

As Reported by the Senate Judiciary--Criminal Justice Committee

**128th General Assembly
Regular Session
2009-2010**

Sub. S. B. No. 22

Senator Seitz

—

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; to require GPS monitoring of a 55
prisoner placed on post-release control who was 56
released early from prison due to earning 60 or 57

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

subdivision that reduces local funding for 91
corrections by the amount of a community-based 92
corrections subsidy or that uses a subsidy for 93
capital improvements; and to require the 94
Department, together with the Department of 95
Alcohol and Drug Addiction Services, to develop an 96
implementation plan related to funding through the 97
federal Second Chance Act related to community 98
reentry of offenders. 99
100
101

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

Section 1. That sections 109.42, 307.93, 309.18, 926.99, 102
1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2909.05, 2909.11, 103
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 104
2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 105
2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 106
2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 107
2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 2929.13, 108
2929.14, 2929.20, 2929.26, 2929.34, 2930.16, 2930.17, 2950.99, 109
2951.041, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 4507.51, 110
5120.07, 5120.10, 5120.111, 5120.59, 5120.60, 5120.66, 5149.01, 111
5149.10, 5149.33, and 5149.34 be amended and sections 307.932, 112
2967.19, 5120.035, and 5120.113 of the Revised Code be enacted to 113
read as follows: 114

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

sheriffs, marshals, municipal corporation and township police 120
departments, constables, and other law enforcement agencies, to 121
all prosecuting attorneys, city directors of law, village 122
solicitors, and other similar chief legal officers of municipal 123
corporations, and to organizations that represent or provide 124
services for victims of crime. The victim's bill of rights set 125
forth in the pamphlet shall contain a description of all of the 126
rights of victims that are provided for in Chapter 2930. or in any 127
other section of the Revised Code and shall include, but not be 128
limited to, all of the following: 129

(1) The right of a victim or a victim's representative to 130
attend a proceeding before a grand jury, in a juvenile case, or in 131
a criminal case pursuant to a subpoena without being discharged 132
from the victim's or representative's employment, having the 133
victim's or representative's employment terminated, having the 134
victim's or representative's pay decreased or withheld, or 135
otherwise being punished, penalized, or threatened as a result of 136
time lost from regular employment because of the victim's or 137
representative's attendance at the proceeding pursuant to the 138
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 139
2945.451 of the Revised Code; 140

(2) The potential availability pursuant to section 2151.359 141
or 2152.61 of the Revised Code of a forfeited recognizance to pay 142
damages caused by a child when the delinquency of the child or 143
child's violation of probation or community control is found to be 144
proximately caused by the failure of the child's parent or 145
guardian to subject the child to reasonable parental authority or 146
to faithfully discharge the conditions of probation or community 147
control; 148

(3) The availability of awards of reparations pursuant to 149
sections 2743.51 to 2743.72 of the Revised Code for injuries 150
caused by criminal offenses; 151

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

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

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

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

(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release, release pursuant to section 2967.19 of the Revised Code, or other early release of the person who committed the offense against the

victim, to make an oral or written statement at the court hearing 184
on the motion, and to be notified of the court's decision on the 185
motion; 186

(9) The right of the victim in certain criminal or juvenile 187
cases or a victim's representative pursuant to section 2930.16, 188
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 189
of any pending commutation, pardon, parole, transitional control, 190
discharge, other form of authorized release, post-release control, 191
or supervised release for the person who committed the offense 192
against the victim or any application for release of that person 193
and to send a written statement relative to the victimization and 194
the pending action to the adult parole authority or the release 195
authority of the department of youth services; 196

(10) The right of the victim to bring a civil action pursuant 197
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 198
from the offender's profit fund; 199

(11) The right, pursuant to section 3109.09 of the Revised 200
Code, to maintain a civil action to recover compensatory damages 201
not exceeding ten thousand dollars and costs from the parent of a 202
minor who willfully damages property through the commission of an 203
act that would be a theft offense, as defined in section 2913.01 204
of the Revised Code, if committed by an adult; 205

(12) The right, pursuant to section 3109.10 of the Revised 206
Code, to maintain a civil action to recover compensatory damages 207
not exceeding ten thousand dollars and costs from the parent of a 208
minor who willfully and maliciously assaults a person; 209

(13) The possibility of receiving restitution from an 210
offender or a delinquent child pursuant to section 2152.20, 211
2929.18, or 2929.28 of the Revised Code; 212

(14) The right of the victim in certain criminal or juvenile 213
cases or a victim's representative, pursuant to section 2930.16 of 214

the Revised Code, to receive notice of the escape from confinement 215
or custody of the person who committed the offense, to receive 216
that notice from the custodial agency of the person at the 217
victim's last address or telephone number provided to the 218
custodial agency, and to receive notice that, if either the 219
victim's address or telephone number changes, it is in the 220
victim's interest to provide the new address or telephone number 221
to the custodial agency; 222

(15) The right of a victim of domestic violence to seek the 223
issuance of a civil protection order pursuant to section 3113.31 224
of the Revised Code, the right of a victim of a violation of 225
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 226
of the Revised Code, a violation of a substantially similar 227
municipal ordinance, or an offense of violence who is a family or 228
household member of the offender at the time of the offense to 229
seek the issuance of a temporary protection order pursuant to 230
section 2919.26 of the Revised Code, and the right of both types 231
of victims to be accompanied by a victim advocate during court 232
proceedings; 233

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

"sexually oriented offense" and "child-victim oriented offense" 247
have the same meanings as in section 2950.01 of the Revised Code. 248

(17) The right of a victim of certain sexually violent 249
offenses committed by an offender who also is convicted of or 250
pleads guilty to a sexually violent predator specification and who 251
is sentenced to a prison term pursuant to division (A)(3) of 252
section 2971.03 of the Revised Code, of a victim of a violation of 253
division (A)(1)(b) of section 2907.02 of the Revised Code 254
committed on or after January 2, 2007, by an offender who is 255
sentenced for the violation pursuant to division (B)(1)(a), (b), 256
or (c) of section 2971.03 of the Revised Code, of a victim of an 257
attempted rape committed on or after January 2, 2007, by an 258
offender who also is convicted of or pleads guilty to a 259
specification of the type described in section 2941.1418, 260
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 261
the violation pursuant to division (B)(2)(a), (b), or (c) of 262
section 2971.03 of the Revised Code, and of a victim of an offense 263
that is described in division (B)(3)(a), (b), (c), or (d) of 264
section 2971.03 of the Revised Code and is committed by an 265
offender who is sentenced pursuant to one of those divisions to 266
receive, pursuant to section 2930.16 of the Revised Code, notice 267
of a hearing to determine whether to modify the requirement that 268
the offender serve the entire prison term in a state correctional 269
facility, whether to continue, revise, or revoke any existing 270
modification of that requirement, or whether to terminate the 271
prison term. As used in this division, "sexually violent offense" 272
and "sexually violent predator specification" have the same 273
meanings as in section 2971.01 of the Revised Code. 274

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

officer of a municipal corporation or an assistant of any of those 279
officers who prosecutes an offense committed in this state, upon 280
first contact with the victim of the offense, the victim's family, 281
or the victim's dependents, shall give the victim, the victim's 282
family, or the victim's dependents a copy of the pamphlet prepared 283
pursuant to division (A) of this section and explain, upon 284
request, the information in the pamphlet to the victim, the 285
victim's family, or the victim's dependents. 286

(b) Subject to division (B)(1)(c) of this section, a law 287
enforcement agency that investigates an offense or delinquent act 288
committed in this state shall give the victim of the offense or 289
delinquent act, the victim's family, or the victim's dependents a 290
copy of the pamphlet prepared pursuant to division (A) of this 291
section at one of the following times: 292

(i) Upon first contact with the victim, the victim's family, 293
or the victim's dependents; 294

(ii) If the offense or delinquent act is an offense of 295
violence, if the circumstances of the offense or delinquent act 296
and the condition of the victim, the victim's family, or the 297
victim's dependents indicate that the victim, the victim's family, 298
or the victim's dependents will not be able to understand the 299
significance of the pamphlet upon first contact with the agency, 300
and if the agency anticipates that it will have an additional 301
contact with the victim, the victim's family, or the victim's 302
dependents, upon the agency's second contact with the victim, the 303
victim's family, or the victim's dependents. 304

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

address. 311

(c) In complying on and after December 9, 1994, with the 312
duties imposed by division (B)(1)(a) or (b) of this section, an 313
official or a law enforcement agency shall use copies of the 314
pamphlet that are in the official's or agency's possession on 315
December 9, 1994, until the official or agency has distributed all 316
of those copies. After the official or agency has distributed all 317
of those copies, the official or agency shall use only copies of 318
the pamphlet that contain at least the information described in 319
divisions (A)(1) to (17) of this section. 320

(2) The failure of a law enforcement agency or of a 321
prosecuting attorney, assistant prosecuting attorney, city 322
director of law, assistant city director of law, village 323
solicitor, assistant village solicitor, or similar chief legal 324
officer of a municipal corporation or an assistant to any of those 325
officers to give, as required by division (B)(1) of this section, 326
the victim of an offense or delinquent act, the victim's family, 327
or the victim's dependents a copy of the pamphlet prepared 328
pursuant to division (A) of this section does not give the victim, 329
the victim's family, the victim's dependents, or a victim's 330
representative any rights under section 2743.51 to 2743.72, 331
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 332
Revised Code or under any other provision of the Revised Code and 333
does not affect any right under those sections. 334

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

2743.71 of the Revised Code.	343
(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.	344 345 346 347 348
(D) As used in this section:	349
(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;	350 351
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	352 353
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	354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373

operations, and administration of the center. The contract shall 374
prescribe the manner of funding of, and debt assumption for, the 375
center and the standards and procedures to be followed in the 376
operation of the center. Except as provided in division (H) of 377
this section, the contracting counties and municipal corporations 378
shall form a corrections commission to oversee the administration 379
of the center. Members of the commission shall consist of the 380
sheriff of each participating county, ~~the president~~ a member of 381
the board of county commissioners of each participating county, 382
~~the presiding judge of the court of common pleas of each~~ 383
~~participating county, or, if the court of common pleas of a~~ 384
~~participating county has only one judge, then that judge, the~~ 385
chief of police of each participating municipal corporation, and 386
the mayor or city manager of each participating municipal 387
corporation, ~~and the presiding judge or the sole judge of the~~ 388
~~municipal court of each participating municipal corporation.~~ Any 389
of the foregoing officers may appoint a designee to serve in the 390
officer's place on the corrections commission. The standards and 391
procedures shall be formulated and agreed to by the commission and 392
may be amended at any time during the life of the contract by 393
agreement of the parties to the contract upon the advice of the 394
commission. The standards and procedures formulated by the 395
commission shall include, but need not be limited to, designation 396
of the person in charge of the center, designation of a fiscal 397
agent, the categories of employees to be employed at the center, 398
the appointing authority of the center, and the standards of 399
treatment and security to be maintained at the center. The person 400
in charge of, and all persons employed to work at, the center 401
shall have all the powers of police officers that are necessary 402
for the proper performance of the duties relating to their 403
positions at the center. 404

(B)(1) Upon the establishment of a corrections commission 405
under division (A) of this section, the judges specified in this 406

division shall form a judicial advisory board for the purpose of 407
making recommendations to the corrections commission on issues of 408
bed allocation, expansion of the center that the corrections 409
commission oversees, and other issues concerning the 410
administration of sentences or any other matter determined to be 411
appropriate by the corrections commission. The judges who shall 412
form the judicial advisory board for a corrections commission are 413
the administrative judge of the general division of the court of 414
common pleas of each county participating in the corrections 415
center, the presiding judge of the municipal court of each 416
municipal corporation participating in the corrections center, and 417
the presiding judge of each county court of each county 418
participating in the corrections center. Any of the foregoing 419
judges may appoint a designee to serve in the judge's place on the 420
judicial advisory board, provided that the designee shall be a 421
judge of the same court as the judge who makes the appointment. 422
The judicial advisory board for a corrections commission shall 423
meet with the corrections commission at least once each year. 424

(2) Each board of county commissioners that enters a contract 425
under division (A) of this section may appoint a building 426
commission pursuant to section 153.21 of the Revised Code. If any 427
commissions are appointed, they shall function jointly in the 428
construction of a multicounty or multicounty-municipal 429
correctional center with all the powers and duties authorized by 430
law. 431

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

agreement with the department of rehabilitation and correction 439
under section 5120.161 of the Revised Code for the custody and 440
rehabilitation in the center of persons who are designated by the 441
department, who plead guilty to or are convicted of a felony of 442
the fourth or fifth degree, and who satisfy the other requirements 443
listed in that section, in exchange for a per diem fee per person. 444
Persons incarcerated in the center pursuant to an agreement 445
entered into under this division shall be subject to supervision 446
and control in the manner described in section 5120.161 of the 447
Revised Code. This division does not affect the authority of a 448
court to directly sentence a person who is convicted of or pleads 449
guilty to a felony to the center in accordance with section 450
2929.16 of the Revised Code. 451

(D) Pursuant to section 2929.37 of the Revised Code, each 452
board of county commissioners and the legislative authority of 453
each municipal corporation that enters into a contract under 454
division (A) of this section may require a person who was 455
convicted of an offense, who is under the charge of the sheriff of 456
their county or of the officer or officers of the contracting 457
municipal corporation or municipal corporations having charge of 458
persons incarcerated in the municipal jail, workhouse, or other 459
correctional facility, and who is confined in the multicounty, 460
municipal-county, or multicounty-municipal correctional center as 461
provided in that division, to reimburse the applicable county or 462
municipal corporation for its expenses incurred by reason of the 463
person's confinement in the center. 464

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

correctional center to pay a reception fee, a fee for medical 471
treatment or service requested by and provided to that person, or 472
the fee for a random drug test assessed under division (E) of 473
section 341.26 of the Revised Code. 474

(F)(1) The corrections commission of a center established 475
under this section may establish a commissary for the center. The 476
commissary may be established either in-house or by another 477
arrangement. If a commissary is established, all persons 478
incarcerated in the center shall receive commissary privileges. A 479
person's purchases from the commissary shall be deducted from the 480
person's account record in the center's business office. The 481
commissary shall provide for the distribution to indigent persons 482
incarcerated in the center of necessary hygiene articles and 483
writing materials. 484

(2) If a commissary is established, the corrections 485
commission of a center established under this section shall 486
establish a commissary fund for the center. The management of 487
funds in the commissary fund shall be strictly controlled in 488
accordance with procedures adopted by the auditor of state. 489
Commissary fund revenue over and above operating costs and reserve 490
shall be considered profits. All profits from the commissary fund 491
shall be used to purchase supplies and equipment for the benefit 492
of persons incarcerated in the center and to pay salary and 493
benefits for employees of the center, or for any other persons, 494
who work in or are employed for the sole purpose of providing 495
service to the commissary. The corrections commission shall adopt 496
rules and regulations for the operation of any commissary fund it 497
establishes. 498

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

corporations contracting to establish the center may also agree to 503
contract for the private operation and management of the center as 504
provided in section 9.06 of the Revised Code, but only if the 505
center houses only misdemeanor inmates. In order to enter into a 506
contract under section 9.06 of the Revised Code, all the boards 507
and legislative authorities establishing the center shall approve 508
and be parties to the contract. 509

(H) If a person who is convicted of or pleads guilty to an 510
offense is sentenced to a term in a multicounty correctional 511
center or a municipal-county or multicounty-municipal correctional 512
center or is incarcerated in the center in the manner described in 513
division (C) of this section, or if a person who is arrested for 514
an offense, and who has been denied bail or has had bail set and 515
has not been released on bail is confined in a multicounty 516
correctional center or a municipal-county or multicounty-municipal 517
correctional center pending trial, at the time of reception and at 518
other times the officer, officers, or other person in charge of 519
the operation of the center determines to be appropriate, the 520
officer, officers, or other person in charge of the operation of 521
the center may cause the convicted or accused offender to be 522
examined and tested for tuberculosis, HIV infection, hepatitis, 523
including but not limited to hepatitis A, B, and C, and other 524
contagious diseases. The officer, officers, or other person in 525
charge of the operation of the center may cause a convicted or 526
accused offender in the center who refuses to be tested or treated 527
for tuberculosis, HIV infection, hepatitis, including but not 528
limited to hepatitis A, B, and C, or another contagious disease to 529
be tested and treated involuntarily. 530

(I) As used in this section, "multicounty-municipal" means 531
more than one county and a municipal corporation, or more than one 532
municipal corporation and a county, or more than one municipal 533
corporation and more than one county. 534

Sec. 307.932. (A) As used in this section: 535

(1) "Division of parole and community services" means the 536
division of parole and community services of the department of 537
rehabilitation and correction. 538

(2) "Eligible offender" means, in relation to a particular 539
community alternative sentencing center or district community 540
alternative sentencing center established and operated under 541
division (E) of this section, an offender who has been convicted 542
of or pleaded guilty to a qualifying misdemeanor offense, for whom 543
no provision of the Revised Code or ordinance of a municipal 544
corporation other than section 4511.19 of the Revised Code or an 545
ordinance of a municipal corporation that provides the penalties 546
for a municipal OVI offense of the municipal corporation requires 547
the imposition of a mandatory jail term for that qualifying 548
misdemeanor offense, and who is eligible to be sentenced directly 549
to that center and admitted to it under rules adopted under 550
division (G) of this section by the board of county commissioners 551
or affiliated group of boards of county commissioners that 552
established and operates that center. 553

(3) "Municipal OVI offense" has the same meaning as in 554
section 4511.181 of the Revised Code. 555

(4) "OVI term of confinement" means a term of confinement 556
imposed for a violation of section 4511.19 of the Revised Code or 557
for a municipal OVI offense, including any mandatory jail term or 558
mandatory term of local incarceration imposed for that violation 559
or offense. 560

(5) "Community residential sanction" means a community 561
residential sanction imposed under section 2929.26 of the Revised 562
Code for a misdemeanor violation of a section of the Revised Code 563
or a term of confinement imposed for a misdemeanor violation of a 564
municipal ordinance that is not a jail term. 565

(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. 566
567
568
569

(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. 570
571
572
573
574
575
576
577
578
579
580
581

(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. 582
583
584
585
586
587
588
589
590
591
592
593
594
595
596

(C) Each proposal for a community alternative sentencing 597

center or a district community alternative sentencing center that 598
is formulated under division (B)(1) or (2) of this section shall 599
include proposals for operation of the center and for criteria to 600
define which offenders are eligible to be sentenced directly to 601
the center and admitted to it. At a minimum, the proposed criteria 602
that define which offenders are eligible to be sentenced directly 603
to the center and admitted to it shall provide all of the 604
following: 605

(1) That an offender is eligible to be sentenced directly to 606
the center and admitted to it if the offender has been convicted 607
of or pleaded guilty to a qualifying misdemeanor offense and is 608
sentenced directly to the center for the qualifying misdemeanor 609
offense pursuant to a community residential sanction of not more 610
than thirty days or pursuant to an OVI term of confinement of not 611
more than thirty days by a court that is located in the county or 612
one of the counties served by the board of county commissioners or 613
by any of the affiliated group of boards of county commissioners 614
that submits the proposal; 615

(2) That no offender is eligible to be sentenced directly to 616
the center or admitted to it if, in addition to the community 617
residential sanction or OVI term of confinement described in 618
division (C)(1) of this section, the offender is serving or has 619
been sentenced to serve any other jail term, prison term, or 620
community residential sanction. 621

(D)(1) If a board of county commissioners formulates a 622
proposal for a community alternative sentencing center pursuant to 623
division (B)(1) of this section or an affiliated group of boards 624
of county commissioners formulates a proposal for a district 625
community alternative sentencing center pursuant to division 626
(B)(2) of this section, prior to establishing or operating the 627
center, the board or the affiliated group of boards shall submit 628
the proposal for certification to the division of parole and 629

community services of the department of rehabilitation and 630
correction for approval and certification pursuant to division (F) 631
of section 5120.10 of the Revised Code. The division may approve 632
and certify a center as a suitable facility for the care and 633
treatment of adult offenders only if the center complies with the 634
standards for the certification of the centers that the division 635
adopts by rule in accordance with Chapter 119. of the Revised 636
Code. The division shall inspect each center to which a proposal 637
submitted under this division applies and annually shall inspect 638
each center established or operated under an approved and 639
certified proposal to determine if the proposed or certified 640
center is in compliance with the certification standards. A board 641
or affiliated group of boards shall not establish or operate a 642
center without the division's approval and certification. The 643
approval and certification of a center by the division is not a 644
requirement for, and is not an affirmation that the division or 645
the department of rehabilitation and correction must or will 646
provide, funding for the operation of the center. 647

(2) If a proposal for a community alternative sentencing 648
center or a district community alternative sentencing center that 649
is formulated under division (B)(1) or (2) of this section 650
contemplates the use of an existing facility, or a part of an 651
existing facility, as the center, nothing in this section limits, 652
restricts, or precludes the use of the facility, the part of the 653
facility, or any other part of the facility for any purpose other 654
than as a community alternative sentencing center or district 655
community alternative sentencing center. 656

(E) Upon approval and certification by the division of parole 657
and community services of a proposal for a community alternative 658
sentencing center or for a district community alternative 659
sentencing center submitted to the division under division (D) of 660
this section, the board of county commissioners or the affiliated 661

group of boards of county commissioners that submitted the 662
proposal may establish and operate the center in accordance with 663
the approved and certified proposal, division (G) of this section, 664
and rules adopted under that division. The establishment and 665
operation of the center may be done by subcontracting with a 666
nonprofit organization for the operation of the center. 667

If a board of county commissioners or an affiliated group of 668
boards of county commissioners establishes and operates a 669
community alternative sentencing center or district community 670
alternative sentencing center under this division, except as 671
otherwise provided in this division, the center is not a minimum 672
security jail under section 341.14, section 753.21, or any other 673
provision of the Revised Code, is not a jail or alternative 674
residential facility as defined in section 2929.01 of the Revised 675
Code, is not required to satisfy or comply with minimum standards 676
for minimum security jails or other jails that are promulgated 677
under division (A) of section 5120.10 of the Revised Code, is not 678
a local detention facility as defined in section 2929.36 of the 679
Revised Code, and is not a residential unit as defined in section 680
2950.01 of the Revised Code. The center is a detention facility as 681
defined in sections 2921.01 and 2923.124 of the Revised Code, and 682
an eligible offender confined in the center is under detention as 683
defined in section 2921.01 of the Revised Code. Regarding persons 684
sentenced directly to the center under an OVI term of confinement, 685
the center shall be considered a "jail" or "local correctional 686
facility" for purposes of any provision in section 4511.19 of the 687
Revised Code or in an ordinance of a municipal corporation that 688
requires a mandatory jail term or mandatory term of local 689
incarceration for the violation of section 4511.19 of the Revised 690
Code or the municipal OVI offense, and a direct sentence of a 691
person to the center under an OVI term of confinement shall be 692
considered to be a sentence to a "jail" or "local correctional 693
facility" for purposes of any such provision in section 4511.19 of 694

the Revised Code or in an ordinance of a municipal corporation. 695

696

(F)(1) If the board of county commissioners of a county that 697
is being served by a community alternative sentencing center 698
established pursuant to division (E) of this section determines 699
that it no longer wants to be served by the center, the board may 700
dissolve the center by adopting a resolution evidencing the 701
determination to dissolve the center and notifying, in writing, 702
the division of parole and community services of the determination 703
to dissolve the center. 704

(2) If the boards of county commissioners of all of the 705
counties served by any district community alternative sentencing 706
center established pursuant to division (E) of this section 707
determine that they no longer want to be served by the center, the 708
boards may dissolve the center by adopting in each county a 709
resolution evidencing the determination to dissolve the center and 710
notifying, in writing, the division of parole and community 711
services of the determination to dissolve the center. 712

(3) If at least one, but not all, of the boards of county 713
commissioners of the counties being served by any district 714
community alternative sentencing center established pursuant to 715
division (E) of this section determines that it no longer wants to 716
be served by the center, the board may terminate its involvement 717
with the center by adopting a resolution evidencing the 718
determination to terminate its involvement with the center and 719
notifying, in writing, the division of parole and community 720
services of the determination to terminate its involvement with 721
the center. If at least one, but not all, of the boards of county 722
commissioners of the counties being served by any community 723
alternative sentencing center terminates its involvement with the 724
center in accordance with this division, the other boards of 725
county commissioners of the counties being served by the center 726

may continue to be served by the center. 727

(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. 728
729
730
731
732
733
734
735
736
737
738
739

(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: 741
742
743
744
745
746

(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. 747
748
749
750
751
752
753
754
755
756
757

