9353
will assist victims in contacting staff of the department about 9354
problems with offenders under the supervision of the adult parole 9355
authority or confined in state correctional institutions under the 9356
department's jurisdiction. 9357

(D) The office shall employ a ~~victims~~ victim coordinator who 9358
shall administer the office's functions. The ~~victims~~ victim 9359
coordinator shall be in the unclassified civil service and report 9360
directly to the chief of the division. 9361

(E) The office shall also employ at least three persons in 9362
the unclassified civil service whose primary duties shall be to 9363
help parole board hearing officers identify victims' issues and to 9364
make recommendations to the parole board in accordance with rules 9365
adopted by the department. ~~The member of the parole board~~ 9366
~~appointed pursuant to division (B) of section 5149.10 of the~~ 9367
~~Revised Code shall approve the hiring of the employees of the~~ 9368
~~office.~~ 9369

(F) The office shall coordinate its activities with the 9370
member of the parole board appointed pursuant to division (B) of 9371
section 5149.10 of the Revised Code. The ~~victims~~ victim 9372
coordinator and other employees of the office shall have full 9373
access to records of prisoners under the department's 9374
jurisdiction. 9375

(G) Information provided to the office of victim services by 9376
victims of crime or a victim representative designated under 9377
section 2930.02 of the Revised Code for the purpose of program 9378
participation, of receiving services, or to communicate acts of an 9379
inmate or person under the supervision of the adult parole 9380
authority that threaten the safety and security of the victim 9381
shall be confidential and is not a public record under section 9382
149.43 of the Revised Code. 9383

(H)(1) If a person who was convicted of or pleaded guilty to an offense of violence that is a felony escapes from a correctional institution under the control of the department of rehabilitation and correction or otherwise escapes from the custody of the department, the office of victim services shall notify each victim of the offense or offenses committed by that person of that person's escape and, if applicable, of that person's subsequent apprehension. The office shall give this notice as soon as practicable after the escape and the office identifies and locates the victim. The office shall give this notice to each victim of the escaped person, regardless of whether the victim is registered for notification with the office, unless the victim has specifically notified the office that the victim does not wish to be notified regarding the person.

The office may give the notice required by this division by telephone, in person, or by e-mail or other electronic means. If the office cannot locate a victim to whom notice is to be provided under this division, the office shall send the notice in writing to the last known address of that victim.

(2) If a person escapes as described in division (H)(1) of this section, the office of victim services may request assistance from the prosecuting attorney of the county in which the person was convicted of or pleaded guilty to the offense in identifying and locating the victim of the offense.

(I) Any reference in any Revised Code section other than this section to the "office of victims' services" of the division of parole and community services or of the department of rehabilitation and correction shall be construed as being a reference to, and meaning, the office of victim services created by division (A) of this section.

(J) As used in this section, "crime," "member of the victim's family," and "victim" have the meanings given in section 2930.01

of the Revised Code. 9416

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 9417
but not before January 1, 2006, the department of rehabilitation 9418
and correction shall establish and operate on the internet a 9419
database that contains all of the following: 9420

(1) For each inmate in the custody of the department under a 9421
sentence imposed for a conviction of or plea of guilty to any 9422
offense, all of the following information: 9423

(a) The inmate's name; 9424

(b) For each offense for which the inmate was sentenced to a 9425
prison term or term of imprisonment and is in the department's 9426
custody, the name of the offense, the Revised Code section of 9427
which the offense is a violation, the gender of each victim of the 9428
offense if those facts are known, whether each victim of the 9429
offense was an adult or child if those facts are known, the range 9430
of the possible prison terms or term of imprisonment that could 9431
have been imposed for the offense, the actual prison term or term 9432
of imprisonment imposed for the offense, the county in which the 9433
offense was committed, the date on which the inmate began serving 9434
the prison term or term of imprisonment imposed for the offense, 9435
and either the date on which the inmate will be eligible for 9436
parole relative to the offense if the prison term or term of 9437
imprisonment is an indefinite term or life term or the date on 9438
which the term ends if the prison term is a definite term; 9439