(2) Each eligible offender who is sentenced to the center as 758

described in division (H)(1) of this section and admitted to it 759
shall be offered during the eligible offender's confinement at the 760
center educational and vocational services and reentry planning 761
and may be offered any other treatment and rehabilitative services 762
that are available and that the court that sentenced the 763
particular eligible offender to the center and the administrator 764
of the center determine are appropriate based upon the offense for 765
which the eligible offender was sentenced to the community 766
residential sanction and the length of the sanction. 767

(3) Before accepting an eligible offender sentenced to the 768
center by a court, the board or the affiliated group of boards 769
shall enter into an agreement with a political subdivision that 770
operates that court that addresses the cost and payment of medical 771
treatment or services received by eligible offenders sentenced by 772
that court while they are confined in the center. The agreement 773
may provide for the payment of the costs by the particular 774
eligible offender who receives the treatment or services, as 775
described in division (I) of this section. 776

(4) If a court sentences an eligible offender to a center 777
under authority of division (H)(1) of this section, immediately 778
after the sentence is imposed, the eligible offender shall be 779
taken to the probation department that serves the court. The 780
department shall handle any preliminary matters regarding the 781
admission of the eligible offender to the center, including a 782
determination as to whether the eligible offender may be admitted 783
to the center under the criteria included in the rules adopted 784
under division (G) of this section that define which offenders are 785
eligible to be sentenced and admitted to the center. If the 786
eligible offender is accepted for admission to the center, the 787
department shall schedule the eligible offender for the admission 788
and shall provide for the transportation of the offender to the 789
center. If an eligible offender who is sentenced to the center 790

under a community residential sanction is not accepted for 791
admission to the center for any reason, the nonacceptance shall be 792
considered a violation of a condition of the community residential 793
sanction, the eligible offender shall be taken before the court 794
that imposed the sentence, and the court may proceed as specified 795
in division (C)(2) of section 2929.25 of the Revised Code based on 796
the violation or as provided by ordinance of the municipal 797
corporation based on the violation, whichever is applicable. If an 798
eligible offender who is sentenced to the center under an OVI term 799
of confinement is not accepted for admission to the center for any 800
reason, the eligible offender shall be taken before the court that 801
imposed the sentence, and the court shall determine the place at 802
which the offender is to serve the term of confinement. If the 803
eligible offender is admitted to the center, all of the following 804
apply: 805

(a) The admission shall be under the terms and conditions 806
established by the court and the administrator of the center, and 807
the court and the administrator of the center shall provide for 808
the confinement of the eligible offender and supervise the 809
eligible offender as provided in divisions (H)(4)(b) to (f) of 810
this section. 811

(b) The eligible offender shall be confined in the center 812
during any period of time that the eligible offender is not 813
actually working at the eligible offender's approved work release 814
described in division (H)(4)(c) of this section, engaged in 815
community service activities described in division (H)(4)(d) of 816
this section, engaged in authorized vocational training or another 817
authorized educational program, engaged in another program 818
designated by the administrator of the center, or engaged in other 819
activities approved by the court and the administrator of the 820
center. 821

(c) If the court and the administrator of the center 822

determine that work release is appropriate based upon the offense 823
for which the eligible offender was sentenced to the community 824
residential sanction or OVI term of confinement and the length of 825
the sanction or term, the eligible offender may be offered work 826
release from confinement at the center and be released from 827
confinement while engaged in the work release. 828

(d) If the administrator of the center determines that 829
community service is appropriate and if the eligible offender will 830
be confined for more than ten days at the center, the eligible 831
offender may be required to participate in community service 832
activities approved by the political subdivision served by the 833
court. Community service activities that may be required under 834
this division may take place in facilities of the political 835
subdivision that operates the court, in the community, or in both 836
such locales. The eligible offender shall be released from 837
confinement while engaged in the community service activities. 838
Community service activities required under this division shall be 839
supervised by the court or an official designated by the board of 840
county commissioners or affiliated group of boards of county 841
commissioners that established and is operating the center. 842
Community service activities required under this division shall 843
not exceed in duration the period for which the eligible offender 844
will be confined at the center under the community residential 845
sanction or the OVI term of confinement. 846

(e) The confinement of the eligible offender in the center 847
shall be considered for purposes of this division and division 848
(H)(4)(f) of this section as including any period of time 849
described in division (H)(4)(b) of this section when the eligible 850
offender may be outside of the center and shall continue until the 851
expiration of the community residential sanction or OVI term of 852
confinement that the eligible offender is serving upon admission 853
to the center. 854

(f) After the admission and until the expiration of the community residential sanction or OVI term of confinement that the eligible offender is serving upon admission to the center, the eligible offender shall be considered for purposes of any provision in Title XXIX of the Revised Code to be serving the community residential sanction or OVI term of confinement.

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

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

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

(2) If an eligible offender who is directly sentenced to a 887
community alternative sentencing center or district community 888
alternative sentencing center and admitted to the center violates 889
any rule established under this section by the board of county 890
commissioners or the affiliated group of boards of county 891
commissioners that establishes and operates the center, violates 892
any condition of the community residential sanction or OVI term of 893
confinement imposed by the sentencing court, or otherwise does not 894
successfully complete the service of the community residential 895
sanction or OVI term of confinement in the center, the 896
administrator of the center shall report the violation or failure 897
to successfully complete the sanction or term directly to the 898
court or to the probation department or probation officer with 899
general control and supervision over the eligible offender. A 900
failure to successfully complete the service of the community 901
residential sanction or OVI term of confinement in the center 902
shall be considered a violation of a condition of the community 903
residential sanction or the OVI term of confinement. If the 904
administrator reports the violation to the probation department or 905
probation officer, the department or officer shall report the 906
violation to the court. Upon its receipt under this division of a 907
report of a violation or failure to complete the sanction by a 908
person sentenced to the center under a community residential 909
sanction, the court may proceed as specified in division (C)(2) of 910
section 2929.25 of the Revised Code based on the violation or as 911
provided by ordinance of the municipal corporation based on the 912
violation, whichever is applicable. Upon its receipt under this 913
division of a report of a violation or failure to complete the 914
term by a person sentenced to the center under an OVI term of 915
confinement, the court shall determine the place at which the 916
offender is to serve the remainder of the term of confinement. The 917
eligible offender shall receive credit towards completing the 918
eligible offender's sentence for the time spent in the center 919

after admission to it. 920

Sec. 309.18. (A) If a prosecuting attorney of a county 921
receives notice from the ~~department of rehabilitation and~~ 922
~~correction pursuant to section 5120.14 of the Revised Code that a~~ 923
~~person indicted in that county for an offense of violence that is~~ 924
~~a felony has escaped from a correctional institution under the~~ 925
~~control of the department or otherwise has escaped from the~~ 926
~~eustody of the department, receives notice from the sheriff of the~~ 927
county pursuant to section 341.011 of the Revised Code that a 928
person indicted for or otherwise charged with an offense of 929
violence that is a felony and that was committed in the county has 930
escaped from the county jail or workhouse or otherwise has escaped 931
from the custody of the sheriff, or receives notice from a chief 932
of police or other chief law enforcement officer of a municipal 933
corporation pursuant to section 753.19 of the Revised Code that a 934
person indicted for or otherwise charged with an offense of 935
violence that is a felony and that was committed in the county has 936
escaped from a jail or workhouse of that municipal corporation or 937
otherwise has escaped from the custody of that municipal 938
corporation, the prosecuting attorney shall notify each victim of 939
an offense of violence that is a felony committed by that person 940
of the person's escape and, if applicable, of ~~his~~ the person's 941
subsequent apprehension. The notice of escape shall be given as 942
soon as possible after receipt of the notice from the department, 943
sheriff, or chief law enforcement officer of the municipal 944
corporation and shall be given by telephone or in person, except 945
that, if a prosecuting attorney tries and fails to give the notice 946
of escape by telephone at the victim's last known telephone number 947
or tries and fails to give the notice of escape in person at the 948
victim's last known address, the notice of escape shall be given 949
to the victim at ~~his~~ the victim's last known address by certified 950
mail, return receipt requested. The notice of apprehension shall 951

be given as soon as possible after the person is apprehended and 952
shall be given in the same manner as is the notice of escape. 953

Any prosecuting attorney who fails to give any notice 954
required by this ~~section~~ division is immune from civil liability 955
for any injury, death, or loss to person or property that might be 956
incurred as a result of that failure to give notice. 957

(B) If a prosecuting attorney of a county receives notice 958
from the department of rehabilitation and correction pursuant to 959
section 5120.14 of the Revised Code or otherwise receives notice 960
from the department that a person who was convicted of or pleaded 961
guilty in that county to an offense of violence that is a felony 962
has escaped from a correctional institution under the control of 963
the department or otherwise has escaped from the custody of the 964
department, and if the office of victim services of the department 965
requests assistance from the prosecuting attorney in identifying 966
and locating the victim of the offense, the prosecuting attorney 967
promptly shall provide the information requested, if available, to 968
the office of victim services. 969

Sec. 926.99. (A)(1) Except as provided in division (A)(2) of 970
this section, whoever violates section 926.04 of the Revised Code 971
is guilty of a misdemeanor of the first degree on a first offense 972
and a felony of the fifth degree on each subsequent offense. 973

(2) A person who violates section 926.04 of the Revised Code 975
and who is insolvent and financially unable to satisfy a claimant 976
as defined in section 926.021 of the Revised Code is guilty of a 977
felony of the fifth degree if the financial obligation owed by the 978
offender to the claimant is ~~five hundred~~ one thousand dollars or 979
more and is less than ~~five~~ seven thousand ~~five hundred~~ dollars. If 980
the financial obligation is ~~five~~ seven thousand ~~five hundred~~ 981
dollars or more and is less than one hundred fifty thousand 982

dollars, the offender is guilty of a felony of the fourth degree. 983
If the financial obligation is one hundred fifty thousand dollars 984
or more, the offender is guilty of a felony of the third degree. 985
986

(B) Whoever violates division (E) or (F) of section 926.20 or 987
division (A) of section 926.22 of the Revised Code is guilty of a 988
minor misdemeanor on a first offense and a misdemeanor of the 989
second degree on each subsequent offense. 990

(C) Whoever violates division (G) of section 926.20 or 991
section 926.34 or 926.35 of the Revised Code is guilty of a felony 992
of the fourth degree. 993

(D) Whoever violates division (A) of section 926.28 or 994
division (B) of section 926.29 of the Revised Code is guilty of a 995
felony of the fifth degree. 996

(E) Whoever violates section 926.31 of the Revised Code is 997
guilty of a misdemeanor of the fourth degree. 998

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 999
1333.04 of the Revised Code is guilty of a minor misdemeanor. 1000

(B) Whoever violates section 1333.12 or 1333.71 of the 1001
Revised Code is guilty of a misdemeanor of the fourth degree. 1002

(C) Whoever violates section 1333.36 of the Revised Code is 1003
guilty of a misdemeanor of the third degree. 1004

(D) A prosecuting attorney may file an action to restrain any 1005
person found in violation of section 1333.36 of the Revised Code. 1006
Upon the filing of such an action, the common pleas court may 1007
receive evidence of such violation and forthwith grant a temporary 1008
restraining order as may be prayed for, pending a hearing on the 1009
merits of said cause. 1010

(E) Whoever violates division (A)(1) of section 1333.52 or 1011
section 1333.81 of the Revised Code is guilty of a misdemeanor of 1012

the first degree. 1013

(F) Whoever violates division (A)(2) or (B) of section 1014
1333.52 of the Revised Code is guilty of a misdemeanor of the 1015
second degree. 1016

(G) Except as otherwise provided in this division, whoever 1017
violates section 1333.92 of the Revised Code is guilty of a 1018
misdemeanor of the first degree. If the value of the compensation 1019
is ~~five hundred~~ one thousand dollars or more and less than ~~five~~ 1020
seven thousand five hundred dollars, whoever violates section 1021
1333.92 of the Revised Code is guilty of a felony of the fifth 1022
degree. If the value of the compensation is ~~five~~ seven thousand 1023
five hundred dollars or more and less than one hundred fifty 1024
thousand dollars, whoever violates section 1333.92 of the Revised 1025
Code is guilty of a felony of the fourth degree. If the value of 1026
the compensation is one hundred fifty thousand dollars or more, 1027
whoever violates section 1333.92 of the Revised Code is guilty of 1028
a felony of the third degree. 1029

Sec. 1707.99. Whoever commits any act described in division 1030
(A) of section 1707.042 or section 1707.44 of the Revised Code is 1031
guilty of a violation of sections 1707.01 to 1707.45 of the 1032
Revised Code and the following apply to the offender: 1033

(A) If the value of the funds or securities involved in the 1034
offense or the loss to the victim is less than ~~five hundred~~ one 1035
thousand dollars, the offender is guilty of a felony of the fifth 1036
degree, and the court may impose upon the offender an additional 1037
fine of not more than two thousand five hundred dollars. 1038

(B) If the value of the funds or securities involved in the 1039
offense or the loss to the victim is ~~five hundred~~ one thousand 1040
dollars or more but less than ~~five~~ seven thousand five hundred 1041
dollars, the offender is guilty of a felony of the fourth degree, 1042
and the court may impose upon the offender an additional fine of 1043

not more than five thousand dollars. 1044

(C) If the value of the funds or securities involved in the 1045
offense or the loss to the victim is ~~five~~ seven thousand five 1046
hundred dollars or more but less than ~~twenty-five~~ thirty-seven 1047
thousand five hundred dollars, the offender is guilty of a felony 1048
of the third degree, and the court may impose upon the offender an 1049
additional fine of not more than ten thousand dollars. 1050

(D) If the value of the funds or securities involved in the 1051
offense or the loss to the victim is ~~twenty-five~~ thirty-seven 1052
thousand five hundred dollars or more but less than one hundred 1053
fifty thousand dollars, the offender is guilty of a felony of the 1054
second degree, and the court may impose upon the offender an 1055
additional fine of not more than fifteen thousand dollars. 1056

(E) If the value of the funds or securities involved in the 1057
offense or the loss to the victim is one hundred fifty thousand 1058
dollars or more, the offender is guilty of a felony of the first 1059
degree, and the court may impose upon the offender an additional 1060
fine of not more than twenty thousand dollars. 1061

Sec. 1716.99. (A) Whoever violates any provision of sections 1062
1716.02 to 1716.17 of the Revised Code, other than division (A)(1) 1063
of section 1716.14 of the Revised Code, is guilty of a misdemeanor 1064
of the first degree. 1065

Each occurrence of a solicitation of a contribution from any 1066
person in violation of any provision of sections 1716.02 to 1067
1716.17 of the Revised Code, other than division (A)(1) of section 1068
1716.14 of the Revised Code, is considered a separate offense. 1069

(B)(1) Whoever violates division (A)(1) of section 1716.14 of 1070
the Revised Code is guilty of solicitation fraud and shall be 1071
punished as provided in divisions (B)(2) to (4) of this section. 1072

(2) Except as otherwise provided in division (B)(4) of this 1073

section, division (B)(3) of this section applies to solicitation 1074
fraud, and solicitation fraud is one of the following: 1075

(a) Except as otherwise provided in divisions (B)(2)(b) to 1076
(d) of this section, a misdemeanor of the first degree or, if the 1077
offender previously has been convicted of or pleaded guilty to a 1078
theft offense or a violation of division (A)(1) of section 1716.14 1079
of the Revised Code, a felony of the fifth degree. 1080

(b) If the value of the contribution or contributions made in 1081
the violation is ~~five hundred~~ one thousand dollars or more but 1082
less than ~~five~~ seven thousand five hundred dollars, a felony of 1083
the fifth degree or, if the offender previously has been convicted 1084
of or pleaded guilty to a theft offense or a violation of division 1085
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1086
fourth degree. 1087

(c) If the value of the contribution or contributions made in 1088
the violation is ~~five~~ seven thousand five hundred dollars or more 1089
but less than one hundred fifty thousand dollars, a felony of the 1090
fourth degree or, if the offender previously has been convicted of 1091
or pleaded guilty to a theft offense or a violation of division 1092
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1093
third degree. 1094

(d) If the value of the contribution or contributions made in 1095
the violation is one hundred fifty thousand dollars or more, a 1096
felony of the third degree. 1097

(3) When an offender commits a series of offenses in 1098
violation of division (A)(1) of section 1716.14 of the Revised 1099
Code as part of a common scheme or plan to defraud multiple 1100
victims, all of the offenses may be tried as a single offense. If 1101
the offenses are tried as a single offense, the value of the 1102
contributions for purposes of determining the value as required by 1103
division (B)(2) of this section is the aggregate value of all 1104

contributions involved in all offenses in the common scheme or 1105
plan to defraud multiple victims. In prosecuting a single offense 1106
under this division, it is not necessary to separately allege and 1107
prove each offense in the series. Rather, it is sufficient to 1108
allege and prove that the offender, within a given span of time, 1109
committed one or more offenses as part of a common scheme or plan 1110
to defraud multiple victims as described in this division. 1111

(4) If the victim of the offense is an elderly person or 1112
disabled adult, division (B)(4) of this section and section 1113
2913.61 of the Revised Code apply to solicitation fraud, and 1114
solicitation fraud is one of the following: 1115

(a) Except as otherwise provided in divisions (B)(4)(b) to 1116
(d) of this section, a felony of the fifth degree; 1117

(b) If the value of the contributions made in the violation 1118
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 1119
~~seven~~ thousand five hundred dollars, a felony of the fourth 1120
degree; 1121

(c) If the value of the contributions made in the violation 1122
is ~~five~~ seven thousand five hundred dollars or more and is less 1123
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, a 1124
felony of the third degree; 1125

(d) If the value of the contributions made in the violation 1126
is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more, 1127
a felony of the second degree. 1128

(C) Any person who is found guilty of any act or omission 1129
prohibited under this chapter shall forfeit the bond described in 1130
section 1716.05 or 1716.07 of the Revised Code to the state 1131
treasury to the credit of the charitable law fund established 1132
under section 109.32 of the Revised Code and shall be prohibited 1133
from registering with the attorney general or from serving as a 1134
fund-raising counsel or professional solicitor in this state for a 1135

period of five years after conviction. 1136

Sec. 2743.191. (A)(1) There is hereby created in the state 1137
treasury the reparations fund, which shall be used only for the 1138
following purposes: 1139

(a) The payment of awards of reparations that are granted by 1140
the attorney general; 1141

(b) The compensation of any personnel needed by the attorney 1142
general to administer sections 2743.51 to 2743.72 of the Revised 1143
Code; 1144

(c) The compensation of witnesses as provided in division (J) 1145
of section 2743.65 of the Revised Code; 1146

(d) Other administrative costs of hearing and determining 1147
claims for an award of reparations by the attorney general; 1148

(e) The costs of administering sections 2907.28 and 2969.01 1149
to 2969.06 of the Revised Code; 1150

(f) The costs of investigation and decision-making as 1151
certified by the attorney general; 1152

(g) The provision of state financial assistance to victim 1153
assistance programs in accordance with sections 109.91 and 109.92 1154
of the Revised Code; 1155

(h) The costs of paying the expenses of sex offense-related 1156
examinations and antibiotics pursuant to section 2907.28 of the 1157
Revised Code; 1158

(i) The cost of printing and distributing the pamphlet 1159
prepared by the attorney general pursuant to section 109.42 of the 1160
Revised Code; 1161

(j) Subject to division (D) of section 2743.71 of the Revised 1162
Code, the costs associated with the printing and providing of 1163
information cards or other printed materials to law enforcement 1164

agencies and prosecuting authorities and with publicizing the 1165
availability of awards of reparations pursuant to section 2743.71 1166
of the Revised Code; 1167

(k) The payment of costs of administering a DNA specimen 1168
collection procedure pursuant to sections 2152.74 and 2901.07 of 1169
the Revised Code, of performing DNA analysis of those DNA 1170
specimens, and of entering the resulting DNA records regarding 1171
those analyses into the DNA database pursuant to section 109.573 1172
of the Revised Code; 1173

(l) The payment of actual costs associated with initiatives 1174
by the attorney general for the apprehension, prosecution, and 1175
accountability of offenders, and the enhancing of services to 1176
crime victims. The amount of payments made pursuant to division 1177
(A)(1)(1) of this section during any given fiscal year shall not 1178
exceed five per cent of the balance of the reparations fund at the 1179
close of the immediately previous fiscal year; 1180

(m) The costs of administering the adult parole authority's 1181
supervision pursuant to division (E) of section 2971.05 of the 1182
Revised Code of sexually violent predators who are sentenced to a 1183
prison term pursuant to division (A)(3) of section 2971.03 of the 1184
Revised Code and of offenders who are sentenced to a prison term 1185
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1186
(c), or (B)(3)(a), (b), (c), or (d) of that section; 1187

(n) The costs of installation and monitoring of an electronic 1188
monitoring device used in the monitoring of a respondent pursuant 1189
to an electronic monitoring order issued by a court under division 1190
(E)(1)(b) of section 2903.214 of the Revised Code if the court 1191
determines that the respondent is indigent or in the monitoring of 1192
an offender pursuant to an electronic monitoring order issued 1193
under division (B)(5) of section 2919.27 of the Revised Code if 1194
the court determines that the offender is indigent; 1195

(o) The costs of monitoring an offender by means of a global positioning device, if the offender is released from prison pursuant to section 2967.19 of the Revised Code, the court orders monitoring of the offender by the device pursuant to division (H) of that section, and the court determines that the offender is indigent. 1196
1197
1198
1199
1200
1201

(2) All costs paid pursuant to section 2743.70 of the Revised Code, the portions of license reinstatement fees mandated by division (F)(2)(b) of section 4511.191 of the Revised Code to be credited to the fund, the portions of the proceeds of the sale of a forfeited vehicle specified in division (C)(2) of section 4503.234 of the Revised Code, payments collected by the department of rehabilitation and correction from prisoners who voluntarily participate in an approved work and training program pursuant to division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and all moneys collected by the state pursuant to its right of subrogation provided in section 2743.72 of the Revised Code shall be deposited in the fund. 1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213

(B) In making an award of reparations, the attorney general shall render the award against the state. The award shall be accomplished only through the following procedure, and the following procedure may be enforced by writ of mandamus directed to the appropriate official: 1214
1215
1216
1217
1218

(1) The attorney general shall provide for payment of the claimant or providers in the amount of the award only if the amount of the award is fifty dollars or more. 1219
1220
1221

(2) The expense shall be charged against all available unencumbered moneys in the fund. 1222
1223

(3) If sufficient unencumbered moneys do not exist in the fund, the attorney general shall make application for payment of the award out of the emergency purposes account or any other 1224
1225
1226

appropriation for emergencies or contingencies, and payment out of 1227
this account or other appropriation shall be authorized if there 1228
are sufficient moneys greater than the sum total of then pending 1229
emergency purposes account requests or requests for releases from 1230
the other appropriations. 1231

(4) If sufficient moneys do not exist in the account or any 1232
other appropriation for emergencies or contingencies to pay the 1233
award, the attorney general shall request the general assembly to 1234
make an appropriation sufficient to pay the award, and no payment 1235
shall be made until the appropriation has been made. The attorney 1236
general shall make this appropriation request during the current 1237
biennium and during each succeeding biennium until a sufficient 1238
appropriation is made. If, prior to the time that an appropriation 1239
is made by the general assembly pursuant to this division, the 1240
fund has sufficient unencumbered funds to pay the award or part of 1241
the award, the available funds shall be used to pay the award or 1242
part of the award, and the appropriation request shall be amended 1243
to request only sufficient funds to pay that part of the award 1244
that is unpaid. 1245

(C) The attorney general shall not make payment on a decision 1246
or order granting an award until all appeals have been determined 1247
and all rights to appeal exhausted, except as otherwise provided 1248
in this section. If any party to a claim for an award of 1249
reparations appeals from only a portion of an award, and a 1250
remaining portion provides for the payment of money by the state, 1251
that part of the award calling for the payment of money by the 1252
state and not a subject of the appeal shall be processed for 1253
payment as described in this section. 1254

(D) The attorney general shall prepare itemized bills for the 1255
costs of printing and distributing the pamphlet the attorney 1256
general prepares pursuant to section 109.42 of the Revised Code. 1257
The itemized bills shall set forth the name and address of the 1258

persons owed the amounts set forth in them. 1259

(E) As used in this section, "DNA analysis" and "DNA 1260
specimen" have the same meanings as in section 109.573 of the 1261
Revised Code. 1262

Sec. 2909.03. (A) No person, by means of fire or explosion, 1263
shall knowingly do any of the following: 1264

(1) Cause, or create a substantial risk of, physical harm to 1265
any property of another without the other person's consent; 1266

(2) Cause, or create a substantial risk of, physical harm to 1267
any property of the offender or another, with purpose to defraud; 1268

(3) Cause, or create a substantial risk of, physical harm to 1269
the statehouse or a courthouse, school building, or other building 1270
or structure that is owned or controlled by the state, any 1271
political subdivision, or any department, agency, or 1272
instrumentality of the state or a political subdivision, and that 1273
is used for public purposes; 1274

(4) Cause, or create a substantial risk of, physical harm, 1275
through the offer or the acceptance of an agreement for hire or 1276
other consideration, to any property of another without the other 1277
person's consent or to any property of the offender or another 1278
with purpose to defraud; 1279

(5) Cause, or create a substantial risk of, physical harm to 1280
any park, preserve, wildlands, brush-covered land, cut-over land, 1281
forest, timberland, greenlands, woods, or similar real property 1282
that is owned or controlled by another person, the state, or a 1283
political subdivision without the consent of the other person, the 1284
state, or the political subdivision; 1285

(6) With purpose to defraud, cause, or create a substantial 1286
risk of, physical harm to any park, preserve, wildlands, 1287
brush-covered land, cut-over land, forest, timberland, greenlands, 1288

woods, or similar real property that is owned or controlled by the	1289
offender, another person, the state, or a political subdivision.	1290
(B)(1) Whoever violates this section is guilty of arson.	1291
(2) A violation of division (A)(1) of this section is one of	1292
the following:	1293
(a) Except as otherwise provided in division (B)(2)(b) of	1294
this section, a misdemeanor of the first degree;	1295
(b) If the value of the property or the amount of the	1296
physical harm involved is five hundred <u>one thousand</u> dollars or	1297
more, a felony of the fourth degree.	1298
(3) A violation of division (A)(2), (3), (5), or (6) of this	1299
section is a felony of the fourth degree.	1300
(4) A violation of division (A)(4) of this section is a	1301
felony of the third degree.	1302
Sec. 2909.05. (A) No person shall knowingly cause serious	1303
physical harm to an occupied structure or any of its contents.	1304
(B)(1) No person shall knowingly cause physical harm to	1305
property that is owned or possessed by another, when either of the	1306
following applies:	1307
(a) The property is used by its owner or possessor in the	1308
owner's or possessor's profession, business, trade, or occupation,	1309
and the value of the property or the amount of physical harm	1310
involved is five hundred <u>one thousand</u> dollars or more;	1311
(b) Regardless of the value of the property or the amount of	1312
damage done, the property or its equivalent is necessary in order	1313
for its owner or possessor to engage in the owner's or possessor's	1314
profession, business, trade, or occupation.	1315
(2) No person shall knowingly cause serious physical harm to	1316
property that is owned, leased, or controlled by a governmental	1317

entity. A governmental entity includes, but is not limited to, the state or a political subdivision of the state, a school district, the board of trustees of a public library or public university, or any other body corporate and politic responsible for governmental activities only in geographical areas smaller than that of the state.

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

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

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

(F) For purposes of this section:

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

(2) "Serious physical harm" means physical harm to property 1349
that results in loss to the value of the property of ~~five hundred~~ 1350
one thousand dollars or more. 1351

Sec. 2909.11. (A) When a person is charged with a violation 1352
of division (A)(1) of section 2909.03 of the Revised Code 1353
involving property value or an amount of physical harm of ~~five~~ 1354
~~hundred~~ one thousand dollars or more or with a violation of 1355
section 2909.05 of the Revised Code involving property value or an 1356
amount of physical harm of ~~five hundred~~ one thousand dollars or 1357
more, the jury or court trying the accused shall determine the 1358
value of the property or amount of physical harm and, if a guilty 1359
verdict is returned, shall return the finding as part of the 1360
verdict. In any such case, it is unnecessary to find or return the 1361
exact value or amount of physical harm, section 2945.75 of the 1362
Revised Code applies, and it is sufficient if either of the 1363
following applies, as appropriate, relative to the finding and 1364
return of the value or amount of physical harm: 1365

(1) If the finding and return relate to a violation of 1366
division (A)(1) of section 2909.03 of the Revised Code and are 1367
that the value or amount of the physical harm was ~~five hundred~~ one 1368
thousand dollars or more, the finding and return shall include a 1369
statement that the value or amount was ~~five hundred~~ one thousand 1370
dollars or more. 1371

(2) If the finding and return relate to a violation of 1372
division section 2909.05 of the Revised Code and are that the 1373
value or amount of the physical harm was in any of the following 1374
categories, the finding and return shall include one of the 1375
following statements, as appropriate: 1376

(a) If the finding and return are that the value or amount 1377
was one hundred fifty thousand dollars or more, a statement that 1378
the value or amount was one hundred fifty thousand dollars or 1379

more; 1380

(b) If the finding and return are that the value or amount 1381
was ~~five~~ seven thousand five hundred dollars or more but less than 1382
one hundred fifty thousand dollars a statement that the value or 1383
amount was ~~five~~ seven thousand five hundred dollars or more but 1384
less than one hundred fifty thousand dollars; 1385

(c) If the finding and return are that the value or amount 1386
was ~~five hundred~~ one thousand dollars or more but less than ~~five~~ 1387
seven thousand five hundred dollars, a statement that the value or 1388
amount was ~~five hundred~~ one thousand dollars or more but less than 1389
~~five~~ seven thousand five hundred dollars. 1390

(B) The following criteria shall be used in determining the 1391
value of property or amount of physical harm involved in a 1392
violation of division (A)(1) of section 2909.03 or section 2909.05 1393
of the Revised Code: 1394

(1) If the property is an heirloom, memento, collector's 1395
item, antique, museum piece, manuscript, document, record, or 1396
other thing that is either irreplaceable or is replaceable only on 1397
the expenditure of substantial time, effort, or money, the value 1398
of the property or the amount of physical harm involved is the 1399
amount that would compensate the owner for its loss. 1400

(2) If the property is not covered under division (B)(1) of 1401
this section and the physical harm is such that the property can 1402
be restored substantially to its former condition, the amount of 1403
physical harm involved is the reasonable cost of restoring the 1404
property. 1405

(3) If the property is not covered under division (B)(1) of 1406
this section and the physical harm is such that the property 1407
cannot be restored substantially to its former condition, the 1408
value of the property, in the case of personal property, is the 1409
cost of replacing the property with new property of like kind and 1410

quality, and, in the case of real property or real property 1411
fixtures, is the difference in the fair market value of the 1412
property immediately before and immediately after the offense. 1413

(C) As used in this section, "fair market value" has the same 1414
meaning as in section 2913.61 of the Revised Code. 1415

(D) Prima-facie evidence of the value of property, as 1416
provided in division (E) of section 2913.61 of the Revised Code, 1417
may be used to establish the value of property pursuant to this 1418
section. 1419

Sec. 2913.02. (A) No person, with purpose to deprive the 1420
owner of property or services, shall knowingly obtain or exert 1421
control over either the property or services in any of the 1422
following ways: 1423

(1) Without the consent of the owner or person authorized to 1424
give consent; 1425

(2) Beyond the scope of the express or implied consent of the 1426
owner or person authorized to give consent; 1427

(3) By deception; 1428

(4) By threat; 1429

(5) By intimidation. 1430

(B)(1) Whoever violates this section is guilty of theft. 1431

(2) Except as otherwise provided in this division or division 1432
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 1433
this section is petty theft, a misdemeanor of the first degree. If 1434
the value of the property or services stolen is ~~five hundred~~ one 1435
thousand dollars or more and is less than ~~five~~ seven thousand five 1436
hundred dollars or if the property stolen is any of the property 1437
listed in section 2913.71 of the Revised Code, a violation of this 1438
section is theft, a felony of the fifth degree. If the value of 1439

the property or services stolen is ~~five~~ seven thousand five
hundred dollars or more and is less than one hundred fifty
thousand dollars, a violation of this section is grand theft, a
felony of the fourth degree. If the value of the property or
services stolen is one hundred fifty thousand dollars or more and
is less than ~~five~~ seven hundred fifty thousand dollars, a
violation of this section is aggravated theft, a felony of the
third degree. If the value of the property or services is ~~five~~
seven hundred fifty thousand dollars or more and is less than one
million five hundred thousand dollars, a violation of this section
is aggravated theft, a felony of the second degree. If the value
of the property or services stolen is one million five hundred
thousand dollars or more, a violation of this section is
aggravated theft of one million five hundred thousand dollars or
more, a felony of the first degree.

(3) Except as otherwise provided in division (B)(4), (5),
(6), (7), or (8) of this section, if the victim of the offense is
an elderly person or disabled adult, a violation of this section
is theft from an elderly person or disabled adult, and division
(B)(3) of this section applies. Except as otherwise provided in
this division, theft from an elderly person or disabled adult is a
felony of the fifth degree. If the value of the property or
services stolen is ~~five hundred~~ one thousand dollars or more and
is less than ~~five~~ seven thousand five hundred dollars, theft from
an elderly person or disabled adult is a felony of the fourth
degree. If the value of the property or services stolen is ~~five~~
seven thousand five hundred dollars or more and is less than
~~twenty-five~~ thirty-seven thousand five hundred dollars, theft from
an elderly person or disabled adult is a felony of the third
degree. If the value of the property or services stolen is
~~twenty-five~~ thirty-seven thousand five hundred dollars or more and
is less than one hundred fifty thousand dollars, theft from an
elderly person or disabled adult is a felony of the second degree.

If the value of the property or services stolen is one hundred 1473
fifty thousand dollars or more, theft from an elderly person or 1474
disabled adult is a felony of the first degree. 1475

(4) If the property stolen is a firearm or dangerous 1476
ordnance, a violation of this section is grand theft. Except as 1477
otherwise provided in this division, grand theft when the property 1478
stolen is a firearm or dangerous ordnance is a felony of the third 1479
degree, and there is a presumption in favor of the court imposing 1480
a prison term for the offense. If the firearm or dangerous 1481
ordnance was stolen from a federally licensed firearms dealer, 1482
grand theft when the property stolen is a firearm or dangerous 1483
ordnance is a felony of the first degree. The offender shall serve 1484
a prison term imposed for grand theft when the property stolen is 1485
a firearm or dangerous ordnance consecutively to any other prison 1486
term or mandatory prison term previously or subsequently imposed 1487
upon the offender. 1488

(5) If the property stolen is a motor vehicle, a violation of 1489
this section is grand theft of a motor vehicle, a felony of the 1490
fourth degree. 1491

(6) If the property stolen is any dangerous drug, a violation 1492
of this section is theft of drugs, a felony of the fourth degree, 1493
or, if the offender previously has been convicted of a felony drug 1494
abuse offense, a felony of the third degree. 1495

(7) If the property stolen is a police dog or horse or an 1496
assistance dog and the offender knows or should know that the 1497
property stolen is a police dog or horse or an assistance dog, a 1498
violation of this section is theft of a police dog or horse or an 1499
assistance dog, a felony of the third degree. 1500

(8) If the property stolen is anhydrous ammonia, a violation 1501
of this section is theft of anhydrous ammonia, a felony of the 1502
third degree. 1503

(9) In addition to the penalties described in division (B)(2) 1504
of this section, if the offender committed the violation by 1505
causing a motor vehicle to leave the premises of an establishment 1506
at which gasoline is offered for retail sale without the offender 1507
making full payment for gasoline that was dispensed into the fuel 1508
tank of the motor vehicle or into another container, the court may 1509
do one of the following: 1510

(a) Unless division (B)(9)(b) of this section applies, 1511
suspend for not more than six months the offender's driver's 1512
license, probationary driver's license, commercial driver's 1513
license, temporary instruction permit, or nonresident operating 1514
privilege; 1515

(b) If the offender's driver's license, probationary driver's 1516
license, commercial driver's license, temporary instruction 1517
permit, or nonresident operating privilege has previously been 1518
suspended pursuant to division (B)(9)(a) of this section, impose a 1519
class seven suspension of the offender's license, permit, or 1520
privilege from the range specified in division (A)(7) of section 1521
4510.02 of the Revised Code, provided that the suspension shall be 1522
for at least six months. 1523

(10) In addition to the penalties described in division 1524
(B)(2) of this section, if the offender committed the violation by 1525
stealing rented property or rental services, the court may order 1526
that the offender make restitution pursuant to section 2929.18 or 1527
2929.28 of the Revised Code. Restitution may include, but is not 1528
limited to, the cost of repairing or replacing the stolen 1529
property, or the cost of repairing the stolen property and any 1530
loss of revenue resulting from deprivation of the property due to 1531
theft of rental services that is less than or equal to the actual 1532
value of the property at the time it was rented. Evidence of 1533
intent to commit theft of rented property or rental services shall 1534
be determined pursuant to the provisions of section 2913.72 of the 1535

Revised Code. 1536

(C) The sentencing court that suspends an offender's license, 1537
permit, or nonresident operating privilege under division (B)(9) 1538
of this section may grant the offender limited driving privileges 1539
during the period of the suspension in accordance with Chapter 1540
4510. of the Revised Code. 1541

Sec. 2913.03. (A) No person shall knowingly use or operate an 1542
aircraft, motor vehicle, motorcycle, motorboat, or other 1543
motor-propelled vehicle without the consent of the owner or person 1544
authorized to give consent. 1545

(B) No person shall knowingly use or operate an aircraft, 1546
motor vehicle, motorboat, or other motor-propelled vehicle without 1547
the consent of the owner or person authorized to give consent, and 1548
either remove it from this state or keep possession of it for more 1549
than forty-eight hours. 1550

(C) The following are affirmative defenses to a charge under 1551
this section: 1552

(1) At the time of the alleged offense, the actor, though 1553
mistaken, reasonably believed that the actor was authorized to use 1554
or operate the property. 1555

(2) At the time of the alleged offense, the actor reasonably 1556
believed that the owner or person empowered to give consent would 1557
authorize the actor to use or operate the property. 1558

(D)(1) Whoever violates this section is guilty of 1559
unauthorized use of a vehicle. 1560

(2) Except as otherwise provided in division (D)(4) of this 1561
section, a violation of division (A) of this section is a 1562
misdemeanor of the first degree. 1563

(3) Except as otherwise provided in division (D)(4) of this 1564
section, a violation of division (B) of this section is a felony 1565

of the fifth degree. 1566

(4) If the victim of the offense is an elderly person or 1567
disabled adult and if the victim incurs a loss as a result of the 1568
violation, a violation of division (A) or (B) of this section is 1569
whichever of the following is applicable: 1570

(a) Except as otherwise provided in division (D)(4)(b), (c), 1571
or (d), ~~or (e)~~ of this section, a felony of the fifth degree; 1572

(b) If the loss to the victim is ~~five hundred~~ one thousand 1573
dollars or more and is less than ~~five~~ seven thousand five hundred 1574
dollars, a felony of the fourth degree; 1575

(c) If the loss to the victim is ~~five~~ seven thousand five 1576
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 1577
thousand five hundred dollars, a felony of the third degree; 1578

(d) If the loss to the victim is ~~twenty-five~~ thirty-seven 1579
thousand five hundred dollars or more, a felony of the second 1580
degree. 1581
1582

Sec. 2913.04. (A) No person shall knowingly use or operate 1583
the property of another without the consent of the owner or person 1584
authorized to give consent. 1585

(B) No person, in any manner and by any means, including, but 1586
not limited to, computer hacking, shall knowingly gain access to, 1587
attempt to gain access to, or cause access to be gained to any 1588
computer, computer system, computer network, cable service, cable 1589
system, telecommunications device, telecommunications service, or 1590
information service without the consent of, or beyond the scope of 1591
the express or implied consent of, the owner of the computer, 1592
computer system, computer network, cable service, cable system, 1593
telecommunications device, telecommunications service, or 1594
information service or other person authorized to give consent. 1595

(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 database system created pursuant to section 5503.10 of the Revised Code without the consent of, or beyond the scope of the express or implied consent of, the chair of the law enforcement automated data system steering committee.

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

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

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

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

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

(b) If the value of the property or services or 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 fifth degree.

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

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

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

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

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

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

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

(3) Except as otherwise provided in division (F)(4) of this section, if unauthorized use of computer, cable, or telecommunication property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or

services, for obtaining money, property, or services by false or 1656
fraudulent pretenses, or for committing any other criminal 1657
offense, unauthorized use of computer, cable, or telecommunication 1658
property is whichever of the following is applicable: 1659

(a) Except as otherwise provided in division (F)(3)(b) of 1660
this section, if the value of the property or services involved or 1661
the loss to the victim is ~~five~~ seven thousand five hundred dollars 1662
or more and less than one hundred fifty thousand dollars, a felony 1663
of the fourth degree; 1664

(b) If the value of the property or services involved or the 1665
loss to the victim is one hundred fifty thousand dollars or more, 1666
a felony of the third degree. 1667

(4) If the victim of the offense is an elderly person or 1668
disabled adult, unauthorized use of computer, cable, or 1669
telecommunication property is whichever of the following is 1670
applicable: 1671

(a) Except as otherwise provided in division (F)(4)(b), (c), 1672
or (d) of this section, a felony of the fifth degree; 1673

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

(c) If the value of the property or services or loss to the 1678
victim is ~~five~~ seven thousand five hundred dollars or more and is 1679
less than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 1680
a felony of the third degree; 1681

(d) If the value of the property or services or loss to the 1682
victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars 1683
or more, a felony of the second degree. 1684

(G) Whoever violates division (C) of this section is guilty 1685

of unauthorized use of the law enforcement automated database system, a felony of the fifth degree. 1686
1687

(H) As used in this section: 1688

(1) "Cable operator" means any person or group of persons that does either of the following: 1689
1690

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system; 1691
1692
1693

(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system. 1694
1695

(2) "Cable service" means any of the following: 1696

(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally; 1697
1698
1699

(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; 1700
1701
1702
1703

(c) Any cable television service. 1704

(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: 1705
1706
1707
1708
1709
1710

(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations; 1711
1712

(b) Any facility that serves subscribers without using any public right-of-way; 1713
1714

(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);	1715 1716 1717
(d) Any open video system that complies with 47 U.S.C.A. 573;	1718
(e) Any facility of any electric utility used solely for operating its electric utility system.	1719 1720
Sec. 2913.11. (A) As used in this section:	1721
(1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:	1722 1723
(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or non-negotiable instrument;	1724 1725
(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.	1726 1727 1728
(2) "Issue a check" means causing any form of debit from a demand deposit account.	1729 1730
(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.	1731 1732 1733 1734 1735
(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:	1736 1737 1738
(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later;	1739 1740
(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,	1741 1742 1743

and the liability of the drawer, indorser, or any party who may be 1744
liable thereon is not discharged by payment or satisfaction within 1745
ten days after receiving notice of dishonor. 1746

(D) For purposes of this section, a person who issues or 1747
transfers a check, bill of exchange, or other draft is presumed to 1748
have the purpose to defraud if the drawer fails to comply with 1749
section 1349.16 of the Revised Code by doing any of the following 1750
when opening a checking account intended for personal, family, or 1751
household purposes at a financial institution: 1752

(1) Falsely stating that the drawer has not been issued a 1753
valid driver's or commercial driver's license or identification 1754
card issued under section 4507.50 of the Revised Code; 1755

(2) Furnishing such license or card, or another 1756
identification document that contains false information; 1757

(3) Making a false statement with respect to the drawer's 1758
current address or any additional relevant information reasonably 1759
required by the financial institution. 1760

(E) In determining the value of the payment for purposes of 1761
division (F) of this section, the court may aggregate all checks 1762
and other negotiable instruments that the offender issued or 1763
transferred or caused to be issued or transferred in violation of 1764
division (A) of this section within a period of one hundred eighty 1765
consecutive days. 1766

(F) Whoever violates this section is guilty of passing bad 1767
checks. Except as otherwise provided in this division, passing bad 1768
checks is a misdemeanor of the first degree. If the check or 1769
checks or other negotiable instrument or instruments are issued or 1770
transferred to a single vendor or single other person for the 1771
payment of ~~five hundred~~ one thousand dollars or more but less than 1772
~~five seven~~ thousand five hundred dollars or if the check or checks 1773
or other negotiable instrument or instruments are issued or 1774

transferred to multiple vendors or persons for the payment of one 1775
thousand five hundred dollars or more but less than ~~five~~ seven 1776
thousand five hundred dollars, passing bad checks is a felony of 1777
the fifth degree. If the check or checks or other negotiable 1778
instrument or instruments are for the payment of ~~five~~ seven 1779
thousand five hundred dollars or more but less than one hundred 1780
fifty thousand dollars, passing bad checks is a felony of the 1781
fourth degree. If the check or checks or other negotiable 1782
instrument or instruments are for the payment of one hundred fifty 1783
thousand dollars or more, passing bad checks is a felony of the 1784
third degree. 1785

Sec. 2913.21. (A) No person shall do any of the following: 1786

(1) Practice deception for the purpose of procuring the 1787
issuance of a credit card, when a credit card is issued in actual 1788
reliance thereon; 1789

(2) Knowingly buy or sell a credit card from or to a person 1790
other than the issuer. 1791

(B) No person, with purpose to defraud, shall do any of the 1792
following: 1793

(1) Obtain control over a credit card as security for a debt; 1794

(2) Obtain property or services by the use of a credit card, 1795
in one or more transactions, knowing or having reasonable cause to 1796
believe that the card has expired or been revoked, or was 1797
obtained, is retained, or is being used in violation of law; 1798

(3) Furnish property or services upon presentation of a 1799
credit card, knowing that the card is being used in violation of 1800
law; 1801

(4) Represent or cause to be represented to the issuer of a 1802
credit card that property or services have been furnished, knowing 1803
that the representation is false. 1804

(C) No person, with purpose to violate this section, shall 1805
receive, possess, control, or dispose of a credit card. 1806

(D)(1) Whoever violates this section is guilty of misuse of 1807
credit cards. 1808

(2) Except as otherwise provided in division (D)(4) of this 1809
section, a violation of division (A), (B)(1), or (C) of this 1810
section is a misdemeanor of the first degree. 1811

(3) Except as otherwise provided in this division or division 1812
(D)(4) of this section, a violation of division (B)(2), (3), or 1813
(4) of this section is a misdemeanor of the first degree. If the 1814
cumulative retail value of the property and services involved in 1815
one or more violations of division (B)(2), (3), or (4) of this 1816
section, which violations involve one or more credit card accounts 1817
and occur within a period of ninety consecutive days commencing on 1818
the date of the first violation, is ~~five hundred~~ one thousand 1819
dollars or more and is less than ~~five~~ seven thousand five hundred 1820
dollars, misuse of credit cards in violation of any of those 1821
divisions is a felony of the fifth degree. If the cumulative 1822
retail value of the property and services involved in one or more 1823
violations of division (B)(2), (3), or (4) of this section, which 1824
violations involve one or more credit card accounts and occur 1825
within a period of ninety consecutive days commencing on the date 1826
of the first violation, is ~~five~~ seven thousand five hundred 1827
dollars or more and is less than one hundred fifty thousand 1828
dollars, misuse of credit cards in violation of any of those 1829
divisions is a felony of the fourth degree. If the cumulative 1830
retail value of the property and services involved in one or more 1831
violations of division (B)(2), (3), or (4) of this section, which 1832
violations involve one or more credit card accounts and occur 1833
within a period of ninety consecutive days commencing on the date 1834
of the first violation, is one hundred fifty thousand dollars or 1835
more, misuse of credit cards in violation of any of those 1836

divisions is a felony of the third degree. 1837

(4) If the victim of the offense is an elderly person or 1838
disabled adult, and if the offense involves a violation of 1839
division (B)(1) or (2) of this section, division (D)(4) of this 1840
section applies. Except as otherwise provided in division (D)(4) 1841
of this section, a violation of division (B)(1) or (2) of this 1842
section is a felony of the fifth degree. If the debt for which the 1843
card is held as security or the cumulative retail value of the 1844
property or services involved in the violation is ~~five hundred~~ one 1845
thousand dollars or more and is less than ~~five~~ seven thousand five 1846
hundred dollars, a violation of either of those divisions is a 1847
felony of the fourth degree. If the debt for which the card is 1848
held as security or the cumulative retail value of the property or 1849
services involved in the violation is ~~five~~ seven thousand five 1850
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 1851
thousand five hundred dollars, a violation of either of those 1852
divisions is a felony of the third degree. If the debt for which 1853
the card is held as security or the cumulative retail value of the 1854
property or services involved in the violation is ~~twenty-five~~ 1855
thirty-seven thousand five hundred dollars or more, a violation of 1856
either of those divisions is a felony of the second degree. 1857

1858

Sec. 2913.31. (A) No person, with purpose to defraud, or 1859
knowing that the person is facilitating a fraud, shall do any of 1860
the following: 1861

(1) Forge any writing of another without the other person's 1862
authority; 1863

(2) Forge any writing so that it purports to be genuine when 1864
it actually is spurious, or to be the act of another who did not 1865
authorize that act, or to have been executed at a time or place or 1866
with terms different from what in fact was the case, or to be a 1867

copy of an original when no such original existed; 1868

(3) Utter, or possess with purpose to utter, any writing that 1869
the person knows to have been forged. 1870

(B) No person shall knowingly do either of the following: 1871

(1) Forge an identification card; 1872

(2) Sell or otherwise distribute a card that purports to be 1873
an identification card, knowing it to have been forged. 1874