(c) All of the following information that is applicable 9440
regarding the inmate: 9441

(i) If known to the department prior to the conduct of any 9442
hearing for judicial release of the defendant pursuant to section 9443
2929.20 of the Revised Code in relation to any prison term or term 9444
of imprisonment the inmate is serving for any offense or any 9445

hearing for release of the defendant pursuant to section 2967.19 9446
of the Revised Code in relation to any such term, notice of the 9447
fact that the inmate will be having a hearing regarding a possible 9448
grant of judicial release or release, the date of the hearing, and 9449
the right of any person pursuant to division (J) of ~~that~~ section 9450
2929.20 or division (G) of section 2967.19 of the Revised Code, 9451
whichever is applicable, to submit to the court a written 9452
statement regarding the possible judicial release or release. The 9453
department also shall post notice of the filing of any petition 9454
for release of the inmate pursuant to section 2967.19 of the 9455
Revised Code, as required by division (D) of that section. 9456

(ii) If the inmate is serving a prison term pursuant to 9457
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 9458
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 9459
Code, prior to the conduct of any hearing pursuant to section 9460
2971.05 of the Revised Code to determine whether to modify the 9461
requirement that the inmate serve the entire prison term in a 9462
state correctional facility in accordance with division (C) of 9463
that section, whether to continue, revise, or revoke any existing 9464
modification of that requirement, or whether to terminate the 9465
prison term in accordance with division (D) of that section, 9466
notice of the fact that the inmate will be having a hearing 9467
regarding those determinations and of the date of the hearing; 9468

(iii) At least three weeks before the adult parole authority 9469
recommends a pardon or commutation of sentence for the inmate or 9470
at least three weeks prior to a hearing before the adult parole 9471
authority regarding a grant of parole to the inmate in relation to 9472
any prison term or term of imprisonment the inmate is serving for 9473
any offense, notice of the fact that the inmate might be under 9474
consideration for a pardon or commutation of sentence or will be 9475
having a hearing regarding a possible grant of parole, of the date 9476
of any hearing regarding a possible grant of parole, and of the 9477

right of any person to submit a written statement regarding the 9478
pending action; 9479

(iv) At least three weeks before the inmate is transferred to 9480
transitional control under section 2967.26 of the Revised Code in 9481
relation to any prison term or term of imprisonment the inmate is 9482
serving for any offense, notice of the pendency of the transfer, 9483
of the date of the possible transfer, and of the right of any 9484
person to submit a statement regarding the possible transfer; 9485

(v) Prompt notice of the inmate's escape from any facility in 9486
which the inmate was incarcerated and of the capture of the inmate 9487
after an escape; 9488

(vi) Notice of the inmate's death while in confinement; 9489

(vii) Prior to the release of the inmate from confinement, 9490
notice of the fact that the inmate will be released, of the date 9491
of the release, and, if applicable, of the standard terms and 9492
conditions of the release; 9493

(viii) Notice of the inmate's judicial release pursuant to 9494
section 2929.20 of the Revised Code or release pursuant to section 9495
2967.19 of the Revised Code. 9496

(2) Information as to where a person can send written 9497
statements of the types referred to in divisions (A)(1)(c)(i), 9498
(iii), and (iv) of this section. 9499

(B)(1) The department shall update the database required 9500
under division (A) of this section every twenty-four hours to 9501
ensure that the information it contains is accurate and current. 9502

(2) The database required under division (A) of this section 9503
is a public record open for inspection under section 149.43 of the 9504
Revised Code. The department shall make the database searchable by 9505
inmate name and by the county and zip code where the offender 9506
intends to reside after release from a state correctional 9507

institution if this information is known to the department. 9508

(3) The database required under division (A) of this section 9509
may contain information regarding inmates who are listed in the 9510
database in addition to the information described in that 9511
division. 9512

(4) No information included on the database required under 9513
division (A) of this section shall identify or enable the 9514
identification of any victim of any offense committed by an 9515
inmate. 9516

(C) The failure of the department to comply with the 9517
requirements of division (A) or (B) of this section does not give 9518
any rights or any grounds for appeal or post-conviction relief to 9519
any inmate. 9520