As used in this division, "identification card" means a card 1875
that includes personal information or characteristics of an 1876
individual, a purpose of which is to establish the identity of the 1877
bearer described on the card, whether the words "identity," 1878
"identification," "identification card," or other similar words 1879
appear on the card. 1880

(C)(1)(a) Whoever violates division (A) of this section is 1881
guilty of forgery. 1882

(b) Except as otherwise provided in this division or division 1883
(C)(1)(c) of this section, forgery is a felony of the fifth 1884
degree. If property or services are involved in the offense or the 1885
victim suffers a loss, forgery is one of the following: 1886

(i) If the value of the property or services or the loss to 1887
the victim is ~~five~~ seven thousand five hundred dollars or more and 1888
is less than one hundred fifty thousand dollars, a felony of the 1889
fourth degree; 1890

(ii) If the value of the property or services or the loss to 1891
the victim is one hundred fifty thousand dollars or more, a felony 1892
of the third degree. 1893

(c) If the victim of the offense is an elderly person or 1894
disabled adult, division (C)(1)(c) of this section applies to the 1895
forgery. Except as otherwise provided in division (C)(1)(c) of 1896
this section, forgery is a felony of the fifth degree. If property 1897

or services are involved in the offense or if the victim suffers a loss, forgery is one of the following:

(i) If the value of the property or services or 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;

(ii) If the value of the property or services or 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;

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

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

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

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

(2) Practice deception in making, retouching, editing, or reproducing any photograph, movie film, video tape, phonograph record, or recording tape; 1928
1929
1930

(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. 1931
1932
1933
1934
1935
1936
1937
1938
1939
1940

(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. 1941
1942
1943

(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. 1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954

Sec. 2913.34. (A) No person shall knowingly do any of the following: 1955
1956

(1) Attach, affix, or otherwise use a counterfeit mark in connection with the manufacture of goods or services, whether or 1957
1958

not the goods or services are intended for sale or resale;	1959
(2) Possess, sell, or offer for sale tools, machines,	1960
instruments, materials, articles, or other items of personal	1961
property with the knowledge that they are designed for the	1962
production or reproduction of counterfeit marks;	1963
(3) Purchase or otherwise acquire goods, and keep or	1964
otherwise have the goods in the person's possession, with the	1965
knowledge that a counterfeit mark is attached to, affixed to, or	1966
otherwise used in connection with the goods and with the intent to	1967
sell or otherwise dispose of the goods;	1968
(4) Sell, offer for sale, or otherwise dispose of goods with	1969
the knowledge that a counterfeit mark is attached to, affixed to,	1970
or otherwise used in connection with the goods;	1971
(5) Sell, offer for sale, or otherwise provide services with	1972
the knowledge that a counterfeit mark is used in connection with	1973
that sale, offer for sale, or other provision of the services.	1974
(B)(1) Whoever violates this section is guilty of trademark	1975
counterfeiting.	1976
(2) Except as otherwise provided in this division, a	1977
violation of division (A)(1) of this section is a felony of the	1978
fifth degree. Except as otherwise provided in this division, if	1979
the cumulative sales price of the goods or services to which or in	1980
connection with which the counterfeit mark is attached, affixed,	1981
or otherwise used in the offense is five thousand dollars or more	1982
but less than one hundred thousand dollars or if the number of	1983
units of goods to which or in connection with which the	1984
counterfeit mark is attached, affixed, or otherwise used in the	1985
offense is more than one hundred units but less than one thousand	1986
units, a violation of division (A)(1) of this section is a felony	1987
of the fourth degree. If the cumulative sales price of the goods	1988
or services to which or in connection with which the counterfeit	1989

mark is attached, affixed, or otherwise used in the offense is one 1990
hundred thousand dollars or more or if the number of units of 1991
goods to which or in connection with which the counterfeit mark is 1992
attached, affixed, or otherwise used in the offense is one 1993
thousand units or more, a violation of division (A)(1) of this 1994
section is a felony of the third degree. 1995

(3) Except as otherwise provided in this division, a 1996
violation of division (A)(2) of this section is a misdemeanor of 1997
the first degree. If the circumstances of the violation indicate 1998
that the tools, machines, instruments, materials, articles, or 1999
other items of personal property involved in the violation were 2000
intended for use in the commission of a felony, a violation of 2001
division (A)(2) of this section is a felony of the fifth degree. 2002

(4) Except as otherwise provided in this division, a 2003
violation of division (A)(3), (4), or (5) of this section is a 2004
misdemeanor of the first degree. Except as otherwise provided in 2005
this division, if the cumulative sales price of the goods or 2006
services to which or in connection with which the counterfeit mark 2007
is attached, affixed, or otherwise used in the offense is ~~five~~ 2008
~~hundred one thousand~~ one thousand dollars or more but less than ~~five seven~~ 2009
~~thousand five hundred~~ five hundred dollars, a violation of division (A)(3), 2010
(4), or (5) of this section is a felony of the fifth degree. 2011
Except as otherwise provided in this division, if the cumulative 2012
sales price of the goods or services to which or in connection 2013
with which the counterfeit mark is attached, affixed, or otherwise 2014
used in the offense is ~~five seven~~ seven thousand ~~five hundred~~ 2015
dollars or more but less than one hundred fifty thousand dollars or if the 2016
number of units of goods to which or in connection with which the 2017
counterfeit mark is attached, affixed, or otherwise used in the 2018
offense is more than one hundred units but less than one thousand 2019
units, a violation of division (A)(3), (4), or (5) of this section 2020
is a felony of the fourth degree. If the cumulative sales price of 2021

the goods or services to which or in connection with which the 2022
counterfeit mark is attached, affixed, or otherwise used in the 2023
offense is one hundred fifty thousand dollars or more or if the 2024
number of units of goods to which or in connection with which the 2025
counterfeit mark is attached, affixed, or otherwise used in the 2026
offense is one thousand units or more, a violation of division 2027
(A)(3), (4), or (5) of this section is a felony of the third 2028
degree. 2029

(C) A defendant may assert as an affirmative defense to a 2030
charge of a violation of this section defenses, affirmative 2031
defenses, and limitations on remedies that would be available in a 2032
civil, criminal, or administrative action or proceeding under the 2033
"Lanham Act," 60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, as 2034
amended, "The Trademark Counterfeiting Act of 1984," 98 Stat. 2035
2178, 18 U.S.C. 2320, as amended, Chapter 1329. or another section 2036
of the Revised Code, or common law. 2037

(D)(1) Law enforcement officers may seize pursuant to 2038
Criminal Rule 41 or Chapter 2933. or 2981. of the Revised Code 2039
either of the following: 2040

(a) Goods to which or in connection with which a person 2041
attached, affixed, otherwise used, or intended to attach, affix, 2042
or otherwise use a counterfeit mark in violation of this section; 2043

(b) Tools, machines, instruments, materials, articles, 2044
vehicles, or other items of personal property that are possessed, 2045
sold, offered for sale, or used in a violation of this section or 2046
in an attempt to commit or complicity in the commission of a 2047
violation of this section. 2048

(2) Notwithstanding any contrary provision of Chapter 2981. 2049
of the Revised Code, if a person is convicted of or pleads guilty 2050
to a violation of this section, an attempt to violate this 2051
section, or complicity in a violation of this section, the court 2052

involved shall declare that the goods described in division 2053
(D)(1)(a) of this section and the personal property described in 2054
division (D)(1)(b) of this section are contraband and are 2055
forfeited. Prior to the court's entry of judgment under Criminal 2056
Rule 32, the owner of a registered trademark or service mark that 2057
is the subject of the counterfeit mark may recommend a manner in 2058
which the forfeited goods and forfeited personal property should 2059
be disposed of. If that owner makes a timely recommendation of a 2060
manner of disposition, the court is not bound by the 2061
recommendation. If that owner makes a timely recommendation of a 2062
manner of disposition, the court may include in its entry of 2063
judgment an order that requires appropriate persons to dispose of 2064
the forfeited goods and forfeited personal property in the 2065
recommended manner. If that owner fails to make a timely 2066
recommendation of a manner of disposition or if that owner makes a 2067
timely recommendation of the manner of disposition but the court 2068
determines to not follow the recommendation, the court shall 2069
include in its entry of judgment an order that requires the law 2070
enforcement agency that employs the law enforcement officer who 2071
seized the forfeited goods or the forfeited personal property to 2072
destroy them or cause their destruction. 2073

(E) This section does not affect the rights of an owner of a 2074
trademark or a service mark, or the enforcement in a civil action 2075
or in administrative proceedings of the rights of an owner of a 2076
trademark or a service mark, under the "Lanham Act," 60 Stat. 2077
427-443 (1946), 15 U.S.C. 1051-1127, as amended, "The Trademark 2078
Counterfeiting Act of 1984," 92 Stat. 2178, 18 U.S.C. 2320, as 2079
amended, Chapter 1329. or another section of the Revised Code, or 2080
common law. 2081

(F) As used in this section: 2082

(1)(a) Except as provided in division (F)(1)(b) of this 2083
section, "counterfeit mark" means a spurious trademark or a 2084

spurious service mark that satisfies both of the following: 2085

(i) It is identical with or substantially indistinguishable 2086
from a mark that is registered on the principal register in the 2087
United States patent and trademark office for the same goods or 2088
services as the goods or services to which or in connection with 2089
which the spurious trademark or spurious service mark is attached, 2090
affixed, or otherwise used or from a mark that is registered with 2091
the secretary of state pursuant to sections 1329.54 to 1329.67 of 2092
the Revised Code for the same goods or services as the goods or 2093
services to which or in connection with which the spurious 2094
trademark or spurious service mark is attached, affixed, or 2095
otherwise used, and the owner of the registration uses the 2096
registered mark, whether or not the offender knows that the mark 2097
is registered in a manner described in division (F)(1)(a)(i) of 2098
this section. 2099

(ii) Its use is likely to cause confusion or mistake or to 2100
deceive other persons. 2101

(b) "Counterfeit mark" does not include a mark or other 2102
designation that is attached to, affixed to, or otherwise used in 2103
connection with goods or services if the holder of the right to 2104
use the mark or other designation authorizes the manufacturer, 2105
producer, or vendor of those goods or services to attach, affix, 2106
or otherwise use the mark or other designation in connection with 2107
those goods or services at the time of their manufacture, 2108
production, or sale. 2109

(2) "Cumulative sales price" means the product of the lowest 2110
single unit sales price charged or sought to be charged by an 2111
offender for goods to which or in connection with which a 2112
counterfeit mark is attached, affixed, or otherwise used or of the 2113
lowest single service transaction price charged or sought to be 2114
charged by an offender for services in connection with which a 2115
counterfeit mark is used, multiplied by the total number of those 2116

goods or services, whether or not units of goods are sold or are 2117
in an offender's possession, custody, or control. 2118

(3) "Registered trademark or service mark" means a trademark 2119
or service mark that is registered in a manner described in 2120
division (F)(1) of this section. 2121

(4) "Trademark" and "service mark" have the same meanings as 2122
in section 1329.54 of the Revised Code. 2123

Sec. 2913.40. (A) As used in this section: 2124

(1) "Statement or representation" means any oral, written, 2125
electronic, electronic impulse, or magnetic communication that is 2126
used to identify an item of goods or a service for which 2127
reimbursement may be made under the medical assistance program or 2128
that states income and expense and is or may be used to determine 2129
a rate of reimbursement under the medical assistance program. 2130

(2) "Medical assistance program" means the program 2131
established by the department of job and family services to 2132
provide medical assistance under section 5111.01 of the Revised 2133
Code and the medicaid program of Title XIX of the "Social Security 2134
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 2135

(3) "Provider" means any person who has signed a provider 2136
agreement with the department of job and family services to 2137
provide goods or services pursuant to the medical assistance 2138
program or any person who has signed an agreement with a party to 2139
such a provider agreement under which the person agrees to provide 2140
goods or services that are reimbursable under the medical 2141
assistance program. 2142

(4) "Provider agreement" means an oral or written agreement 2143
between the department of job and family services and a person in 2144
which the person agrees to provide goods or services under the 2145
medical assistance program. 2146

(5) "Recipient" means any individual who receives goods or services from a provider under the medical assistance program. 2147
2148

(6) "Records" means any medical, professional, financial, or business records relating to the treatment or care of any recipient, to goods or services provided to any recipient, or to rates paid for goods or services provided to any recipient and any records that are required by the rules of the director of job and family services to be kept for the medical assistance program. 2149
2150
2151
2152
2153
2154

(B) No person shall knowingly make or cause to be made a false or misleading statement or representation for use in obtaining reimbursement from the medical assistance program. 2155
2156
2157

(C) No person, with purpose to commit fraud or knowing that the person is facilitating a fraud, shall do either of the following: 2158
2159
2160

(1) Contrary to the terms of the person's provider agreement, charge, solicit, accept, or receive for goods or services that the person provides under the medical assistance program any property, money, or other consideration in addition to the amount of reimbursement under the medical assistance program and the person's provider agreement for the goods or services and any cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted pursuant to section 5111.01, 5111.011, or 5111.02 of the Revised Code. 2161
2162
2163
2164
2165
2166
2167
2168
2169

(2) Solicit, offer, or receive any remuneration, other than any cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted under section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash or in kind, including, but not limited to, a kickback or rebate, in connection with the furnishing of goods or services for which whole or partial reimbursement is or may be made under the medical assistance program. 2170
2171
2172
2173
2174
2175
2176
2177

(D) No person, having submitted a claim for or provided goods 2178
or services under the medical assistance program, shall do either 2179
of the following for a period of at least six years after a 2180
reimbursement pursuant to that claim, or a reimbursement for those 2181
goods or services, is received under the medical assistance 2182
program: 2183

(1) Knowingly alter, falsify, destroy, conceal, or remove any 2184
records that are necessary to fully disclose the nature of all 2185
goods or services for which the claim was submitted, or for which 2186
reimbursement was received, by the person; 2187

(2) Knowingly alter, falsify, destroy, conceal, or remove any 2188
records that are necessary to disclose fully all income and 2189
expenditures upon which rates of reimbursements were based for the 2190
person. 2191

(E) Whoever violates this section is guilty of medicaid 2192
fraud. Except as otherwise provided in this division, medicaid 2193
fraud is a misdemeanor of the first degree. If the value of 2194
property, services, or funds obtained in violation of this section 2195
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 2196
seven thousand five hundred dollars, medicaid fraud is a felony of 2197
the fifth degree. If the value of property, services, or funds 2198
obtained in violation of this section is ~~five~~ seven thousand five 2199
hundred dollars or more and is less than one hundred fifty 2200
thousand dollars, medicaid fraud is a felony of the fourth degree. 2201
If the value of the property, services, or funds obtained in 2202
violation of this section is one hundred fifty thousand dollars or 2203
more, medicaid fraud is a felony of the third degree. 2204

(F) Upon application of the governmental agency, office, or 2206
other entity that conducted the investigation and prosecution in a 2207
case under this section, the court shall order any person who is 2208
convicted of a violation of this section for receiving any 2209

reimbursement for furnishing goods or services under the medical 2210
assistance program to which the person is not entitled to pay to 2211
the applicant its cost of investigating and prosecuting the case. 2212
The costs of investigation and prosecution that a defendant is 2213
ordered to pay pursuant to this division shall be in addition to 2214
any other penalties for the receipt of that reimbursement that are 2215
provided in this section, section 5111.03 of the Revised Code, or 2216
any other provision of law. 2217

(G) The provisions of this section are not intended to be 2218
exclusive remedies and do not preclude the use of any other 2219
criminal or civil remedy for any act that is in violation of this 2220
section. 2221

Sec. 2913.401. (A) As used in this section: 2222

(1) "Medicaid benefits" means benefits under the medical 2223
assistance program established under Chapter 5111. of the Revised 2224
Code. 2225

(2) "Property" means any real or personal property or other 2226
asset in which a person has any legal title or interest. 2227

(B) No person shall knowingly do any of the following in an 2228
application for medicaid benefits or in a document that requires a 2229
disclosure of assets for the purpose of determining eligibility to 2230
receive medicaid benefits: 2231

(1) Make or cause to be made a false or misleading statement; 2232

(2) Conceal an interest in property; 2233

(3)(a) Except as provided in division (B)(3)(b) of this 2234
section, fail to disclose a transfer of property that occurred 2235
during the period beginning thirty-six months before submission of 2236
the application or document and ending on the date the application 2237
or document was submitted; 2238

(b) Fail to disclose a transfer of property that occurred 2239

during the period beginning sixty months before submission of the 2240
application or document and ending on the date the application or 2241
document was submitted and that was made to an irrevocable trust a 2242
portion of which is not distributable to the applicant for 2243
medicaid benefits or the recipient of medicaid benefits or to a 2244
revocable trust. 2245

(C)(1) Whoever violates this section is guilty of medicaid 2246
eligibility fraud. Except as otherwise provided in this division, 2247
a violation of this section is a misdemeanor of the first degree. 2248
If the value of the medicaid benefits paid as a result of the 2249
violation is ~~five hundred~~ one thousand dollars or more and is less 2250
than ~~five~~ seven thousand five hundred dollars, a violation of this 2251
section is a felony of the fifth degree. If the value of the 2252
medicaid benefits paid as a result of the violation is ~~five~~ seven 2253
thousand five hundred dollars or more and is less than one hundred 2254
fifty thousand dollars, a violation of this section is a felony of 2255
the fourth degree. If the value of the medicaid benefits paid as a 2256
result of the violation is one hundred fifty thousand dollars or 2257
more, a violation of this section is a felony of the third degree. 2258
2259

(2) In addition to imposing a sentence under division (C)(1) 2260
of this section, the court shall order that a person who is guilty 2261
of medicaid eligibility fraud make restitution in the full amount 2262
of any medicaid benefits paid on behalf of an applicant for or 2263
recipient of medicaid benefits for which the applicant or 2264
recipient was not eligible, plus interest at the rate applicable 2265
to judgments on unreimbursed amounts from the date on which the 2266
benefits were paid to the date on which restitution is made. 2267

(3) The remedies and penalties provided in this section are 2268
not exclusive and do not preclude the use of any other criminal or 2269
civil remedy for any act that is in violation of this section. 2270

(D) This section does not apply to a person who fully 2271

disclosed in an application for medicaid benefits or in a document 2272
that requires a disclosure of assets for the purpose of 2273
determining eligibility to receive medicaid benefits all of the 2274
interests in property of the applicant for or recipient of 2275
medicaid benefits, all transfers of property by the applicant for 2276
or recipient of medicaid benefits, and the circumstances of all 2277
those transfers. 2278

(E) Any amounts of medicaid benefits recovered as restitution 2279
under this section and any interest on those amounts shall be 2280
credited to the general revenue fund, and any applicable federal 2281
share shall be returned to the appropriate agency or department of 2282
the United States. 2283

Sec. 2913.42. (A) No person, knowing the person has no 2284
privilege to do so, and with purpose to defraud or knowing that 2285
the person is facilitating a fraud, shall do any of the following: 2286

(1) Falsify, destroy, remove, conceal, alter, deface, or 2287
mutilate any writing, computer software, data, or record; 2288

(2) Utter any writing or record, knowing it to have been 2289
tampered with as provided in division (A)(1) of this section. 2290

(B)(1) Whoever violates this section is guilty of tampering 2291
with records. 2292

(2) Except as provided in division (B)(4) of this section, if 2293
the offense does not involve data or computer software, tampering 2294
with records is whichever of the following is applicable: 2295

(a) If division (B)(2)(b) of this section does not apply, a 2296
misdemeanor of the first degree; 2297

(b) If the writing or record is a will unrevoked at the time 2298
of the offense, a felony of the fifth degree. 2299

(3) Except as provided in division (B)(4) of this section, if 2300
the offense involves a violation of division (A) of this section 2301

involving data or computer software, tampering with records is 2302
whichever of the following is applicable: 2303

(a) Except as otherwise provided in division (B)(3)(b), (c), 2304
or (d) of this section, a misdemeanor of the first degree; 2305

(b) If the value of the data or computer software involved in 2306
the offense or the loss to the victim is ~~five hundred~~ one thousand 2307
dollars or more and is less than ~~five~~ seven thousand five hundred 2308
dollars, a felony of the fifth degree; 2309

(c) If the value of the data or computer software involved in 2310
the offense or the loss to the victim is ~~five~~ seven thousand five 2311
hundred dollars or more and is less than one hundred fifty 2312
thousand dollars, a felony of the fourth degree; 2313

(d) If the value of the data or computer software involved in 2314
the offense or the loss to the victim is one hundred fifty 2315
thousand dollars or more or if the offense is committed for the 2316
purpose of devising or executing a scheme to defraud or to obtain 2317
property or services and the value of the property or services or 2318
the loss to the victim is ~~five~~ seven thousand five hundred dollars 2319
or more, a felony of the third degree. 2320

(4) If the writing, data, computer software, or record is 2321
kept by or belongs to a local, state, or federal governmental 2322
entity, a felony of the third degree. 2323

Sec. 2913.421. (A) As used in this section: 2324

(1) "Computer," "computer network," and "computer system" 2325
have the same meanings as in section 2913.01 of the Revised Code. 2326

(2) "Commercial electronic mail message" means any electronic 2327
mail message the primary purpose of which is the commercial 2328
advertisement or promotion of a commercial product or service, 2329
including content on an internet web site operated for a 2330
commercial purpose, but does not include a transactional or 2331

relationship message. The inclusion of a reference to a commercial 2332
entity or a link to the web site of a commercial entity does not, 2333
by itself, cause that message to be treated as a commercial 2334
electronic mail message for the purpose of this section, if the 2335
contents or circumstances of the message indicate a primary 2336
purpose other than commercial advertisement or promotion of a 2337
commercial product or service. 2338

(3) "Domain name" means any alphanumeric designation that is 2339
registered with or assigned by any domain name registrar, domain 2340
name registry, or other domain name registration authority as part 2341
of an electronic address on the internet. 2342

(4) "Electronic mail," "originating address," and "receiving 2343
address" have the same meanings as in section 2307.64 of the 2344
Revised Code. 2345

(5) "Electronic mail message" means each electronic mail 2346
addressed to a discrete addressee. 2347

(6) "Electronic mail service provider" means any person, 2348
including an internet service provider, that is an intermediary in 2349
sending and receiving electronic mail and that provides to the 2350
public electronic mail accounts or online user accounts from which 2351
electronic mail may be sent. 2352

(7) "Header information" means the source, destination, and 2353
routing information attached to an electronic mail message, 2354
including the originating domain name, the originating address, 2355
and technical information that authenticates the sender of an 2356
electronic mail message for computer network security or computer 2357
network management purposes. 2358

(8) "Initiate the transmission" or "initiated" means to 2359
originate or transmit a commercial electronic mail message or to 2360
procure the origination or transmission of that message, 2361
regardless of whether the message reaches its intended recipients, 2362

but does not include actions that constitute routine conveyance of 2363
such message. 2364

(9) "Internet" has the same meaning as in section 341.42 of 2365
the Revised Code. 2366

(10) "Internet protocol address" means the string of numbers 2367
by which locations on the internet are identified by routers or 2368
other computers connected to the internet. 2369

(11) "Materially falsify" means to alter or conceal in a 2370
manner that would impair the ability of a recipient of an 2371
electronic mail message, an electronic mail service provider 2372
processing an electronic mail message on behalf of a recipient, a 2373
person alleging a violation of this section, or a law enforcement 2374
agency to identify, locate, or respond to the person that 2375
initiated the electronic mail message or to investigate an alleged 2376
violation of this section. 2377

(12) "Multiple" means more than ten commercial electronic 2378
mail messages during a twenty-four-hour period, more than one 2379
hundred commercial electronic mail messages during a thirty-day 2380
period, or more than one thousand commercial electronic mail 2381
messages during a one-year period. 2382

(13) "Recipient" means a person who receives a commercial 2383
electronic mail message at any one of the following receiving 2384
addresses: 2385

(a) A receiving address furnished by an electronic mail 2386
service provider that bills for furnishing and maintaining that 2387
receiving address to a mailing address within this state; 2388

(b) A receiving address ordinarily accessed from a computer 2389
located within this state or by a person domiciled within this 2390
state; 2391

(c) Any other receiving address with respect to which this 2392

section can be imposed consistent with the United States Constitution. 2393
2394

(14) "Routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automated technical process, of an electronic mail message for which another person has identified the recipients or provided the recipient addresses. 2395
2396
2397
2398

(15) "Transactional or relationship message" means an electronic mail message the primary purpose of which is to do any of the following: 2399
2400
2401

(a) Facilitate, complete, or confirm a commercial transaction that the recipient has previously agreed to enter into with the sender; 2402
2403
2404

(b) Provide warranty information, product recall information, or safety or security information with respect to a commercial product or service used or purchased by the recipient; 2405
2406
2407