(D) This section, and the related provisions of sections 9521
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 9522
in the act in which this section was enacted, shall be known as 9523
"Laura's Law." 9524

Sec. 5149.01. As used in Chapter 5149. of the Revised Code: 9525

(A) "Authority" means the adult parole authority created by 9526
section 5149.02 of the Revised Code. 9527

(B) "State correctional institution," "pardon," 9528
"commutation," "reprieve," "parole," "head of a state correctional 9529
institution," "convict," "prisoner," "parolee," "final release," 9530
and "parole violator" have the same meanings as in section 2967.01 9531
of the Revised Code. 9532

(C) "Full board hearing" means a parole board hearing 9533
conducted by a ~~minimum~~ majority of ~~seven~~ parole board members as 9534
described in section 5149.101 of the Revised Code. 9535

Sec. 5149.10. (A)(1) The parole board shall consist of up to 9536

twelve members, one of whom shall be designated as chairperson by 9537
the director of the department of rehabilitation and correction 9538
and who shall continue as chairperson until a successor is 9539
designated, and any other personnel that are necessary for the 9540
orderly performance of the duties of the board. In addition to the 9541
rules authorized by section 5149.02 of the Revised Code, the chief 9542
of the adult parole authority, subject to the approval of the 9543
chief of the division of parole and community services and subject 9544
to this section, shall adopt rules governing the proceedings of 9545
the parole board. The rules shall provide for the convening of 9546
full board hearings, the procedures to be followed in full board 9547
hearings, and general procedures to be followed in other hearings 9548
of the board and by the board's hearing officers. The rules also 9549
shall require agreement by a majority of all the board members to 9550
any recommendation of clemency transmitted to the governor. 9551

(2) When the board members sit as a full board, the 9552
chairperson shall preside. The chairperson shall also allocate the 9553
work of the parole board among the board members. The full board 9554
shall meet at least once each month. In the case of a tie vote on 9555
the full board, the chief of the adult parole authority shall cast 9556
the deciding vote. The chairperson may designate a person to serve 9557
in the chairperson's place. 9558

(3)(a) Except for the chairperson, except for the member 9559
appointed under division (B) of this section, and except as 9560
otherwise provided in division (A)(3)(b) of this section, a member 9561
appointed to the parole board shall be appointed to a six-year 9562
term. A member shall hold office from the date of appointment 9563
until the end of the term for which the member was appointed. A 9564
member is eligible for reappointment for another six-year term 9565
that may or may not be consecutive to the first six-year term. A 9566
member is not eligible for reappointment after serving two 9567
six-year terms whether or not served consecutively. Vacancies 9568

shall be filled in the same manner provided for original 9569
appointments. Any member appointed under this division to fill a 9570
vacancy occurring prior to the expiration date of the term for 9571
which the member's predecessor was appointed shall begin that 9572
member's first six-year term upon appointment, regardless of the 9573
time remaining in the term of the member's predecessor. A member 9574
appointed under this division shall continue in office subsequent 9575
to the expiration date of the member's term until the member's 9576
successor takes office or until a period of sixty days has 9577
elapsed, whichever occurs first. 9578

(b) A member of the parole board on the effective date of 9579
this amendment who has served on the board less than six years 9580
shall have the time so served applied toward a six-year term and 9581
at the end of that six-year term shall be eligible for 9582
reappointment to an additional six-year term. A member of the 9583
parole board on the effective date of this amendment who has 9584
served on the board at least six years but less than twelve years 9585
shall have six of the years so served applied toward the first 9586
six-year term and the remaining time so served applied toward a 9587
second six-year term, shall serve the remainder of that second 9588
six-year term, and at the end of that second six-year term shall 9589
not be eligible for reappointment. A member of the parole board on 9590
the effective date of this amendment who has served on the board 9591
twelve years or longer shall serve until a successor member is 9592
appointed or a period of six months after the effective date of 9593
this amendment has elapsed, whichever occurs first, and after the 9594
end of that service shall be eligible for reappointment to an 9595
additional six-year term. 9596