(c) Provide notification concerning a change in the terms or features of; a change in the recipient's standing or status with respect to; or, at regular periodic intervals, account balance information or other type of account statement with respect to, a subscription, membership, account, loan, or comparable ongoing commercial relationship involving the ongoing purchase or use by the recipient of products or services offered by the sender; 2408
2409
2410
2411
2412
2413
2414

(d) Provide information directly related to an employment relationship or related benefit plan in which the recipient is currently involved, participating, or enrolled; 2415
2416
2417

(e) Deliver goods or services, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender. 2418
2419
2420
2421

(B) No person, with regard to commercial electronic mail 2422

messages sent from or to a computer in this state, shall do any of 2423
the following: 2424

(1) Knowingly use a computer to relay or retransmit multiple 2425
commercial electronic mail messages, with the intent to deceive or 2426
mislead recipients or any electronic mail service provider, as to 2427
the origin of those messages; 2428

(2) Knowingly and materially falsify header information in 2429
multiple commercial electronic mail messages and purposely 2430
initiate the transmission of those messages; 2431

(3) Knowingly register, using information that materially 2432
falsifies the identity of the actual registrant, for five or more 2433
electronic mail accounts or online user accounts or two or more 2434
domain names and purposely initiate the transmission of multiple 2435
commercial electronic mail messages from one, or any combination, 2436
of those accounts or domain names; 2437

(4) Knowingly falsely represent the right to use five or more 2438
internet protocol addresses, and purposely initiate the 2439
transmission of multiple commercial electronic mail messages from 2440
those addresses. 2441

(C)(1) Whoever violates division (B) of this section is 2442
guilty of illegally transmitting multiple commercial electronic 2443
mail messages. Except as otherwise provided in division (C)(2) or 2444
(E) of this section, illegally transmitting multiple commercial 2445
electronic mail messages is a felony of the fifth degree. 2446

(2) Illegally transmitting multiple commercial electronic 2447
mail messages is a felony of the fourth degree if any of the 2448
following apply: 2449

(a) Regarding a violation of division (B)(3) of this section, 2450
the offender, using information that materially falsifies the 2451
identity of the actual registrant, knowingly registers for twenty 2452
or more electronic mail accounts or online user accounts or ten or 2453

more domain names, and purposely initiates, or conspires to 2454
initiate, the transmission of multiple commercial electronic mail 2455
messages from the accounts or domain names. 2456

(b) Regarding any violation of division (B) of this section, 2457
the volume of commercial electronic mail messages the offender 2458
transmitted in committing the violation exceeds two hundred and 2459
fifty during any twenty-four-hour period, two thousand five 2460
hundred during any thirty-day period, or twenty-five thousand 2461
during any one-year period. 2462

(c) Regarding any violation of division (B) of this section, 2463
during any one-year period the aggregate loss to the victim or 2464
victims of the violation is ~~five hundred~~ one thousand dollars or 2465
more, or during any one-year period the aggregate value of the 2466
property or services obtained by any offender as a result of the 2467
violation is ~~five hundred~~ one thousand dollars or more. 2468

(d) Regarding any violation of division (B) of this section, 2469
the offender committed the violation with three or more other 2470
persons with respect to whom the offender was the organizer or 2471
leader of the activity that resulted in the violation. 2472

(e) Regarding any violation of division (B) of this section, 2473
the offender knowingly assisted in the violation through the 2474
provision or selection of electronic mail addresses to which the 2475
commercial electronic mail message was transmitted, if that 2476
offender knew that the electronic mail addresses of the recipients 2477
were obtained using an automated means from an internet web site 2478
or proprietary online service operated by another person, and that 2479
web site or online service included, at the time the electronic 2480
mail addresses were obtained, a notice stating that the operator 2481
of that web site or online service will not transfer addresses 2482
maintained by that web site or online service to any other party 2483
for the purposes of initiating the transmission of, or enabling 2484
others to initiate the transmission of, electronic mail messages. 2485

(f) Regarding any violation of division (B) of this section, 2486
the offender knowingly assisted in the violation through the 2487
provision or selection of electronic mail addresses of the 2488
recipients obtained using an automated means that generates 2489
possible electronic mail addresses by combining names, letters, or 2490
numbers into numerous permutations. 2491

(D)(1) No person, with regard to commercial electronic mail 2492
messages sent from or to a computer in this state, shall knowingly 2493
access a computer without authorization and purposely initiate the 2494
transmission of multiple commercial electronic mail messages from 2495
or through the computer. 2496

(2) Except as otherwise provided in division (E) of this 2497
section, whoever violates division (D)(1) of this section is 2498
guilty of unauthorized access of a computer, a felony of the 2499
fourth degree. 2500

(E) Illegally transmitting multiple commercial electronic 2501
mail messages and unauthorized access of a computer in violation 2502
of this section are felonies of the third degree if the offender 2503
previously has been convicted of a violation of this section, or a 2504
violation of a law of another state or the United States regarding 2505
the transmission of electronic mail messages or unauthorized 2506
access to a computer, or if the offender committed the violation 2507
of this section in the furtherance of a felony. 2508

(F)(1) The attorney general or an electronic mail service 2509
provider that is injured by a violation of this section may bring 2510
a civil action in an appropriate court of common pleas of this 2511
state seeking relief from any person whose conduct violated this 2512
section. The civil action may be commenced at any time within one 2513
year of the date after the act that is the basis of the civil 2514
action. 2515

(2) In a civil action brought by the attorney general 2516

pursuant to division (F)(1) of this section for a violation of 2517
this section, the court may award temporary, preliminary, or 2518
permanent injunctive relief. The court also may impose a civil 2519
penalty against the offender, as the court considers just, in an 2520
amount that is the lesser of: (a) twenty-five thousand dollars for 2521
each day a violation occurs, or (b) not less than two dollars but 2522
not more than eight dollars for each commercial electronic mail 2523
message initiated in violation of this section. 2524

(3) In a civil action brought by an electronic mail service 2525
provider pursuant to division (F)(1) of this section for a 2526
violation of this section, the court may award temporary, 2527
preliminary, or permanent injunctive relief, and also may award 2528
damages in an amount equal to the greater of the following: 2529

(a) The sum of the actual damages incurred by the electronic 2530
mail service provider as a result of a violation of this section, 2531
plus any receipts of the offender that are attributable to a 2532
violation of this section and that were not taken into account in 2533
computing actual damages; 2534

(b) Statutory damages, as the court considers just, in an 2535
amount that is the lesser of: (i) twenty-five thousand dollars for 2536
each day a violation occurs, or (ii) not less than two dollars but 2537
not more than eight dollars for each commercial electronic mail 2538
message initiated in violation of this section. 2539

(4) In assessing damages awarded under division (F)(3) of 2540
this section, the court may consider whether the offender has 2541
established and implemented, with due care, commercially 2542
reasonable practices and procedures designed to effectively 2543
prevent the violation, or the violation occurred despite 2544
commercially reasonable efforts to maintain the practices and 2545
procedures established. 2546

(G) Any equipment, software, or other technology of a person 2547

who violates this section that is used or intended to be used in 2548
the commission of a violation of this section, and any real or 2549
personal property that constitutes or is traceable to the gross 2550
proceeds obtained from the commission of a violation of this 2551
section, is contraband and is subject to seizure and forfeiture 2552
pursuant to Chapter 2981. of the Revised Code. 2553

(H) The attorney general may bring a civil action, pursuant 2554
to the "CAN-SPAM Act of 2003," Pub. L. No. 108-187, 117 Stat. 2555
2699, 15 U.S.C. 7701 et seq., on behalf of the residents of the 2556
state in a district court of the United States that has 2557
jurisdiction for a violation of the CAN-SPAM Act of 2003, but the 2558
attorney general shall not bring a civil action under both this 2559
division and division (F) of this section. If a federal court 2560
dismisses a civil action brought under this division for reasons 2561
other than upon the merits, a civil action may be brought under 2562
division (F) of this section in the appropriate court of common 2563
pleas of this state. 2564

(I) Nothing in this section shall be construed: 2565

(1) To require an electronic mail service provider to block, 2566
transmit, route, relay, handle, or store certain types of 2567
electronic mail messages; 2568

(2) To prevent or limit, in any way, an electronic mail 2569
service provider from adopting a policy regarding electronic mail, 2570
including a policy of declining to transmit certain types of 2571
electronic mail messages, or from enforcing such policy through 2572
technical means, through contract, or pursuant to any remedy 2573
available under any other federal, state, or local criminal or 2574
civil law; 2575

(3) To render lawful any policy adopted under division (I)(2) 2576
of this section that is unlawful under any other law. 2577

Sec. 2913.43. (A) No person, by deception, shall cause 2578
another to execute any writing that disposes of or encumbers 2579
property, or by which a pecuniary obligation is incurred. 2580

(B)(1) Whoever violates this section is guilty of securing 2581
writings by deception. 2582

(2) Except as otherwise provided in this division or division 2583
(B)(3) of this section, securing writings by deception is a 2584
misdemeanor of the first degree. If the value of the property or 2585
the obligation involved is ~~five hundred~~ one thousand dollars or 2586
more and less than ~~five~~ seven thousand ~~five hundred~~ dollars, 2587
securing writings by deception is a felony of the fifth degree. If 2588
the value of the property or the obligation involved is ~~five~~ seven 2589
thousand ~~five hundred~~ dollars or more and is less than one hundred 2590
~~fifty~~ thousand dollars, securing writings by deception is a felony 2591
of the fourth degree. If the value of the property or the 2592
obligation involved is one hundred ~~fifty~~ thousand dollars or more, 2593
securing writings by deception is a felony of the third degree. 2594

(3) If the victim of the offense is an elderly person or 2596
disabled adult, division (B)(3) of this section applies. Except as 2597
otherwise provided in division (B)(3) of this section, securing 2598
writings by deception is a felony of the fifth degree. If the 2599
value of the property or obligation involved is ~~five hundred~~ one 2600
thousand dollars or more and is less than ~~five~~ seven thousand ~~five~~ 2601
hundred dollars, securing writings by deception is a felony of the 2602
fourth degree. If the value of the property or obligation involved 2603
is ~~five~~ seven thousand ~~five hundred~~ dollars or more and is less 2604
than ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ dollars, 2605
securing writings by deception is a felony of the third degree. If 2606
the value of the property or obligation involved is ~~twenty-five~~ 2607
thirty-seven thousand ~~five hundred~~ dollars or more, securing 2608

writings by deception is a felony of the second degree. 2609

2610

Sec. 2913.45. (A) No person, with purpose to defraud one or 2611
more of the person's creditors, shall do any of the following: 2612

(1) Remove, conceal, destroy, encumber, convey, or otherwise 2613
deal with any of the person's property; 2614

(2) Misrepresent or refuse to disclose to a fiduciary 2615
appointed to administer or manage the person's affairs or estate, 2616
the existence, amount, or location of any of the person's 2617
property, or any other information regarding such property that 2618
the person is legally required to furnish to the fiduciary. 2619

(B) Whoever violates this section is guilty of defrauding 2620
creditors. Except as otherwise provided in this division, 2621
defrauding creditors is a misdemeanor of the first degree. If the 2622
value of the property involved is ~~five hundred~~ one thousand 2623
dollars or more and is less than ~~five~~ seven thousand five hundred 2624
dollars, defrauding creditors is a felony of the fifth degree. If 2625
the value of the property involved is ~~five~~ seven thousand five 2626
hundred dollars or more and is less than one hundred fifty 2627
thousand dollars, defrauding creditors is a felony of the fourth 2628
degree. If the value of the property involved is one hundred fifty 2629
thousand dollars or more, defrauding creditors is a felony of the 2630
third degree. 2631

Sec. 2913.46. (A)(1) As used in this section: 2632

(a) "Electronically transferred benefit" means the transfer 2633
of food stamp program benefits or WIC program benefits through the 2634
use of an access device. 2635

(b) "WIC program benefits" includes money, coupons, delivery 2636
verification receipts, other documents, food, or other property 2637
received directly or indirectly pursuant to section 17 of the 2638

"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 2639
amended. 2640

(c) "Access device" means any card, plate, code, account 2641
number, or other means of access that can be used, alone or in 2642
conjunction with another access device, to obtain payments, 2643
allotments, benefits, money, goods, or other things of value or 2644
that can be used to initiate a transfer of funds pursuant to 2645
section 5101.33 of the Revised Code and the "Food Stamp Act of 2646
1977," 91 Stat. 958, 7 U.S.C.A. 2011 et seq., or any supplemental 2647
food program administered by any department of this state or any 2648
county or local agency pursuant to section 17 of the "Child 2649
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 2650
amended. An "access device" may include any electronic debit card 2651
or other means authorized by section 5101.33 of the Revised Code. 2652

~~(e)~~(d) "Aggregate value of the food stamp coupons, WIC 2653
program benefits, and electronically transferred benefits involved 2654
in the violation" means the total face value of any food stamps, 2655
plus the total face value of WIC program coupons or delivery 2656
verification receipts, plus the total value of other WIC program 2657
benefits, plus the total value of any electronically transferred 2658
benefit or other access device, involved in the violation. 2659

~~(d)~~(e) "Total value of any electronically transferred benefit 2660
or other access device" means the total value of the payments, 2661
allotments, benefits, money, goods, or other things of value that 2662
may be obtained, or the total value of funds that may be 2663
transferred, by use of any electronically transferred benefit or 2664
other access device at the time of violation. 2665

(2) If food stamp coupons, WIC program benefits, or 2666
electronically transferred benefits or other access devices of 2667
various values are used, transferred, bought, acquired, altered, 2668
purchased, possessed, presented for redemption, or transported in 2669
violation of this section over a period of twelve months, the 2670

course of conduct may be charged as one offense and the values of 2671
food stamp coupons, WIC program benefits, or any electronically 2672
transferred benefits or other access devices may be aggregated in 2673
determining the degree of the offense. 2674

(B) No individual shall knowingly possess, buy, sell, use, 2675
alter, accept, or transfer food stamp coupons, WIC program 2676
benefits, or any electronically transferred benefit in any manner 2677
not authorized by the "Food Stamp Act of 1977," 91 Stat. 958, 7 2678
U.S.C.A. 2011, as amended, or section 17 of the "Child Nutrition 2679
Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. 2680

(C) No organization, as defined in division (D) of section 2681
2901.23 of the Revised Code, shall do either of the following: 2682

(1) Knowingly allow an employee or agent to sell, transfer, 2683
or trade items or services, the purchase of which is prohibited by 2684
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 2685
amended, or section 17 of the "Child Nutrition Act of 1966," 80 2686
Stat. 885, 42 U.S.C.A. 1786, as amended, in exchange for food 2687
stamp coupons, WIC program benefits, or any electronically 2688
transferred benefit; 2689

(2) Negligently allow an employee or agent to sell, transfer, 2690
or exchange food stamp coupons, WIC program benefits, or any 2691
electronically transferred benefit for anything of value. 2692

(D) Whoever violates this section is guilty of illegal use of 2693
food stamps or WIC program benefits. Except as otherwise provided 2694
in this division, illegal use of food stamps or WIC program 2695
benefits is a felony of the fifth degree. If the aggregate value 2696
of the food stamp coupons, WIC program benefits, and 2697
electronically transferred benefits involved in the violation is 2698
~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 2699
seven thousand five hundred dollars, illegal use of food stamps or 2700
WIC program benefits is a felony of the fourth degree. If the 2701

aggregate value of the food stamp coupons, WIC program benefits, 2702
and electronically transferred benefits involved in the violation 2703
is ~~five~~ seven thousand five hundred dollars or more and is less 2704
than one hundred fifty thousand dollars, illegal use of food 2705
stamps or WIC program benefits is a felony of the third degree. If 2706
the aggregate value of the food stamp coupons, WIC program 2707
benefits, and electronically transferred benefits involved in the 2708
violation is one hundred fifty thousand dollars or more, illegal 2709
use of food stamps or WIC program benefits is a felony of the 2710
second degree. 2711

Sec. 2913.47. (A) As used in this section: 2712

(1) "Data" has the same meaning as in section 2913.01 of the 2713
Revised Code and additionally includes any other representation of 2714
information, knowledge, facts, concepts, or instructions that are 2715
being or have been prepared in a formalized manner. 2716

(2) "Deceptive" means that a statement, in whole or in part, 2717
would cause another to be deceived because it contains a 2718
misleading representation, withholds information, prevents the 2719
acquisition of information, or by any other conduct, act, or 2720
omission creates, confirms, or perpetuates a false impression, 2721
including, but not limited to, a false impression as to law, 2722
value, state of mind, or other objective or subjective fact. 2723

(3) "Insurer" means any person that is authorized to engage 2724
in the business of insurance in this state under Title XXXIX of 2725
the Revised Code, the Ohio fair plan underwriting association 2726
created under section 3929.43 of the Revised Code, any health 2727
insuring corporation, and any legal entity that is self-insured 2728
and provides benefits to its employees or members. 2729

(4) "Policy" means a policy, certificate, contract, or plan 2730
that is issued by an insurer. 2731

(5) "Statement" includes, but is not limited to, any notice, 2732
letter, or memorandum; proof of loss; bill of lading; receipt for 2733
payment; invoice, account, or other financial statement; estimate 2734
of property damage; bill for services; diagnosis or prognosis; 2735
prescription; hospital, medical, or dental chart or other record; 2736
x-ray, photograph, videotape, or movie film; test result; other 2737
evidence of loss, injury, or expense; computer-generated document; 2738
and data in any form. 2739

(B) No person, with purpose to defraud or knowing that the 2740
person is facilitating a fraud, shall do either of the following: 2741

(1) Present to, or cause to be presented to, an insurer any 2742
written or oral statement that is part of, or in support of, an 2743
application for insurance, a claim for payment pursuant to a 2744
policy, or a claim for any other benefit pursuant to a policy, 2745
knowing that the statement, or any part of the statement, is false 2746
or deceptive; 2747

(2) Assist, aid, abet, solicit, procure, or conspire with 2748
another to prepare or make any written or oral statement that is 2749
intended to be presented to an insurer as part of, or in support 2750
of, an application for insurance, a claim for payment pursuant to 2751
a policy, or a claim for any other benefit pursuant to a policy, 2752
knowing that the statement, or any part of the statement, is false 2753
or deceptive. 2754

(C) Whoever violates this section is guilty of insurance 2755
fraud. Except as otherwise provided in this division, insurance 2756
fraud is a misdemeanor of the first degree. If the amount of the 2757
claim that is false or deceptive is ~~five hundred~~ one thousand 2758
dollars or more and is less than ~~five~~ seven thousand five hundred 2759
dollars, insurance fraud is a felony of the fifth degree. If the 2760
amount of the claim that is false or deceptive is ~~five~~ seven 2761
thousand five hundred dollars or more and is less than one hundred 2762
fifty thousand dollars, insurance fraud is a felony of the fourth 2763

degree. If the amount of the claim that is false or deceptive is 2764
one hundred fifty thousand dollars or more, insurance fraud is a 2765
felony of the third degree. 2766

(D) This section shall not be construed to abrogate, waive, 2767
or modify division (A) of section 2317.02 of the Revised Code. 2768

Sec. 2913.48. (A) No person, with purpose to defraud or 2769
knowing that the person is facilitating a fraud, shall do any of 2770
the following: 2771

(1) Receive workers' compensation benefits to which the 2772
person is not entitled; 2773

(2) Make or present or cause to be made or presented a false 2774
or misleading statement with the purpose to secure payment for 2775
goods or services rendered under Chapter 4121., 4123., 4127., or 2776
4131. of the Revised Code or to secure workers' compensation 2777
benefits; 2778

(3) Alter, falsify, destroy, conceal, or remove any record or 2779
document that is necessary to fully establish the validity of any 2780
claim filed with, or necessary to establish the nature and 2781
validity of all goods and services for which reimbursement or 2782
payment was received or is requested from, the bureau of workers' 2783
compensation, or a self-insuring employer under Chapter 4121., 2784
4123., 4127., or 4131. of the Revised Code; 2785

(4) Enter into an agreement or conspiracy to defraud the 2786
bureau or a self-insuring employer by making or presenting or 2787
causing to be made or presented a false claim for workers' 2788
compensation benefits; 2789

(5) Make or present or cause to be made or presented a false 2790
statement concerning manual codes, classification of employees, 2791
payroll, paid compensation, or number of personnel, when 2792
information of that nature is necessary to determine the actual 2793

workers' compensation premium or assessment owed to the bureau by an employer;	2794 2795
(6) Alter, forge, or create a workers' compensation certificate to falsely show current or correct workers' compensation coverage;	2796 2797 2798
(7) Fail to secure or maintain workers' compensation coverage as required by Chapter 4123. of the Revised Code with the intent to defraud the bureau of workers' compensation.	2799 2800 2801
(B) Whoever violates this section is guilty of workers' compensation fraud. Except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the value of premiums and assessments unpaid pursuant to actions described in division (A)(5), (6), or (7) of this section, or of goods, services, property, or money stolen is five hundred <u>one thousand</u> dollars or more and is less than five <u>seven</u> thousand <u>five hundred</u> dollars, a violation of this section is a felony of the fifth degree. If the value of premiums and assessments unpaid pursuant to actions described in division (A)(5), (6), or (7) of this section, or of goods, services, property, or money stolen is five <u>seven</u> thousand <u>five hundred</u> dollars or more and is less than one hundred <u>fifty</u> thousand dollars, a violation of this section is a felony of the fourth degree. If the value of premiums and assessments unpaid pursuant to actions described in division (A)(5), (6), or (7) of this section, or of goods, services, property, or money stolen is one hundred <u>fifty</u> thousand dollars or more, a violation of this section is a felony of the third degree.	2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2818 2819 2820
(C) Upon application of the governmental body that conducted the investigation and prosecution of a violation of this section, the court shall order the person who is convicted of the violation to pay the governmental body its costs of investigating and prosecuting the case. These costs are in addition to any other	2821 2822 2823 2824 2825

costs or penalty provided in the Revised Code or any other section	2826
of law.	2827
(D) The remedies and penalties provided in this section are	2828
not exclusive remedies and penalties and do not preclude the use	2829
of any other criminal or civil remedy or penalty for any act that	2830
is in violation of this section.	2831
(E) As used in this section:	2832
(1) "False" means wholly or partially untrue or deceptive.	2833
(2) "Goods" includes, but is not limited to, medical	2834
supplies, appliances, rehabilitative equipment, and any other	2835
apparatus or furnishing provided or used in the care, treatment,	2836
or rehabilitation of a claimant for workers' compensation	2837
benefits.	2838
(3) "Services" includes, but is not limited to, any service	2839
provided by any health care provider to a claimant for workers'	2840
compensation benefits and any and all services provided by the	2841
bureau as part of workers' compensation insurance coverage.	2842
(4) "Claim" means any attempt to cause the bureau, an	2843
independent third party with whom the administrator or an employer	2844
contracts under section 4121.44 of the Revised Code, or a	2845
self-insuring employer to make payment or reimbursement for	2846
workers' compensation benefits.	2847
(5) "Employment" means participating in any trade,	2848
occupation, business, service, or profession for substantial	2849
gainful remuneration.	2850
(6) "Employer," "employee," and "self-insuring employer" have	2851
the same meanings as in section 4123.01 of the Revised Code.	2852
(7) "Remuneration" includes, but is not limited to, wages,	2853
commissions, rebates, and any other reward or consideration.	2854
(8) "Statement" includes, but is not limited to, any oral,	2855

written, electronic, electronic impulse, or magnetic communication 2856
notice, letter, memorandum, receipt for payment, invoice, account, 2857
financial statement, or bill for services; a diagnosis, prognosis, 2858
prescription, hospital, medical, or dental chart or other record; 2859
and a computer generated document. 2860

(9) "Records" means any medical, professional, financial, or 2861
business record relating to the treatment or care of any person, 2862
to goods or services provided to any person, or to rates paid for 2863
goods or services provided to any person, or any record that the 2864
administrator of workers' compensation requires pursuant to rule. 2865

(10) "Workers' compensation benefits" means any compensation 2866
or benefits payable under Chapter 4121., 4123., 4127., or 4131. of 2867
the Revised Code. 2868

Sec. 2913.49. (A) As used in this section, "personal 2869
identifying information" includes, but is not limited to, the 2870
following: the name, address, telephone number, driver's license, 2871
driver's license number, commercial driver's license, commercial 2872
driver's license number, state identification card, state 2873
identification card number, social security card, social security 2874
number, birth certificate, place of employment, employee 2875
identification number, mother's maiden name, demand deposit 2876
account number, savings account number, money market account 2877
number, mutual fund account number, other financial account 2878
number, personal identification number, password, or credit card 2879
number of a living or dead individual. 2880

(B) No person, without the express or implied consent of the 2881
other person, shall use, obtain, or possess any personal 2882
identifying information of another person with intent to do either 2883
of the following: 2884

(1) Hold the person out to be the other person; 2885

(2) Represent the other person's personal identifying information as the person's own personal identifying information. 2886
2887

(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. 2888
2889
2890
2891

(D) No person, with intent to defraud, shall permit another person to use the person's own personal identifying information. 2892
2893

(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. 2894
2895
2896
2897
2898
2899

(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. 2900
2901
2902
2903
2904

(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: 2905
2906
2907

(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 authorized fraud personnel and is using, obtaining, possessing, or creating the personal identifying information or permitting it to be used, with prior consent given as specified in this division, in a bona fide investigation, an information security evaluation, a pretext calling evaluation, or a similar matter. The prior 2908
2909
2910
2911
2912
2913
2914
2915
2916

consent required under this division shall be given by the person 2917
whose personal identifying information is being used, obtained, 2918
possessed, or created or is being permitted to be used or, if the 2919
person whose personal identifying information is being used, 2920
obtained, possessed, or created or is being permitted to be used 2921
is deceased, by that deceased person's executor, or a member of 2922
that deceased person's family, or that deceased person's attorney. 2923
The prior consent required under this division may be given orally 2924
or in writing by the person whose personal identifying information 2925
is being used, obtained, possessed, or created or is being 2926
permitted to be used or that person's executor, or family member, 2927
or attorney. 2928

(b) The personal identifying information was obtained, 2929
possessed, used, created, or permitted to be used for a lawful 2930
purpose, provided that division (F)(2)(b) of this section does not 2931
apply if the person or entity using, obtaining, possessing, or 2932
creating the personal identifying information or permitting it to 2933
be used is a law enforcement agency, authorized fraud personnel, 2934
or a representative of or attorney for a law enforcement agency or 2935
authorized fraud personnel that is using, obtaining, possessing, 2936
or creating the ~~personnel~~ personal identifying information or 2937
permitting it to be used in an investigation, an information 2938
security evaluation, a pretext calling evaluation, or similar 2939
matter. 2940

(G) It is not a defense to a charge under this section that 2941
the person whose personal identifying information was obtained, 2942
possessed, used, created, or permitted to be used was deceased at 2943
the time of the offense. 2944

(H)(1) If an offender commits a violation of division (B), 2945
(D), or (E) of this section and the violation occurs as part of a 2946
course of conduct involving other violations of division (B), (D), 2947
or (E) of this section or violations of, attempts to violate, 2948

conspiracies to violate, or complicity in violations of division 2949
(C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 2950
2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the 2951
court, in determining the degree of the offense pursuant to 2952
division (I) of this section, may aggregate all credit, property, 2953
or services obtained or sought to be obtained by the offender and 2954
all debts or other legal obligations avoided or sought to be 2955
avoided by the offender in the violations involved in that course 2956
of conduct. The course of conduct may involve one victim or more 2957
than one victim. 2958

(2) If an offender commits a violation of division (C) of 2959
this section and the violation occurs as part of a course of 2960
conduct involving other violations of division (C) of this section 2961
or violations of, attempts to violate, conspiracies to violate, or 2962
complicity in violations of division (B), (D), or (E) of this 2963
section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2964
2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in 2965
determining the degree of the offense pursuant to division (I) of 2966
this section, may aggregate all credit, property, or services 2967
obtained or sought to be obtained by the person aided or abetted 2968
and all debts or other legal obligations avoided or sought to be 2969
avoided by the person aided or abetted in the violations involved 2970
in that course of conduct. The course of conduct may involve one 2971
victim or more than one victim. 2972

(I)(1) Whoever violates this section is guilty of identity 2973
fraud. 2974

(2) Except as otherwise provided in this division or division 2975
(I)(3) of this section, identity fraud is a felony of the fifth 2976
degree. If the value of the credit, property, services, debt, or 2977
other legal obligation involved in the violation or course of 2978
conduct is ~~five hundred~~ one thousand dollars or more and is less 2979
than ~~five~~ seven thousand five hundred dollars, except as otherwise 2980

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

(3) If the victim of the offense is an elderly person or 2993
disabled adult, a violation of this section is identity fraud 2994
against an elderly person or disabled adult. Except as otherwise 2995
provided in this division, identity fraud against an elderly 2996
person or disabled adult is a felony of the fifth degree. If the 2997
value of the credit, property, services, debt, or other legal 2998
obligation involved in the violation or course of conduct is ~~five~~ 2999
~~hundred~~ one thousand dollars or more and is less than ~~five~~ seven 3000
thousand five hundred dollars, identity fraud against an elderly 3001
person or disabled adult is a felony of the third degree. If the 3002
value of the credit, property, services, debt, or other legal 3003
obligation involved in the violation or course of conduct is ~~five~~ 3004
seven thousand five hundred dollars or more and is less than one 3005
hundred fifty thousand dollars, identity fraud against an elderly 3006
person or disabled adult is a felony of the second degree. If the 3007
value of the credit, property, services, debt, or other legal 3008
obligation involved in the violation or course of conduct is one 3009
hundred fifty thousand dollars or more, identity fraud against an 3010
elderly person or disabled adult is a felony of the first degree. 3011

3012

Sec. 2913.51. (A) No person shall receive, retain, or dispose 3013
of property of another knowing or having reasonable cause to 3014
believe that the property has been obtained through commission of 3015
a theft offense. 3016

(B) It is not a defense to a charge of receiving stolen 3017
property in violation of this section that the property was 3018
obtained by means other than through the commission of a theft 3019
offense if the property was explicitly represented to the accused 3020
person as being obtained through the commission of a theft 3021
offense. 3022

(C) Whoever violates this section is guilty of receiving 3023
stolen property. Except as otherwise provided in this division, 3024
receiving stolen property is a misdemeanor of the first degree. If 3025
the value of the property involved is ~~five hundred~~ one thousand 3026
dollars or more and is less than ~~five~~ seven thousand five hundred 3027
dollars, if the property involved is any of the property listed in 3028
section 2913.71 of the Revised Code, receiving stolen property is 3029
a felony of the fifth degree. If the property involved is a motor 3030
vehicle, as defined in section 4501.01 of the Revised Code, if the 3031
property involved is a dangerous drug, as defined in section 3032
4729.01 of the Revised Code, if the value of the property involved 3033
is ~~five~~ seven thousand five hundred dollars or more and is less 3034
than one hundred fifty thousand dollars, or if the property 3035
involved is a firearm or dangerous ordnance, as defined in section 3036
2923.11 of the Revised Code, receiving stolen property is a felony 3037
of the fourth degree. If the value of the property involved is one 3038
hundred fifty thousand dollars or more, receiving stolen property 3039
is a felony of the third degree. 3040

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~~ seven thousand ~~five hundred~~ 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~~ seven thousand ~~five hundred~~ five hundred dollars or more and less than 3051
~~twenty-five~~ thirty-seven thousand ~~five hundred~~ 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~~ five hundred 3055
dollars or more and less than one hundred ~~fifty~~ 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~~ 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~~ one 3073
thousand dollars or more and less than ~~five~~ seven thousand ~~five~~ five 3074
hundred dollars, was one thousand dollars or more and less than 3075
seven thousand five hundred dollars, was ~~five~~ seven thousand ~~five~~ 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

3091
3092
(B) If more than one item of property or services is involved 3093
in a theft offense or in a violation of division (A)(1) of section 3094
1716.14 of the Revised Code involving a victim who is an elderly 3095
person or disabled adult, the value of the property or services 3096
involved for the purpose of determining the value as required by 3097
division (A) of this section is the aggregate value of all 3098
property or services involved in the offense. 3099

(C)(1) When a series of offenses under section 2913.02 of the 3100
Revised Code, or a series of violations of, attempts to commit a 3101
violation of, conspiracies to violate, or complicity in violations 3102
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3103
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3104
2913.31 or 2913.43 of the Revised Code involving a victim who is 3105
an elderly person or disabled adult, is committed by the offender 3106
in the offender's same employment, capacity, or relationship to 3107
another, all of those offenses shall be tried as a single offense. 3108

The value of the property or services involved in the series of 3109
offenses for the purpose of determining the value as required by 3110
division (A) of this section is the aggregate value of all 3111
property and services involved in all offenses in the series. 3112

(2) If an offender commits a series of offenses under section 3113
2913.02 of the Revised Code that involves a common course of 3114
conduct to defraud multiple victims, all of the offenses may be 3115
tried as a single offense. If an offender is being tried for the 3116
commission of a series of violations of, attempts to commit a 3117
violation of, conspiracies to violate, or complicity in violations 3118
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3119
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3120
2913.31 or 2913.43 of the Revised Code, whether committed against 3121
one victim or more than one victim, involving a victim who is an 3122
elderly person or disabled adult, pursuant to a scheme or course 3123
of conduct, all of those offenses may be tried as a single 3124
offense. If the offenses are tried as a single offense, the value 3125
of the property or services involved for the purpose of 3126
determining the value as required by division (A) of this section 3127
is the aggregate value of all property and services involved in 3128
all of the offenses in the course of conduct. 3129

(3) When a series of two or more offenses under section 3130
2921.41 of the Revised Code is committed by the offender in the 3131
offender's same employment, capacity, or relationship to another, 3132
all of those offenses may be tried as a single offense. If the 3133
offenses are tried as a single offense, the value of the property 3134
or services involved for the purpose of determining the value as 3135
required by division (A) of this section is the aggregate value of 3136
all property and services involved in all of the offenses in the 3137
series of two or more offenses. 3138

(4) In prosecuting a single offense under division (C)(1), 3139
(2), or (3) of this section, it is not necessary to separately 3140

allege and prove each offense in the series. Rather, it is 3141
sufficient to allege and prove that the offender, within a given 3142
span of time, committed one or more theft offenses or violations 3143
of section 2921.41 of the Revised Code in the offender's same 3144
employment, capacity, or relationship to another as described in 3145
division (C)(1) or (3) of this section, or committed one or more 3146
theft offenses that involve a common course of conduct to defraud 3147
multiple victims or a scheme or course of conduct as described in 3148
division (C)(2) of this section. 3149

(D) The following criteria shall be used in determining the 3150
value of property or services involved in a theft offense: 3151

(1) The value of an heirloom, memento, collector's item, 3152
antique, museum piece, manuscript, document, record, or other 3153
thing that has intrinsic worth to its owner and that either is 3154
irreplaceable or is replaceable only on the expenditure of 3155
substantial time, effort, or money, is the amount that would 3156
compensate the owner for its loss. 3157

(2) The value of personal effects and household goods, and of 3158
materials, supplies, equipment, and fixtures used in the 3159
profession, business, trade, occupation, or avocation of its 3160
owner, which property is not covered under division (D)(1) of this 3161
section and which retains substantial utility for its purpose 3162
regardless of its age or condition, is the cost of replacing the 3163
property with new property of like kind and quality. 3164

(3) The value of any real or personal property that is not 3165
covered under division (D)(1) or (2) of this section, and the 3166
value of services, is the fair market value of the property or 3167
services. As used in this section, "fair market value" is the 3168
money consideration that a buyer would give and a seller would 3169
accept for property or services, assuming that the buyer is 3170
willing to buy and the seller is willing to sell, that both are 3171
fully informed as to all facts material to the transaction, and 3172

that neither is under any compulsion to act.	3173
(E) Without limitation on the evidence that may be used to	3174
establish the value of property or services involved in a theft	3175
offense:	3176
(1) When the property involved is personal property held for	3177
sale at wholesale or retail, the price at which the property was	3178
held for sale is prima-facie evidence of its value.	3179
(2) When the property involved is a security or commodity	3180
traded on an exchange, the closing price or, if there is no	3181
closing price, the asked price, given in the latest market	3182
quotation prior to the offense is prima-facie evidence of the	3183
value of the security or commodity.	3184
(3) When the property involved is livestock, poultry, or raw	3185
agricultural products for which a local market price is available,	3186
the latest local market price prior to the offense is prima-facie	3187
evidence of the value of the livestock, poultry, or products.	3188
(4) When the property involved is a negotiable instrument,	3189
the face value is prima-facie evidence of the value of the	3190
instrument.	3191
(5) When the property involved is a warehouse receipt, bill	3192
of lading, pawn ticket, claim check, or other instrument entitling	3193
the holder or bearer to receive property, the face value or, if	3194
there is no face value, the value of the property covered by the	3195
instrument less any payment necessary to receive the property is	3196
prima-facie evidence of the value of the instrument.	3197
(6) When the property involved is a ticket of admission,	3198
ticket for transportation, coupon, token, or other instrument	3199
entitling the holder or bearer to receive property or services,	3200
the face value or, if there is no face value, the value of the	3201
property or services that may be received by the instrument is	3202
prima-facie evidence of the value of the instrument.	3203

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

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

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

(1) The subject of a bet;

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

(3) A scheme or game of chance;

(4) Bingo.

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

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

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

(C)(1) Whoever violates division (A) of this section is guilty of cheating. Except as otherwise provided in this division, cheating is a misdemeanor of the first degree. If the potential gain from the cheating is ~~five hundred~~ one thousand dollars or more or if the offender previously has been convicted of any

gambling offense or of any theft offense, as defined in section 3233
2913.01 of the Revised Code, cheating is a felony of the fifth 3234
degree. 3235

(2) Whoever violates division (B) of this section is guilty 3236
of corrupting sports. Corrupting sports is a felony of the fifth 3237
degree on a first offense and a felony of the fourth degree on 3238
each subsequent offense. 3239

Sec. 2917.21. (A) No person shall knowingly make or cause to 3240
be made a telecommunication, or knowingly permit a 3241
telecommunication to be made from a telecommunications device 3242
under the person's control, to another, if the caller does any of 3243
the following: 3244

(1) Fails to identify the caller to the recipient of the 3245
telecommunication and makes the telecommunication with purpose to 3246
harass or abuse any person at the premises to which the 3247
telecommunication is made, whether or not actual communication 3248
takes place between the caller and a recipient; 3249

(2) Describes, suggests, requests, or proposes that the 3250
caller, the recipient of the telecommunication, or any other 3251
person engage in sexual activity, and the recipient or another 3252
person at the premises to which the telecommunication is made has 3253
requested, in a previous telecommunication or in the immediate 3254
telecommunication, that the caller not make a telecommunication to 3255
the recipient or to the premises to which the telecommunication is 3256
made; 3257

(3) During the telecommunication, violates section 2903.21 of 3258
the Revised Code; 3259

(4) Knowingly states to the recipient of the 3260
telecommunication that the caller intends to cause damage to or 3261
destroy public or private property, and the recipient, any member 3262

of the recipient's family, or any other person who resides at the 3263
premises to which the telecommunication is made owns, leases, 3264
resides, or works in, will at the time of the destruction or 3265
damaging be near or in, has the responsibility of protecting, or 3266
insures the property that will be destroyed or damaged; 3267

(5) Knowingly makes the telecommunication to the recipient of 3268
the telecommunication, to another person at the premises to which 3269
the telecommunication is made, or to those premises, and the 3270
recipient or another person at those premises previously has told 3271
the caller not to make a telecommunication to those premises or to 3272
any persons at those premises. 3273

(B) No person shall make or cause to be made a 3274
telecommunication, or permit a telecommunication to be made from a 3275
telecommunications device under the person's control, with purpose 3276
to abuse, threaten, or harass another person. 3277

(C)(1) Whoever violates this section is guilty of 3278
telecommunications harassment. 3279

(2) A violation of division (A)(1), (2), (3), or (5) or (B) 3280
of this section is a misdemeanor of the first degree on a first 3281
offense and a felony of the fifth degree on each subsequent 3282
offense. 3283

(3) Except as otherwise provided in division (C)(3) of this 3284
section, a violation of division (A)(4) of this section is a 3285
misdemeanor of the first degree on a first offense and a felony of 3286
the fifth degree on each subsequent offense. If a violation of 3287
division (A)(4) of this section results in economic harm of ~~five~~ 3288
~~hundred one thousand~~ dollars or more but less than ~~five seven~~ 3289
thousand five hundred dollars, telecommunications harassment is a 3290
felony of the fifth degree. If a violation of division (A)(4) of 3291
this section results in economic harm of ~~five seven~~ thousand five 3292
hundred dollars or more but less than one hundred fifty thousand 3293

dollars, telecommunications harassment is a felony of the fourth 3294
degree. If a violation of division (A)(4) of this section results 3295
in economic harm of one hundred fifty thousand dollars or more, 3296
telecommunications harassment is a felony of the third degree. 3297

3298

(D) No cause of action may be asserted in any court of this 3299
state against any provider of a telecommunications service or 3300
information service, or against any officer, employee, or agent of 3301
a telecommunication service or information service, for any 3302
injury, death, or loss to person or property that allegedly arises 3303
out of the provider's, officer's, employee's, or agent's provision 3304
of information, facilities, or assistance in accordance with the 3305
terms of a court order that is issued in relation to the 3306
investigation or prosecution of an alleged violation of this 3307
section or section 4931.31 of the Revised Code. A provider of a 3308
telecommunications service or information service, or an officer, 3309
employee, or agent of a telecommunications service or information 3310
service, is immune from any civil or criminal liability for 3311
injury, death, or loss to person or property that allegedly arises 3312
out of the provider's, officer's, employee's, or agent's provision 3313
of information, facilities, or assistance in accordance with the 3314
terms of a court order that is issued in relation to the 3315
investigation or prosecution of an alleged violation of this 3316
section or section 4931.31 of the Revised Code. 3317

(E) As used in this section: 3318

(1) "Economic harm" means all direct, incidental, and 3319
consequential pecuniary harm suffered by a victim as a result of 3320
criminal conduct. "Economic harm" includes, but is not limited to, 3321
all of the following: 3322

(a) All wages, salaries, or other compensation lost as a 3323
result of the criminal conduct; 3324

(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;	3325 3326 3327
(c) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	3328 3329
(d) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	3330 3331
(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.	3332 3333 3334 3335
(3) "Telecommunication" and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	3336 3337
(4) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	3338 3339
(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.	3340 3341 3342 3343 3344
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:	3345 3346 3347
(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;	3348 3349 3350
(2) Threatening to commit any offense of violence;	3351
(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public	3352 3353

inconvenience or alarm. 3354

(B) Division (A)(1) of this section does not apply to any 3355
person conducting an authorized fire or emergency drill. 3356

(C)(1) Whoever violates this section is guilty of inducing 3357
panic. 3358

(2) Except as otherwise provided in division (C)(3), (4), 3359
(5), (6), (7), or (8) of this section, inducing panic is a 3360
misdemeanor of the first degree. 3361

(3) Except as otherwise provided in division (C)(4), (5), 3362
(6), (7), or (8) of this section, if a violation of this section 3363
results in physical harm to any person, inducing panic is a felony 3364
of the fourth degree. 3365

(4) Except as otherwise provided in division (C)(5), (6), 3366
(7), or (8) of this section, if a violation of this section 3367
results in economic harm, the penalty shall be determined as 3368
follows: 3369

(a) If the violation results in economic harm of ~~five hundred~~ 3370
one thousand dollars or more but less than ~~five~~ seven thousand 3371
five hundred dollars and if division (C)(3) of this section does 3372
not apply, inducing panic is a felony of the fifth degree. 3373
3374

(b) If the violation results in economic harm of ~~five~~ seven 3375
thousand five hundred dollars or more but less than one hundred 3376
fifty thousand dollars, inducing panic is a felony of the fourth 3377
degree. 3378

(c) If the violation results in economic harm of one hundred 3379
fifty thousand dollars or more, inducing panic is a felony of the 3380
third degree. 3381

(5) If the public place involved in a violation of division 3382
(A)(1) of this section is a school or an institution of higher 3383

education, inducing panic is a felony of the second degree. 3384

(6) If the violation pertains to a purported, threatened, or 3385
actual use of a weapon of mass destruction, and except as 3386
otherwise provided in division (C)(5), (7), or (8) of this 3387
section, inducing panic is a felony of the fourth degree. 3388

(7) If the violation pertains to a purported, threatened, or 3389
actual use of a weapon of mass destruction, and except as 3390
otherwise provided in division (C)(5) of this section, if a 3391
violation of this section results in physical harm to any person, 3392
inducing panic is a felony of the third degree. 3393

(8) If the violation pertains to a purported, threatened, or 3394
actual use of a weapon of mass destruction, and except as 3395
otherwise provided in division (C)(5) of this section, if a 3396
violation of this section results in economic harm of one hundred 3397
thousand dollars or more, inducing panic is a felony of the third 3398
degree. 3399

(D)(1) It is not a defense to a charge under this section 3400
that pertains to a purported or threatened use of a weapon of mass 3401
destruction that the offender did not possess or have the ability 3402
to use a weapon of mass destruction or that what was represented 3403
to be a weapon of mass destruction was not a weapon of mass 3404
destruction. 3405

(2) Any act that is a violation of this section and any other 3406
section of the Revised Code may be prosecuted under this section, 3407
the other section, or both sections. 3408

(E) As used in this section: 3409

(1) "Economic harm" means any of the following: 3410

(a) All direct, incidental, and consequential pecuniary harm 3411
suffered by a victim as a result of criminal conduct. "Economic 3412
harm" as described in this division includes, but is not limited 3413

to, all of the following:	3414
(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;	3415 3416
(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;	3417 3418 3419
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	3420 3421
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	3422 3423
(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.	3424 3425 3426 3427 3428 3429 3430
(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.	3431 3432 3433 3434 3435 3436
(3) "Weapon of mass destruction" means any of the following:	3437
(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;	3438 3439 3440
(b) Any weapon involving a disease organism or biological agent;	3441 3442
(c) Any weapon that is designed to release radiation or	3443

radioactivity at a level dangerous to human life; 3444

(d) Any of the following, except to the extent that the item 3445
or device in question is expressly excepted from the definition of 3446
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and 3447
regulations issued under that section: 3448

(i) Any explosive, incendiary, or poison gas bomb, grenade, 3449
rocket having a propellant charge of more than four ounces, 3450
missile having an explosive or incendiary charge of more than 3451
one-quarter ounce, mine, or similar device; 3452

(ii) Any combination of parts either designed or intended for 3453
use in converting any item or device into any item or device 3454
described in division (E)(3)(d)(i) of this section and from which 3455
an item or device described in that division may be readily 3456
assembled. 3457

(4) "Biological agent" has the same meaning as in section 3458
2917.33 of the Revised Code. 3459

(5) "Emergency medical services personnel" has the same 3460
meaning as in section 2133.21 of the Revised Code. 3461

(6) "Institution of higher education" means any of the 3462
following: 3463

(a) A state university or college as defined in division 3464
(A)(1) of section 3345.12 of the Revised Code, community college, 3465
state community college, university branch, or technical college; 3466

(b) A private, nonprofit college, university or other 3467
post-secondary institution located in this state that possesses a 3468
certificate of authorization issued by the Ohio board of regents 3469
pursuant to Chapter 1713. of the Revised Code; 3470

(c) A post-secondary institution with a certificate of 3471
registration issued by the state board of career colleges and 3472
schools under Chapter 3332. of the Revised Code. 3473

Sec. 2917.32. (A) No person shall do any of the following:	3474
(1) Initiate or circulate a report or warning of an alleged	3475
or impending fire, explosion, crime, or other catastrophe, knowing	3476
that the report or warning is false and likely to cause public	3477
inconvenience or alarm;	3478
(2) Knowingly cause a false alarm of fire or other emergency	3479
to be transmitted to or within any organization, public or	3480
private, for dealing with emergencies involving a risk of physical	3481
harm to persons or property;	3482
(3) Report to any law enforcement agency an alleged offense	3483
or other incident within its concern, knowing that such offense	3484
did not occur.	3485
(B) This section does not apply to any person conducting an	3486
authorized fire or emergency drill.	3487
(C)(1) Whoever violates this section is guilty of making	3488
false alarms.	3489
(2) Except as otherwise provided in division (C)(3), (4),	3490
(5), or (6) of this section, making false alarms is a misdemeanor	3491
of the first degree.	3492
(3) Except as otherwise provided in division (C)(4) of this	3493
section, if a violation of this section results in economic harm	3494
of five hundred <u>one thousand</u> dollars or more but less than five	3495
<u>seven</u> thousand <u>five hundred</u> dollars, making false alarms is a	3496
felony of the fifth degree.	3497
(4) If a violation of this section pertains to a purported,	3498
threatened, or actual use of a weapon of mass destruction, making	3499
false alarms is a felony of the third degree.	3500
(5) If a violation of this section results in economic harm	3501
of five <u>seven</u> thousand <u>five hundred</u> dollars or more but less than	3502
one hundred <u>fifty</u> thousand dollars and if division (C)(4) of this	3503

section does not apply, making false alarms is a felony of the 3504
fourth degree. 3505

(6) If a violation of this section results in economic harm 3506
of one hundred fifty thousand dollars or more, making false alarms 3507
is a felony of the third degree. 3508

(D)(1) It is not a defense to a charge under this section 3509
that pertains to a purported or threatened use of a weapon of mass 3510
destruction that the offender did not possess or have the ability 3511
to use a weapon of mass destruction or that what was represented 3512
to be a weapon of mass destruction was not a weapon of mass 3513
destruction. 3514