(4) Except as otherwise provided in division (B) of this 9597
section, no person shall be appointed a member of the board who is 9598
not qualified by education or experience in correctional work, 9599
including law enforcement, prosecution of offenses, advocating for 9600

the rights of victims of crime, probation, or parole, in law, in 9601
social work, or in a combination of the three categories. 9602

(B) The director of rehabilitation and correction, in 9603
consultation with the governor, shall appoint one member of the 9604
board, who shall be a person who has been a victim of crime or who 9605
is a member of a victim's family or who represents an organization 9606
that advocates for the rights of victims of crime. After 9607
appointment, this member shall be an unclassified employee of the 9608
department of rehabilitation and correction. 9609

The initial appointment shall be for a term ending four years 9610
after July 1, 1996. Thereafter, the term of office of the member 9611
appointed under this division shall be for four years, with each 9612
term ending on the same day of the same month as did the term that 9613
it succeeds. The member shall hold office from the date of 9614
appointment until the end of the term for which the member was 9615
appointed and may be reappointed. Vacancies shall be filled in the 9616
manner provided for original appointments. Any member appointed 9617
under this division to fill a vacancy occurring prior to the 9618
expiration date of the term for which the member's predecessor was 9619
appointed shall hold office as a member for the remainder of that 9620
term. The member appointed under this division shall continue in 9621
office subsequent to the expiration date of the member's term 9622
until the member's successor takes office or until a period of 9623
sixty days has elapsed, whichever occurs first. 9624

The member appointed under this division shall be compensated 9625
in the same manner as other board members and shall be reimbursed 9626
for actual and necessary expenses incurred in the performance of 9627
the members' duties. The member may vote on all cases heard by the 9628
full board under section 5149.101 of the Revised Code, has such 9629
duties as are assigned by the chairperson of the board, and shall 9630
coordinate the member's activities with the office of victims' 9631
services created under section 5120.60 of the Revised Code. 9632

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

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

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

(E) In addition to its duties pertaining to parole and clemency, if an offender is sentenced to a prison term 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 section 2971.03 of the Revised Code, the parole board shall have control over the offender's service of the prison term during the entire term unless the board terminates its control in accordance with section 2971.04 of the Revised Code. The parole board may terminate its control over the offender's service of the prison term only in accordance with section 2971.04 of the Revised Code.

Sec. 5149.33. No municipal corporation, county, or group of counties receiving a subsidy under division (A) of section 5149.31 of the Revised Code shall reduce, by the amount of the subsidy it receives or by a greater or lesser amount, the amount of local, nonfederal funds it expends for corrections, including, but not limited to, the amount of local, nonfederal funds it expends for the operation of the county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, for any county or municipal probation department, or for any community corrections program. Each subsidy shall be used to make corrections expenditures in excess of those being made from local, nonfederal funds. No subsidy or portion of a subsidy shall be used

to make capital improvements. If a recipient violates this 9664
section, the department of rehabilitation and correction ~~shall~~ may 9665
discontinue subsidy payments to the recipient. 9666

Sec. 5149.34. (A)(1) If a county desires to receive a subsidy 9667
from a subsidy program established under division (A) of section 9668
5149.31 of the Revised Code for community corrections programs as 9669
described in division (B) of that section, the board of county 9670
commissioners of the county shall establish, by a resolution as 9671
described in this division, and maintain a local corrections 9672
planning board that, except as provided in division (A)(2) of this 9673
section, shall include an administrator of a county, multicounty, 9674
municipal, municipal-county, or multicounty-municipal jail or 9675
workhouse located in the county~~;~~i a county commissioner of that 9676
county~~;~~i a judge of the court of common pleas of that county~~;~~i a 9677
judge of a municipal court or county court of that county~~;~~i an 9678
attorney whose practice of law primarily involves the 9679
representation of criminal defendants~~;~~i the chief law enforcement 9680
officer of the largest municipal corporation located in the 9681
county~~;~~i the county sheriff~~;~~i one or more prosecutors, as defined 9682
in section 2935.01 of the Revised Code~~;~~i the executive director of 9683
the board of alcohol, drug addiction, and mental health services 9684
serving that county or the executive director's designee, or the 9685
executive directors of both the community mental health board and 9686
the alcohol and drug addiction services board serving that county 9687
or their designees, whichever is applicable; the executive 9688
director of the county board of mental retardation and 9689
developmental disabilities of that county or the executive 9690
director's designee; an administrator of a halfway house serving 9691
that county, if any, or the administrator's designee; an 9692
administrator of a community-based correctional facility, if any, 9693
serving the court of common pleas of that county or the 9694
administrator's designee; an administrator of a community 9695