(2) Any act that is a violation of this section and any other 3515
section of the Revised Code may be prosecuted under this section, 3516
the other section, or both sections. 3517

(E) As used in this section, "economic harm" and "weapon of 3518
mass destruction" have the same meanings as in section 2917.31 of 3519
the Revised Code. 3520

Sec. 2919.21. (A) No person shall abandon, or fail to provide 3521
adequate support to: 3522

(1) The person's spouse, as required by law; 3523

(2) The person's child who is under age eighteen, or mentally 3524
or physically handicapped child who is under age twenty-one; 3525

(3) The person's aged or infirm parent or adoptive parent, 3526
who from lack of ability and means is unable to provide adequately 3527
for the parent's own support. 3528

(B) No person shall abandon, or fail to provide support as 3529
established by a court order to, another person whom, by court 3530
order or decree, the person is legally obligated to support. 3531

(C) No person shall aid, abet, induce, cause, encourage, or 3532

contribute to a child or a ward of the juvenile court becoming a 3533
dependent child, as defined in section 2151.04 of the Revised 3534
Code, or a neglected child, as defined in section 2151.03 of the 3535
Revised Code. 3536

(D) It is an affirmative defense to a charge of failure to 3537
provide adequate support under division (A) of this section or a 3538
charge of failure to provide support established by a court order 3539
under division (B) of this section that the accused was unable to 3540
provide adequate support or the established support but did 3541
provide the support that was within the accused's ability and 3542
means. 3543

(E) It is an affirmative defense to a charge under division 3544
(A)(3) of this section that the parent abandoned the accused or 3545
failed to support the accused as required by law, while the 3546
accused was under age eighteen, or was mentally or physically 3547
handicapped and under age twenty-one. 3548

(F) It is not a defense to a charge under division (B) of 3549
this section that the person whom a court has ordered the accused 3550
to support is being adequately supported by someone other than the 3551
accused. 3552

(G)(1) Except as otherwise provided in this division, whoever 3553
violates division (A) or (B) of this section is guilty of 3554
nonsupport of dependents, a misdemeanor of the first degree. If 3555
the offender previously has been convicted of or pleaded guilty to 3556
a violation of division (A)(2) or (B) of this section or if the 3557
offender has failed to provide support under division (A)(2) or 3558
(B) of this section for a total accumulated period of twenty-six 3559
weeks out of one hundred four consecutive weeks, whether or not 3560
the twenty-six weeks were consecutive, then a violation of 3561
division (A)(2) or (B) of this section is a felony of the fifth 3562
degree. If the offender previously has been convicted of or 3563
pleaded guilty to a felony violation of this section, a violation 3564

of division (A)(2) or (B) of this section is a felony of the 3565
fourth degree. ‡f 3566

If the violation of division (A) or (B) of this section is a 3567
felony, all of the following apply to the sentencing of the 3568
offender: 3569

(a) Except as otherwise provided in division (G)(1)(b) of 3570
this section, the court in imposing sentence on the offender shall 3571
first consider placing the offender on one or more community 3572
control sanctions under section 2929.16, 2929.17, or 2929.18 of 3573
the Revised Code, with an emphasis under the sanctions on 3574
intervention for nonsupport, obtaining or maintaining employment, 3575
or another related condition. 3576

(b) The preference for placement on community control 3577
sanctions described in division (G)(1)(a) of this section does not 3578
apply to any offender to whom one or more of the following 3579
applies: 3580

(i) The court determines that the imposition of a prison term 3581
on the offender is consistent with the purposes and principles of 3582
sentencing set forth in section 2929.11 of the Revised Code. 3583

(ii) The offender previously was convicted of or pleaded 3584
guilty to a violation of this section that was a felony, the 3585
conviction or guilty plea occurred on or after the effective date 3586
of this amendment, and the offender was sentenced to a prison term 3587
for that violation. 3588

(iii) The offender previously was convicted of or pleaded 3589
guilty to a violation of this section that was a felony, the 3590
conviction or guilty plea occurred on or after the effective date 3591
of this amendment, the offender was sentenced to one or more 3592
community control sanctions of a type described in division 3593
(G)(1)(a) of this section for that violation, and the offender 3594
failed to comply with the conditions of any of those community 3595

control sanctions. 3596

(2) If the offender is guilty of nonsupport of dependents by 3597
reason of failing to provide support to the offender's child as 3598
required by a child support order issued on or after April 15, 3599
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 3600
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 3115.31 of the 3601
Revised Code, the court, in addition to any other sentence 3602
imposed, shall assess all court costs arising out of the charge 3603
against the person and require the person to pay any reasonable 3604
attorney's fees of any adverse party other than the state, as 3605
determined by the court, that arose in relation to the charge. 3606

~~(2)~~(3) Whoever violates division (C) of this section is 3607
guilty of contributing to the nonsupport of dependents, a 3608
misdemeanor of the first degree. Each day of violation of division 3609
(C) of this section is a separate offense. 3610

Sec. 2921.13. (A) No person shall knowingly make a false 3611
statement, or knowingly swear or affirm the truth of a false 3612
statement previously made, when any of the following applies: 3613

(1) The statement is made in any official proceeding. 3614

(2) The statement is made with purpose to incriminate 3615
another. 3616

(3) The statement is made with purpose to mislead a public 3617
official in performing the public official's official function. 3618

(4) The statement is made with purpose to secure the payment 3619
of unemployment compensation; Ohio works first; prevention, 3620
retention, and contingency benefits and services; disability 3621
financial assistance; retirement benefits; economic development 3622
assistance, as defined in section 9.66 of the Revised Code; or 3623
other benefits administered by a governmental agency or paid out 3624
of a public treasury. 3625

- (5) The statement is made with purpose to secure the issuance 3626
by a governmental agency of a license, permit, authorization, 3627
certificate, registration, release, or provider agreement. 3628
- (6) The statement is sworn or affirmed before a notary public 3629
or another person empowered to administer oaths. 3630
- (7) The statement is in writing on or in connection with a 3631
report or return that is required or authorized by law. 3632
- (8) The statement is in writing and is made with purpose to 3633
induce another to extend credit to or employ the offender, to 3634
confer any degree, diploma, certificate of attainment, award of 3635
excellence, or honor on the offender, or to extend to or bestow 3636
upon the offender any other valuable benefit or distinction, when 3637
the person to whom the statement is directed relies upon it to 3638
that person's detriment. 3639
- (9) The statement is made with purpose to commit or 3640
facilitate the commission of a theft offense. 3641
- (10) The statement is knowingly made to a probate court in 3642
connection with any action, proceeding, or other matter within its 3643
jurisdiction, either orally or in a written document, including, 3644
but not limited to, an application, petition, complaint, or other 3645
pleading, or an inventory, account, or report. 3646
- (11) The statement is made on an account, form, record, 3647
stamp, label, or other writing that is required by law. 3648
- (12) The statement is made in connection with the purchase of 3649
a firearm, as defined in section 2923.11 of the Revised Code, and 3650
in conjunction with the furnishing to the seller of the firearm of 3651
a fictitious or altered driver's or commercial driver's license or 3652
permit, a fictitious or altered identification card, or any other 3653
document that contains false information about the purchaser's 3654
identity. 3655

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

(14) The statement is made with purpose to obtain an Ohio's best Rx program enrollment card under section 173.773 of the Revised Code or a payment under section 173.801 of the Revised Code.

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

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

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

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

(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or

taken in an irregular manner. 3687

(E) If contradictory statements relating to the same fact are 3688
made by the offender within the period of the statute of 3689
limitations for falsification, it is not necessary for the 3690
prosecution to prove which statement was false but only that one 3691
or the other was false. 3692

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 3693
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 3694
guilty of falsification, a misdemeanor of the first degree. 3695

(2) Whoever violates division (A)(9) of this section is 3696
guilty of falsification in a theft offense. Except as otherwise 3697
provided in this division, falsification in a theft offense is a 3698
misdemeanor of the first degree. If the value of the property or 3699
services stolen is ~~five hundred~~ one thousand dollars or more and 3700
is less than ~~five~~ seven thousand five hundred dollars, 3701
falsification in a theft offense is a felony of the fifth degree. 3702
If the value of the property or services stolen is ~~five~~ seven 3703
thousand five hundred dollars or more and is less than one hundred 3704
fifty thousand dollars, falsification in a theft offense is a 3705
felony of the fourth degree. If the value of the property or 3706
services stolen is one hundred fifty thousand dollars or more, 3707
falsification in a theft offense is a felony of the third degree. 3708

(3) Whoever violates division (A)(12) or (B) of this section 3709
is guilty of falsification to purchase a firearm, a felony of the 3710
fifth degree. 3711

(4) Whoever violates division (A)(15) or (C) of this section 3712
is guilty of falsification to obtain a concealed handgun license, 3713
a felony of the fourth degree. 3714

(G) A person who violates this section is liable in a civil 3715
action to any person harmed by the violation for injury, death, or 3716
loss to person or property incurred as a result of the commission 3717

of the offense and for reasonable attorney's fees, court costs, 3718
and other expenses incurred as a result of prosecuting the civil 3719
action commenced under this division. A civil action under this 3720
division is not the exclusive remedy of a person who incurs 3721
injury, death, or loss to person or property as a result of a 3722
violation of this section. 3723

Sec. 2921.34. (A)(1) No person, knowing the person is under 3724
detention, other than supervised release detention, or being 3725
reckless in that regard, shall purposely break or attempt to break 3726
the detention, or purposely fail to return to detention, either 3727
following temporary leave granted for a specific purpose or 3728
limited period, or at the time required when serving a sentence in 3729
intermittent confinement. 3730

(2)(a) Division (A)(2)(b) of this section applies to any 3731
person who is sentenced to a prison term pursuant to division 3732
(A)(3) or (B) of section 2971.03 of the Revised Code. 3733

(b) No person to whom this division applies, for whom the 3734
requirement that the entire prison term imposed upon the person 3735
pursuant to division (A)(3) or (B) of section 2971.03 of the 3736
Revised Code be served in a state correctional institution has 3737
been modified pursuant to section 2971.05 of the Revised Code, and 3738
who, pursuant to that modification, is restricted to a geographic 3739
area, knowing that the person is under a geographic restriction or 3740
being reckless in that regard, shall purposely leave the 3741
geographic area to which the restriction applies or purposely fail 3742
to return to that geographic area following a temporary leave 3743
granted for a specific purpose or for a limited period of time. 3744

(3) No person, knowing the person is under supervised release 3745
detention or being reckless in that regard, shall purposely break 3746
or attempt to break the supervised release detention or purposely 3747
fail to return to the supervised release detention, either 3748

following temporary leave granted for a specific purpose or 3749
limited period, or at the time required when serving a sentence in 3750
intermittent confinement, if the purposeful breaking, attempting 3751
to break, or failure to return is for a period in excess of nine 3752
consecutive months. 3753

(B)(1) If a person, knowing the person is under supervised 3754
release detention or being reckless in that regard, purposely 3755
breaks or attempts to break the supervised release detention or 3756
purposely fails to return to the supervised release detention, 3757
either following temporary leave granted for a specific purpose or 3758
limited period, or at the time required when serving a sentence in 3759
intermittent confinement, and if the purposeful breaking, 3760
attempting to break, or failure to return is for a period that 3761
does not exceed nine consecutive months, the person is subject to 3762
administrative sanctions that may be imposed by the adult parole 3763
authority under section 2967.15 of the Revised Code. 3764

(2) Irregularity in bringing about or maintaining detention, 3765
or lack of jurisdiction of the committing or detaining authority, 3766
is not a defense to a charge under this section if the detention 3767
is pursuant to judicial order or in a detention facility. In the 3768
case of any other detention, irregularity or lack of jurisdiction 3769
is an affirmative defense only if either of the following occurs: 3770

~~(1)~~(a) The escape involved no substantial risk of harm to the 3771
person or property of another. 3772

~~(2)~~(b) The detaining authority knew or should have known 3773
there was no legal basis or authority for the detention. 3774

(C) Whoever violates this section is guilty of escape. 3775

(1) If the offender, at the time of the commission of the 3776
offense, was under detention as an alleged or adjudicated 3777
delinquent child or unruly child and if the act for which the 3778
offender was under detention would not be a felony if committed by 3779

an adult, escape is a misdemeanor of the first degree. 3780

(2) If the offender, at the time of the commission of the 3781
offense, was under detention in any other manner or if the 3782
offender is a person for whom the requirement that the entire 3783
prison term imposed upon the person pursuant to division (A)(3) or 3784
(B) of section 2971.03 of the Revised Code be served in a state 3785
correctional institution has been modified pursuant to section 3786
2971.05 of the Revised Code, escape is one of the following: 3787

(a) A felony of the second degree, when the most serious 3788
offense for which the person was under detention or for which the 3789
person had been sentenced to the prison term under division 3790
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3791
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 3792
is aggravated murder, murder, or a felony of the first or second 3793
degree or, if the person was under detention as an alleged or 3794
adjudicated delinquent child, when the most serious act for which 3795
the person was under detention would be aggravated murder, murder, 3796
or a felony of the first or second degree if committed by an 3797
adult; 3798

(b) A felony of the third degree, when the most serious 3799
offense for which the person was under detention or for which the 3800
person had been sentenced to the prison term under division 3801
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 3802
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 3803
is a felony of the third, fourth, or fifth degree or an 3804
unclassified felony or, if the person was under detention as an 3805
alleged or adjudicated delinquent child, when the most serious act 3806
for which the person was under detention would be a felony of the 3807
third, fourth, or fifth degree or an unclassified felony if 3808
committed by an adult; 3809

(c) A felony of the fifth degree, when any of the following 3810
applies: 3811

(i) The most serious offense for which the person was under 3812
detention is a misdemeanor. 3813

(ii) The person was found not guilty by reason of insanity, 3814
and the person's detention consisted of hospitalization, 3815
institutionalization, or confinement in a facility under an order 3816
made pursuant to or under authority of section 2945.40, 2945.401, 3817
or 2945.402 of the Revised Code. 3818

(d) A misdemeanor of the first degree, when the most serious 3819
offense for which the person was under detention is a misdemeanor 3820
and when the person fails to return to detention at a specified 3821
time following temporary leave granted for a specific purpose or 3822
limited period or at the time required when serving a sentence in 3823
intermittent confinement. 3824

(D) As used in this section, "supervised release detention" 3825
means detention that is supervision of a person by an employee of 3826
the department of rehabilitation and correction while the person 3827
is on any type of release from a state correctional institution, 3828
other than transitional control under section 2967.26 of the 3829
Revised Code or placement in a community-based correctional 3830
facility by the parole board under section 2967.28 of the Revised 3831
Code. 3832

Sec. 2921.41. (A) No public official or party official shall 3833
commit any theft offense, as defined in division (K) of section 3834
2913.01 of the Revised Code, when either of the following applies: 3835
3836

(1) The offender uses the offender's office in aid of 3837
committing the offense or permits or assents to its use in aid of 3838
committing the offense; 3839

(2) The property or service involved is owned by this state, 3840
any other state, the United States, a county, a municipal 3841

corporation, a township, or any political subdivision, department, 3842
or agency of any of them, is owned by a political party, or is 3843
part of a political campaign fund. 3844

(B) Whoever violates this section is guilty of theft in 3845
office. Except as otherwise provided in this division, theft in 3846
office is a felony of the fifth degree. If the value of property 3847
or services stolen is ~~five hundred~~ one thousand dollars or more 3848
and is less than ~~five~~ seven thousand five hundred dollars, theft 3849
in office is a felony of the fourth degree. If the value of 3850
property or services stolen is ~~five~~ seven thousand five hundred 3851
dollars or more, theft in office is a felony of the third degree. 3852
3853

(C)(1) A public official or party official who pleads guilty 3854
to theft in office and whose plea is accepted by the court or a 3855
public official or party official against whom a verdict or 3856
finding of guilt for committing theft in office is returned is 3857
forever disqualified from holding any public office, employment, 3858
or position of trust in this state. 3859

(2)(a) A court that imposes sentence for a violation of this 3860
section based on conduct described in division (A)(2) of this 3861
section shall require the public official or party official who is 3862
convicted of or pleads guilty to the offense to make restitution 3863
for all of the property or the service that is the subject of the 3864
offense, in addition to the term of imprisonment and any fine 3865
imposed. A court that imposes sentence for a violation of this 3866
section based on conduct described in division (A)(1) of this 3867
section and that determines at trial that this state or a 3868
political subdivision of this state if the offender is a public 3869
official, or a political party in the United States or this state 3870
if the offender is a party official, suffered actual loss as a 3871
result of the offense shall require the offender to make 3872
restitution to the state, political subdivision, or political 3873

party for all of the actual loss experienced, in addition to the 3874
term of imprisonment and any fine imposed. 3875

(b)(i) In any case in which a sentencing court is required to 3876
order restitution under division (C)(2)(a) of this section and in 3877
which the offender, at the time of the commission of the offense 3878
or at any other time, was a member of the public employees 3879
retirement system, the Ohio police and fire pension fund, the 3880
state teachers retirement system, the school employees retirement 3881
system, or the state highway patrol retirement system; was an 3882
electing employee, as defined in section 3305.01 of the Revised 3883
Code, participating in an alternative retirement plan provided 3884
pursuant to Chapter 3305. of the Revised Code; was a participating 3885
employee or continuing member, as defined in section 148.01 of the 3886
Revised Code, in a deferred compensation program offered by the 3887
Ohio public employees deferred compensation board; was an officer 3888
or employee of a municipal corporation who was a participant in a 3889
deferred compensation program offered by that municipal 3890
corporation; was an officer or employee of a government unit, as 3891
defined in section 148.06 of the Revised Code, who was a 3892
participant in a deferred compensation program offered by that 3893
government unit, or was a participating employee, continuing 3894
member, or participant in any deferred compensation program 3895
described in this division and a member of a retirement system 3896
specified in this division or a retirement system of a municipal 3897
corporation, the entity to which restitution is to be made may 3898
file a motion with the sentencing court specifying any retirement 3899
system, any provider as defined in section 3305.01 of the Revised 3900
Code, and any deferred compensation program of which the offender 3901
was a member, electing employee, participating employee, 3902
continuing member, or participant and requesting the court to 3903
issue an order requiring the specified retirement system, the 3904
specified provider under the alternative retirement plan, or the 3905
specified deferred compensation program, or, if more than one is 3906

specified in the motion, the applicable combination of these, to 3907
withhold the amount required as restitution from any payment that 3908
is to be made under a pension, annuity, or allowance, under an 3909
option in the alternative retirement plan, under a participant 3910
account, as defined in section 148.01 of the Revised Code, or 3911
under any other type of benefit, other than a survivorship 3912
benefit, that has been or is in the future granted to the 3913
offender, from any payment of accumulated employee contributions 3914
standing to the offender's credit with that retirement system, 3915
that provider of the option under the alternative retirement plan, 3916
or that deferred compensation program, or, if more than one is 3917
specified in the motion, the applicable combination of these, and 3918
from any payment of any other amounts to be paid to the offender 3919
upon the offender's withdrawal of the offender's contributions 3920
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 3921
the Revised Code. A motion described in this division may be filed 3922
at any time subsequent to the conviction of the offender or entry 3923
of a guilty plea. Upon the filing of the motion, the clerk of the 3924
court in which the motion is filed shall notify the offender, the 3925
specified retirement system, the specified provider under the 3926
alternative retirement plan, or the specified deferred 3927
compensation program, or, if more than one is specified in the 3928
motion, the applicable combination of these, in writing, of all of 3929
the following: that the motion was filed; that the offender will 3930
be granted a hearing on the issuance of the requested order if the 3931
offender files a written request for a hearing with the clerk 3932
prior to the expiration of thirty days after the offender receives 3933
the notice; that, if a hearing is requested, the court will 3934
schedule a hearing as soon as possible and notify the offender, 3935
any specified retirement system, any specified provider under an 3936
alternative retirement plan, and any specified deferred 3937
compensation program of the date, time, and place of the hearing; 3938
that, if a hearing is conducted, it will be limited only to a 3939

consideration of whether the offender can show good cause why the 3940
requested order should not be issued; that, if a hearing is 3941
conducted, the court will not issue the requested order if the 3942
court determines, based on evidence presented at the hearing by 3943
the offender, that there is good cause for the requested order not 3944
to be issued; that the court will issue the requested order if a 3945
hearing is not requested or if a hearing is conducted but the 3946
court does not determine, based on evidence presented at the 3947
hearing by the offender, that there is good cause for the 3948
requested order not to be issued; and that, if the requested order 3949
is issued, any retirement system, any provider under an 3950
alternative retirement plan, and any deferred compensation program 3951
specified in the motion will be required to withhold the amount 3952
required as restitution from payments to the offender. 3953

(ii) In any case in which a sentencing court is required to 3954
order restitution under division (C)(2)(a) of this section and in 3955
which a motion requesting the issuance of a withholding order as 3956
described in division (C)(2)(b)(i) of this section is filed, the 3957
offender may receive a hearing on the motion by delivering a 3958
written request for a hearing to the court prior to the expiration 3959
of thirty days after the offender's receipt of the notice provided 3960
pursuant to division (C)(2)(b)(i) of this section. If a request 3961
for a hearing is made by the offender within the prescribed time, 3962
the court shall schedule a hearing as soon as possible after the 3963
request is made and shall notify the offender, the specified 3964
retirement system, the specified provider under the alternative 3965
retirement plan, or the specified deferred compensation program, 3966
or, if more than one is specified in the motion, the applicable 3967
combination of these, of the date, time, and place of the hearing. 3968
A hearing scheduled under this division shall be limited to a 3969
consideration of whether there is good cause, based on evidence 3970
presented by the offender, for the requested order not to be 3971
issued. If the court determines, based on evidence presented by 3972

the offender, that there is good cause for the order not to be 3973
issued, the court shall deny the motion and shall not issue the 3974
requested order. If the offender does not request a hearing within 3975
the prescribed time or if the court conducts a hearing but does 3976
not determine, based on evidence presented by the offender, that 3977
there is good cause for the order not to be issued, the court 3978
shall order the specified retirement system, the specified 3979
provider under the alternative retirement plan, or the specified 3980
deferred compensation program, or, if more than one is specified 3981
in the motion, the applicable combination of these, to withhold 3982
the amount required as restitution under division (C)(2)(a) of 3983
this section from any payments to be made under a pension, 3984
annuity, or allowance, under a participant account, as defined in 3985
section 148.01 of the Revised Code, under an option in the 3986
alternative retirement plan, or under any other type of benefit, 3987
other than a survivorship benefit, that has been or is in the 3988
future granted to the offender, from any payment of accumulated 3989
employee contributions standing to the offender's credit with that 3990
retirement system, that provider under the alternative retirement 3991
plan, or that deferred compensation program, or, if more than one 3992
is specified in the motion, the applicable combination of these, 3993
and from any payment of any other amounts to be paid to the 3994
offender upon the offender's withdrawal of the offender's 3995
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 3996
or 5505. of the Revised Code, and to continue the withholding for 3997
that purpose, in accordance with the order, out of each payment to 3998
be made on or after the date of issuance of the order, until 3999
further order of the court. Upon receipt of an order issued under 4000
this division, the public employees retirement system, the Ohio 4001
police and fire pension fund, the state teachers retirement 4002
system, the school employees retirement system, the state highway 4003
patrol retirement system, a municipal corporation retirement 4004
system, the provider under the alternative retirement plan, and 4005

the deferred compensation program offered by the Ohio public 4006
employees deferred compensation board, a municipal corporation, or 4007
a government unit, as defined in section 148.06 of the Revised 4008
Code, whichever are applicable, shall withhold the amount required 4009
as restitution, in accordance with the order, from any such 4010
payments and immediately shall forward the amount withheld to the 4011
clerk of the court in which the order was issued for payment to 4012
the entity to which restitution is to be made. 4013

(iii) Service of a notice required by division (C)(2)(b)(i) 4014
or (ii) of this section shall be effected in the same manner as 4015
provided in the Rules of Civil Procedure for the service of 4016
process. 4017

(D) Upon the filing of charges against a person under this 4018
section, the prosecutor, as defined in section 2935.01 of the 4019
Revised Code, who is assigned the case shall send written notice 4020
that charges have been filed against that person to the public 4021
employees retirement system, the Ohio police and fire pension 4022
fund, the state teachers retirement system, the school employees 4023
retirement system, the state highway patrol retirement system, the 4024
provider under an alternative retirement plan, any municipal 4025
corporation retirement system in this state, and the deferred 4026
compensation program offered by the Ohio public employees deferred 4027
compensation board, a municipal corporation, or a government unit, 4028
as defined in section 148.06 of the Revised Code. The written 4029
notice shall specifically identify the person charged. 4030