corrections act-funded program in that county, if any, or the 9696
administrator's designee; one or more representatives of the 9697
public, one of whom shall be a victim of crime_{7i}; one or more 9698
additional representatives of the law enforcement community_{7i}; one 9699
or more additional representatives of the judiciary_{7i}; one or more 9700
additional representatives of the field of corrections_{7i}; and 9701
officials from the largest municipal corporation located in the 9702
county. A majority of the members of the board shall be employed 9703
in the adult criminal justice field. At least two members of the 9704
board shall be members of the largest racial minority population, 9705
if any, in the county, and at least two other members of the board 9706
shall be women. The resolution shall state the number and nature 9707
of the members, the duration of their terms, the manner of filling 9708
vacancies on the board, and the compensation, if any, that members 9709
are to receive. The board of county commissioners also may 9710
specify, as part of the resolution, any other duties the local 9711
corrections planning board is to assume. 9712

(2) If, for good cause shown, including, but not limited to, 9713
the refusal of a specified individual to serve on a local 9714
corrections planning board, a particular county is not able to 9715
satisfy the requirements specified in division (A)(1) of this 9716
section for the composition of such a board, the director of 9717
rehabilitation and correction may waive the requirements to the 9718
extent necessary and approve a composition for the board that 9719
otherwise is consistent with the requirements. 9720

(B) Each local corrections planning board established 9721
pursuant to division (A) of this section shall adopt within 9722
eighteen months after its establishment, and from time to time 9723
shall revise, a comprehensive plan for the development, 9724
implementation, and operation of corrections services in the 9725
county. The plan shall be adopted and revised after consideration 9726
has been given to the impact that it will have or has had on the 9727

populations of state correctional institutions and county, 9728
multicounty, municipal, municipal-county, or multicounty-municipal 9729
jails or workhouses in the county, and shall be designed to unify 9730
or coordinate corrections services in the county and to reduce the 9731
number of persons committed, consistent with the standards adopted 9732
under division (B) of section 5149.31 of the Revised Code, from 9733
that county to state correctional institutions and to county, 9734
multicounty, municipal, municipal-county, or multicounty-municipal 9735
jails or workhouses. The plan and any revisions to the plan shall 9736
be submitted to the board of county commissioners of the county in 9737
which the local corrections planning board is located for 9738
approval. 9739

If a county has a community-based correctional facility and 9740
program established in accordance with sections 2301.51 to 2301.58 9741
of the Revised Code, the budgets of the facility and program shall 9742
not be subject to approval by the local corrections planning 9743
board, but instead shall continue to be determined in accordance 9744
with those sections. However, the local corrections planning board 9745
shall include the facility and program as part of the 9746
comprehensive plan adopted and revised pursuant to this division. 9747

(C) As used in this section, "halfway house" and 9748
"community-based correctional facility" have the same meanings as 9749
in section 2929.01 of the Revised Code. 9750

Section 2. That existing sections 109.42, 307.93, 309.18, 9751
926.99, 1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2909.05, 9752
2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 9753
2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 9754
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 9755
2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 2921.34, 9756
2921.41, 2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 9757
2929.13, 2929.14, 2929.20, 2929.26, 2929.34, 2930.16, 2930.17, 9758

2950.99, 2951.041, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 9759
4507.51, 5120.07, 5120.10, 5120.111, 5120.59, 5120.60, 5120.66, 9760
5149.01, 5149.10, 5149.33, and 5149.34 of the Revised Code are 9761
hereby repealed. 9762

Section 3. The amendment of section 5120.07 of the Revised 9763
Code by Sections 1 and 2 of this act is not intended to supersede 9764
the earlier repeal of that section, with the delayed effective 9765
date of December 31, 2011. 9766

Section 4. The amendments to sections 2925.01, 2925.03, 9767
2925.05, and 2925.11 of the Revised Code, and to division (W) of 9768
section 2929.01 of the Revised Code, that are made in this act 9769
apply to a person who commits an offense involving marihuana, 9770
cocaine, or hashish on or after the effective date of this act and 9771
to a person to whom division (B) of section 1.58 of the Revised 9772
Code makes the amendments applicable. 9773

The provisions of sections 2925.01, 2925.03, 2925.05, and 9774
2925.11 of the Revised Code, and of division (W) of section 9775
2929.01 of the Revised Code, in existence prior to the effective 9776
date of this act shall apply to a person upon whom a court imposed 9777
sentence prior to the effective date of this act for an offense 9778
involving marihuana, cocaine, or hashish. The amendments to 9779
sections 2925.01, 2925.03, 2925.05, and 2925.11 of the Revised 9780
Code, and to division (W) of section 2929.01 of the Revised Code, 9781
that are made in this act do not apply to a person upon whom a 9782
court imposed sentence prior to the effective date of this act for 9783
an offense involving marihuana, cocaine, or hashish. 9784

Section 5. The amendments to sections 926.99, 1333.99, 9785
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 9786
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 9787

2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 9788
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 9789
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 9790
Code that are made in this act apply to a person who commits an 9791
offense specified or penalized under those sections on or after 9792
the effective date of this section and to a person to whom 9793
division (B) of section 1.58 of the Revised Code makes the 9794
amendment applicable. 9795

The provisions of sections 926.99, 1333.99, 1707.99, 1716.99, 9796
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 9797
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 9798
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 9799
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 9800
2921.41, 2923.31, and 2981.07 of the Revised Code in existence 9801
prior to the effective date of this section shall apply to a 9802
person upon whom a court imposed sentence prior to the effective 9803
date of this section for an offense specified or penalized under 9804
those sections. The amendments to sections 926.99, 1333.99, 9805
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 9806
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 9807
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 9808
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 9809
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 9810
Code that are made in this section do not apply to a person who 9811
upon whom a court imposed sentence prior to the effective date of 9812
this section for an offense specified or penalized under those 9813
sections. 9814

Section 6. Section 1716.99 of the Revised Code is presented 9815
in this act as a composite of the section as amended by both Am. 9816
Sub. H.B. 59 and Sub. S.B. 2 of the 123rd General Assembly. 9817
Section 2913.46 of the Revised Code is presented in this act as a 9818
composite of the section as amended by Am. Sub. S.B. 107, Am. Sub. 9819

S.B. 269, and Am. Sub. S.B. 293, all of the 121st General 9820
Assembly. Section 2917.21 of the Revised Code is presented in this 9821
act as a composite of the section as amended by both Am. Sub. H.B. 9822
565 and Sub. S.B. 215 of the 122nd General Assembly. Sections 9823
2929.01, 2929.13, and 2929.14 of the Revised Code are presented in 9824
this act as composites of the sections as amended by both Am. Sub. 9825
H.B. 130 and Am. Sub. H.B. 280 of the 127th General Assembly. 9826
Section 2929.20 of the Revised Code is presented in this act as a 9827
composite of the section as amended by both Am. Sub. H.B. 130 and 9828
Sub. S.B. 108 of the 127th General Assembly. Section 2967.193 of 9829
the Revised Code is presented in this act as a composite of the 9830
section as amended by both Am. Sub. S.B. 269 and Am. Sub. H.B. 180 9831
of the 121st General Assembly. The General Assembly, applying the 9832
principle stated in division (B) of section 1.52 of the Revised 9833
Code that amendments are to be harmonized if reasonably capable of 9834
simultaneous operation, finds that the composites are the 9835
resulting versions of the sections in effect prior to the 9836
effective date of the sections as presented in this act. 9837