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the 4031
Revised Code: 4032

(A) "Beneficial interest" means any of the following: 4033

(1) The interest of a person as a beneficiary under a trust 4034
in which the trustee holds title to personal or real property; 4035

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

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

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

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

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

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

(E) "Pattern of corrupt activity" means two or more incidents

of corrupt activity, whether or not there has been a prior 4067
conviction, that are related to the affairs of the same 4068
enterprise, are not isolated, and are not so closely related to 4069
each other and connected in time and place that they constitute a 4070
single event. 4071

At least one of the incidents forming the pattern shall occur 4072
on or after January 1, 1986. Unless any incident was an aggravated 4073
murder or murder, the last of the incidents forming the pattern 4074
shall occur within six years after the commission of any prior 4075
incident forming the pattern, excluding any period of imprisonment 4076
served by any person engaging in the corrupt activity. 4077

For the purposes of the criminal penalties that may be 4078
imposed pursuant to section 2923.32 of the Revised Code, at least 4079
one of the incidents forming the pattern shall constitute a felony 4080
under the laws of this state in existence at the time it was 4081
committed or, if committed in violation of the laws of the United 4082
States or of any other state, shall constitute a felony under the 4083
law of the United States or the other state and would be a 4084
criminal offense under the law of this state if committed in this 4085
state. 4086

(F) "Pecuniary value" means money, a negotiable instrument, a 4087
commercial interest, or anything of value, as defined in section 4088
1.03 of the Revised Code, or any other property or service that 4089
has a value in excess of one hundred dollars. 4090

(G) "Person" means any person, as defined in section 1.59 of 4091
the Revised Code, and any governmental officer, employee, or 4092
entity. 4093

(H) "Personal property" means any personal property, any 4094
interest in personal property, or any right, including, but not 4095
limited to, bank accounts, debts, corporate stocks, patents, or 4096
copyrights. Personal property and any beneficial interest in 4097

personal property are deemed to be located where the trustee of 4098
the property, the personal property, or the instrument evidencing 4099
the right is located. 4100

(I) "Corrupt activity" means engaging in, attempting to 4101
engage in, conspiring to engage in, or soliciting, coercing, or 4102
intimidating another person to engage in any of the following: 4103

(1) Conduct defined as "racketeering activity" under the 4104
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 4105
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 4106

(2) Conduct constituting any of the following: 4107

(a) A violation of section 1315.55, 1322.02, 2903.01, 4108
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 4109
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 4110
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 4111
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 4112
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 4113
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 4114
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 4115
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 4116
section 1707.44; division (A)(1) or (2) of section 2923.20; 4117
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 4118
4719.06; division (C), (D), or (E) of section 4719.07; section 4119
4719.08; or division (A) of section 4719.09 of the Revised Code. 4120

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 4121
3769.19 of the Revised Code as it existed prior to July 1, 1996, 4122
any violation of section 2915.02 of the Revised Code that occurs 4123
on or after July 1, 1996, and that, had it occurred prior to that 4124
date, would have been a violation of section 3769.11 of the 4125
Revised Code as it existed prior to that date, or any violation of 4126
section 2915.05 of the Revised Code that occurs on or after July 4127
1, 1996, and that, had it occurred prior to that date, would have 4128

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, 2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 of the Revised Code, any violation of section 2925.11 of the Revised Code that is a felony of the first, second, third, or fourth degree and that occurs on or after July 1, 1996, any violation of section 2915.02 of the Revised Code that occurred 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 not have been a violation of section 3769.11 of the Revised Code as it existed prior to that date, any violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996, or any violation of division (B) of section 2915.05 of the Revised Code as it exists on and after July 1, 1996, when the proceeds of the violation, the payments made in the violation, the amount of a claim for payment or for any other benefit that is false or deceptive and that is involved in the violation, or the value of the contraband or other property illegally possessed, sold, or purchased in the violation exceeds ~~five hundred~~ one thousand dollars, or any combination of violations described in division (I)(2)(c) of this section when the total proceeds of the combination of violations, payments made in the combination of violations, amount of the claims for payment or for other benefits that is false or deceptive and that is involved in the combination of violations, or value of the contraband or other property illegally possessed, sold, or purchased in the combination of violations exceeds ~~five hundred~~ one thousand dollars;

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

(e) Any violation or combination of violations of section 4161
2907.32 of the Revised Code involving any material or performance 4162
containing a display of bestiality or of sexual conduct, as 4163
defined in section 2907.01 of the Revised Code, that is explicit 4164
and depicted with clearly visible penetration of the genitals or 4165
clearly visible penetration by the penis of any orifice when the 4166
total proceeds of the violation or combination of violations, the 4167
payments made in the violation or combination of violations, or 4168
the value of the contraband or other property illegally possessed, 4169
sold, or purchased in the violation or combination of violations 4170
exceeds ~~five hundred~~ one thousand dollars; 4171

(f) Any combination of violations described in division 4172
(I)(2)(c) of this section and violations of section 2907.32 of the 4173
Revised Code involving any material or performance containing a 4174
display of bestiality or of sexual conduct, as defined in section 4175
2907.01 of the Revised Code, that is explicit and depicted with 4176
clearly visible penetration of the genitals or clearly visible 4177
penetration by the penis of any orifice when the total proceeds of 4178
the combination of violations, payments made in the combination of 4179
violations, amount of the claims for payment or for other benefits 4180
that is false or deceptive and that is involved in the combination 4181
of violations, or value of the contraband or other property 4182
illegally possessed, sold, or purchased in the combination of 4183
violations exceeds ~~five hundred~~ one thousand dollars. 4184

(3) Conduct constituting a violation of any law of any state 4185
other than this state that is substantially similar to the conduct 4186
described in division (I)(2) of this section, provided the 4187
defendant was convicted of the conduct in a criminal proceeding in 4188
the other state; 4189

(4) Animal or ecological terrorism; 4190

(5)(a) Conduct constituting any of the following: 4191

(i) Organized retail theft;	4192
(ii) Conduct that constitutes one or more violations of any law of any state other than this state, that is substantially similar to organized retail theft, and that if committed in this state would be organized retail theft, if the defendant was convicted of or pleaded guilty to the conduct in a criminal proceeding in the other state.	4193 4194 4195 4196 4197 4198
(b) By enacting division (I)(5)(a) of this section, it is the intent of the general assembly to add organized retail theft and the conduct described in division (I)(5)(a)(ii) of this section as conduct constituting corrupt activity. The enactment of division (I)(5)(a) of this section and the addition by division (I)(5)(a) of this section of organized retail theft and the conduct described in division (I)(5)(a)(ii) of this section as conduct constituting corrupt activity does not limit or preclude, and shall not be construed as limiting or precluding, any prosecution for a violation of section 2923.32 of the Revised Code that is based on one or more violations of section 2913.02 or 2913.51 of the Revised Code, one or more similar offenses under the laws of this state or any other state, or any combination of any of those violations or similar offenses, even though the conduct constituting the basis for those violations or offenses could be construed as also constituting organized retail theft or conduct of the type described in division (I)(5)(a)(ii) of this section.	4199 4200 4201 4202 4203 4204 4205 4206 4207 4208 4209 4210 4211 4212 4213 4214 4215
(J) "Real property" means any real property or any interest in real property, including, but not limited to, any lease of, or mortgage upon, real property. Real property and any beneficial interest in it is deemed to be located where the real property is located.	4216 4217 4218 4219 4220
(K) "Trustee" means any of the following:	4221
(1) Any person acting as trustee under a trust in which the	4222

trustee holds title to personal or real property;	4223
(2) Any person who holds title to personal or real property	4224
for which any other person has a beneficial interest;	4225
(3) Any successor trustee.	4226
"Trustee" does not include an assignee or trustee for an	4227
insolvent debtor or an executor, administrator, administrator with	4228
the will annexed, testamentary trustee, guardian, or committee,	4229
appointed by, under the control of, or accountable to a court.	4230
(L) "Unlawful debt" means any money or other thing of value	4231
constituting principal or interest of a debt that is legally	4232
unenforceable in this state in whole or in part because the debt	4233
was incurred or contracted in violation of any federal or state	4234
law relating to the business of gambling activity or relating to	4235
the business of lending money at an usurious rate unless the	4236
creditor proves, by a preponderance of the evidence, that the	4237
usurious rate was not intentionally set and that it resulted from	4238
a good faith error by the creditor, notwithstanding the	4239
maintenance of procedures that were adopted by the creditor to	4240
avoid an error of that nature.	4241
(M) "Animal activity" means any activity that involves the	4242
use of animals or animal parts, including, but not limited to,	4243
hunting, fishing, trapping, traveling, camping, the production,	4244
preparation, or processing of food or food products, clothing or	4245
garment manufacturing, medical research, other research,	4246
entertainment, recreation, agriculture, biotechnology, or service	4247
activity that involves the use of animals or animal parts.	4248
(N) "Animal facility" means a vehicle, building, structure,	4249
nature preserve, or other premises in which an animal is lawfully	4250
kept, handled, housed, exhibited, bred, or offered for sale,	4251
including, but not limited to, a zoo, rodeo, circus, amusement	4252
park, hunting preserve, or premises in which a horse or dog event	4253

is held. 4254

(O) "Animal or ecological terrorism" means the commission of 4255
any felony that involves causing or creating a substantial risk of 4256
physical harm to any property of another, the use of a deadly 4257
weapon or dangerous ordnance, or purposely, knowingly, or 4258
recklessly causing serious physical harm to property and that 4259
involves an intent to obstruct, impede, or deter any person from 4260
participating in a lawful animal activity, from mining, foresting, 4261
harvesting, gathering, or processing natural resources, or from 4262
being lawfully present in or on an animal facility or research 4263
facility. 4264

(P) "Research facility" means a place, laboratory, 4265
institution, medical care facility, government facility, or public 4266
or private educational institution in which a scientific test, 4267
experiment, or investigation involving the use of animals or other 4268
living organisms is lawfully carried out, conducted, or attempted. 4269

(Q) "Organized retail theft" means the theft of retail 4271
property with a retail value of ~~five hundred~~ one thousand dollars 4272
or more from one or more retail establishments with the intent to 4273
sell, deliver, or transfer that property to a retail property 4274
fence. 4275

(R) "Retail property" means any tangible personal property 4276
displayed, held, stored, or offered for sale in or by a retail 4277
establishment. 4278

(S) "Retail property fence" means a person who possesses, 4279
procures, receives, or conceals retail property that was 4280
represented to the person as being stolen or that the person knows 4281
or believes to be stolen. 4282

(T) "Retail value" means the full retail value of the retail 4283
property. In determining whether the retail value of retail 4284

property equals or exceeds ~~five hundred~~ one thousand dollars, the 4285
value of all retail property stolen from the retail establishment 4286
or retail establishments by the same person or persons within any 4287
one-hundred-eighty-day period shall be aggregated. 4288

Sec. 2925.01. As used in this chapter: 4289

(A) "Administer," "controlled substance," "dispense," 4290
"distribute," "hypodermic," "manufacturer," "official written 4291
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 4292
"schedule II," "schedule III," "schedule IV," "schedule V," and 4293
"wholesaler" have the same meanings as in section 3719.01 of the 4294
Revised Code. 4295

(B) "Drug dependent person" and "drug of abuse" have the same 4296
meanings as in section 3719.011 of the Revised Code. 4297

(C) "Drug," "dangerous drug," "licensed health professional 4298
authorized to prescribe drugs," and "prescription" have the same 4299
meanings as in section 4729.01 of the Revised Code. 4300

(D) "Bulk amount" of a controlled substance means any of the 4301
following: 4302

(1) For any compound, mixture, preparation, or substance 4303
included in schedule I, schedule II, or schedule III, with the 4304
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 4305
except as provided in division (D)(2) or (5) of this section, 4306
whichever of the following is applicable: 4307

(a) An amount equal to or exceeding ten grams or twenty-five 4308
unit doses of a compound, mixture, preparation, or substance that 4309
is or contains any amount of a schedule I opiate or opium 4310
derivative; 4311

(b) An amount equal to or exceeding ten grams of a compound, 4312
mixture, preparation, or substance that is or contains any amount 4313
of raw or gum opium; 4314

(c) An amount equal to or exceeding thirty grams or ten unit 4315
doses of a compound, mixture, preparation, or substance that is or 4316
contains any amount of a schedule I hallucinogen other than 4317
tetrahydrocannabinol or lysergic acid amide, or a schedule I 4318
stimulant or depressant; 4319

(d) An amount equal to or exceeding twenty grams or five 4320
times the maximum daily dose in the usual dose range specified in 4321
a standard pharmaceutical reference manual of a compound, mixture, 4322
preparation, or substance that is or contains any amount of a 4323
schedule II opiate or opium derivative; 4324

(e) An amount equal to or exceeding five grams or ten unit 4325
doses of a compound, mixture, preparation, or substance that is or 4326
contains any amount of phencyclidine; 4327

(f) An amount equal to or exceeding one hundred twenty grams 4328
or thirty times the maximum daily dose in the usual dose range 4329
specified in a standard pharmaceutical reference manual of a 4330
compound, mixture, preparation, or substance that is or contains 4331
any amount of a schedule II stimulant that is in a final dosage 4332
form manufactured by a person authorized by the "Federal Food, 4333
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 4334
amended, and the federal drug abuse control laws, as defined in 4335
section 3719.01 of the Revised Code, that is or contains any 4336
amount of a schedule II depressant substance or a schedule II 4337
hallucinogenic substance; 4338

(g) An amount equal to or exceeding three grams of a 4339
compound, mixture, preparation, or substance that is or contains 4340
any amount of a schedule II stimulant, or any of its salts or 4341
isomers, that is not in a final dosage form manufactured by a 4342
person authorized by the Federal Food, Drug, and Cosmetic Act and 4343
the federal drug abuse control laws. 4344

(2) An amount equal to or exceeding one hundred twenty grams 4345

or thirty times the maximum daily dose in the usual dose range 4346
specified in a standard pharmaceutical reference manual of a 4347
compound, mixture, preparation, or substance that is or contains 4348
any amount of a schedule III or IV substance other than an 4349
anabolic steroid or a schedule III opiate or opium derivative; 4350

(3) An amount equal to or exceeding twenty grams or five 4351
times the maximum daily dose in the usual dose range specified in 4352
a standard pharmaceutical reference manual of a compound, mixture, 4353
preparation, or substance that is or contains any amount of a 4354
schedule III opiate or opium derivative; 4355

(4) An amount equal to or exceeding two hundred fifty 4356
milliliters or two hundred fifty grams of a compound, mixture, 4357
preparation, or substance that is or contains any amount of a 4358
schedule V substance; 4359

(5) An amount equal to or exceeding two hundred solid dosage 4360
units, sixteen grams, or sixteen milliliters of a compound, 4361
mixture, preparation, or substance that is or contains any amount 4362
of a schedule III anabolic steroid. 4363

(E) "Unit dose" means an amount or unit of a compound, 4364
mixture, or preparation containing a controlled substance that is 4365
separately identifiable and in a form that indicates that it is 4366
the amount or unit by which the controlled substance is separately 4367
administered to or taken by an individual. 4368

(F) "Cultivate" includes planting, watering, fertilizing, or 4369
tilling. 4370

(G) "Drug abuse offense" means any of the following: 4371

(1) A violation of division (A) of section 2913.02 that 4372
constitutes theft of drugs, or a violation of section 2925.02, 4373
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 4374
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 4375
2925.37 of the Revised Code; 4376

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

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

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

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

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

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

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

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;	4407
(d) Any anesthetic gas.	4408
(2) Gamma Butyrolactone;	4409
(3) 1,4 Butanediol.	4410
(J) "Manufacture" means to plant, cultivate, harvest,	4411
process, make, prepare, or otherwise engage in any part of the	4412
production of a drug, by propagation, extraction, chemical	4413
synthesis, or compounding, or any combination of the same, and	4414
includes packaging, repackaging, labeling, and other activities	4415
incident to production.	4416
(K) "Possess" or "possession" means having control over a	4417
thing or substance, but may not be inferred solely from mere	4418
access to the thing or substance through ownership or occupation	4419
of the premises upon which the thing or substance is found.	4420
(L) "Sample drug" means a drug or pharmaceutical preparation	4421
that would be hazardous to health or safety if used without the	4422
supervision of a licensed health professional authorized to	4423
prescribe drugs, or a drug of abuse, and that, at one time, had	4424
been placed in a container plainly marked as a sample by a	4425
manufacturer.	4426
(M) "Standard pharmaceutical reference manual" means the	4427
current edition, with cumulative changes if any, of any of the	4428
following reference works:	4429
(1) "The National Formulary";	4430
(2) "The United States Pharmacopeia," prepared by authority	4431
of the United States Pharmacopeial Convention, Inc.;	4432
(3) Other standard references that are approved by the state	4433
board of pharmacy.	4434
(N) "Juvenile" means a person under eighteen years of age.	4435

(O) "Counterfeit controlled substance" means any of the 4436
following: 4437

(1) Any drug that bears, or whose container or label bears, a 4438
trademark, trade name, or other identifying mark used without 4439
authorization of the owner of rights to that trademark, trade 4440
name, or identifying mark; 4441

(2) Any unmarked or unlabeled substance that is represented 4442
to be a controlled substance manufactured, processed, packed, or 4443
distributed by a person other than the person that manufactured, 4444
processed, packed, or distributed it; 4445

(3) Any substance that is represented to be a controlled 4446
substance but is not a controlled substance or is a different 4447
controlled substance; 4448

(4) Any substance other than a controlled substance that a 4449
reasonable person would believe to be a controlled substance 4450
because of its similarity in shape, size, and color, or its 4451
markings, labeling, packaging, distribution, or the price for 4452
which it is sold or offered for sale. 4453

(P) An offense is "committed in the vicinity of a school" if 4454
the offender commits the offense on school premises, in a school 4455
building, or within one thousand feet of the boundaries of any 4456
school premises, regardless of whether the offender knows the 4457
offense is being committed on school premises, in a school 4458
building, or within one thousand feet of the boundaries of any 4459
school premises. 4460

(Q) "School" means any school operated by a board of 4461
education, any community school established under Chapter 3314. of 4462
the Revised Code, or any nonpublic school for which the state 4463
board of education prescribes minimum standards under section 4464
3301.07 of the Revised Code, whether or not any instruction, 4465
extracurricular activities, or training provided by the school is 4466

being conducted at the time a criminal offense is committed. 4467

(R) "School premises" means either of the following: 4468

(1) The parcel of real property on which any school is 4469
situated, whether or not any instruction, extracurricular 4470
activities, or training provided by the school is being conducted 4471
on the premises at the time a criminal offense is committed; 4472

(2) Any other parcel of real property that is owned or leased 4473
by a board of education of a school, the governing authority of a 4474
community school established under Chapter 3314. of the Revised 4475
Code, or the governing body of a nonpublic school for which the 4476
state board of education prescribes minimum standards under 4477
section 3301.07 of the Revised Code and on which some of the 4478
instruction, extracurricular activities, or training of the school 4479
is conducted, whether or not any instruction, extracurricular 4480
activities, or training provided by the school is being conducted 4481
on the parcel of real property at the time a criminal offense is 4482
committed. 4483

(S) "School building" means any building in which any of the 4484
instruction, extracurricular activities, or training provided by a 4485
school is conducted, whether or not any instruction, 4486
extracurricular activities, or training provided by the school is 4487
being conducted in the school building at the time a criminal 4488
offense is committed. 4489

(T) "Disciplinary counsel" means the disciplinary counsel 4490
appointed by the board of commissioners on grievances and 4491
discipline of the supreme court under the Rules for the Government 4492
of the Bar of Ohio. 4493

(U) "Certified grievance committee" means a duly constituted 4494
and organized committee of the Ohio state bar association or of 4495
one or more local bar associations of the state of Ohio that 4496
complies with the criteria set forth in Rule V, section 6 of the 4497

Rules for the Government of the Bar of Ohio.	4498
(V) "Professional license" means any license, permit,	4499
certificate, registration, qualification, admission, temporary	4500
license, temporary permit, temporary certificate, or temporary	4501
registration that is described in divisions (W)(1) to (36) of this	4502
section and that qualifies a person as a professionally licensed	4503
person.	4504
(W) "Professionally licensed person" means any of the	4505
following:	4506
(1) A person who has obtained a license as a manufacturer of	4507
controlled substances or a wholesaler of controlled substances	4508
under Chapter 3719. of the Revised Code;	4509
(2) A person who has received a certificate or temporary	4510
certificate as a certified public accountant or who has registered	4511
as a public accountant under Chapter 4701. of the Revised Code and	4512
who holds an Ohio permit issued under that chapter;	4513
(3) A person who holds a certificate of qualification to	4514
practice architecture issued or renewed and registered under	4515
Chapter 4703. of the Revised Code;	4516
(4) A person who is registered as a landscape architect under	4517
Chapter 4703. of the Revised Code or who holds a permit as a	4518
landscape architect issued under that chapter;	4519
(5) A person licensed under Chapter 4707. of the Revised	4520
Code;	4521
(6) A person who has been issued a certificate of	4522
registration as a registered barber under Chapter 4709. of the	4523
Revised Code;	4524
(7) A person licensed and regulated to engage in the business	4525
of a debt pooling company by a legislative authority, under	4526
authority of Chapter 4710. of the Revised Code;	4527

(8) A person who has been issued a cosmetologist's license, 4528
hair designer's license, manicurist's license, esthetician's 4529
license, natural hair stylist's license, managing cosmetologist's 4530
license, managing hair designer's license, managing manicurist's 4531
license, managing esthetician's license, managing natural hair 4532
stylist's license, cosmetology instructor's license, hair design 4533
instructor's license, manicurist instructor's license, esthetics 4534
instructor's license, natural hair style instructor's license, 4535
independent contractor's license, or tanning facility permit under 4536
Chapter 4713. of the Revised Code; 4537

(9) A person who has been issued a license to practice 4538
dentistry, a general anesthesia permit, a conscious intravenous 4539
sedation permit, a limited resident's license, a limited teaching 4540
license, a dental hygienist's license, or a dental hygienist's 4541
teacher's certificate under Chapter 4715. of the Revised Code; 4542

(10) A person who has been issued an embalmer's license, a 4543
funeral director's license, a funeral home license, or a crematory 4544
license, or who has been registered for an embalmer's or funeral 4545
director's apprenticeship under Chapter 4717. of the Revised Code; 4546

(11) A person who has been licensed as a registered nurse or 4547
practical nurse, or who has been issued a certificate for the 4548
practice of nurse-midwifery under Chapter 4723. of the Revised 4549
Code; 4550

(12) A person who has been licensed to practice optometry or 4551
to engage in optical dispensing under Chapter 4725. of the Revised 4552
Code; 4553

(13) A person licensed to act as a pawnbroker under Chapter 4554
4727. of the Revised Code; 4555

(14) A person licensed to act as a precious metals dealer 4556
under Chapter 4728. of the Revised Code; 4557

(15) A person licensed as a pharmacist, a pharmacy intern, a 4558

wholesale distributor of dangerous drugs, or a terminal	4559
distributor of dangerous drugs under Chapter 4729. of the Revised	4560
Code;	4561
(16) A person who is authorized to practice as a physician	4562
assistant under Chapter 4730. of the Revised Code;	4563
(17) A person who has been issued a certificate to practice	4564
medicine and surgery, osteopathic medicine and surgery, a limited	4565
branch of medicine, or podiatry under Chapter 4731. of the Revised	4566
Code;	4567
(18) A person licensed as a psychologist or school	4568
psychologist under Chapter 4732. of the Revised Code;	4569
(19) A person registered to practice the profession of	4570
engineering or surveying under Chapter 4733. of the Revised Code;	4571
(20) A person who has been issued a license to practice	4572
chiropractic under Chapter 4734. of the Revised Code;	4573
(21) A person licensed to act as a real estate broker or real	4574
estate salesperson under Chapter 4735. of the Revised Code;	4575
(22) A person registered as a registered sanitarian under	4576
Chapter 4736. of the Revised Code;	4577
(23) A person licensed to operate or maintain a junkyard	4578
under Chapter 4737. of the Revised Code;	4579
(24) A person who has been issued a motor vehicle salvage	4580
dealer's license under Chapter 4738. of the Revised Code;	4581
(25) A person who has been licensed to act as a steam	4582
engineer under Chapter 4739. of the Revised Code;	4583
(26) A person who has been issued a license or temporary	4584
permit to practice veterinary medicine or any of its branches, or	4585
who is registered as a graduate animal technician under Chapter	4586
4741. of the Revised Code;	4587

(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;	4588 4589 4590
(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;	4591 4592 4593
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	4594 4595 4596
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	4597 4598 4599
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	4600 4601
(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;	4602 4603 4604 4605
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	4606 4607
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	4608 4609 4610
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	4611 4612
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	4613 4614 4615
(X) "Cocaine" means any of the following:	4616
(1) A cocaine salt, isomer, or derivative, a salt of a	4617

cocaine isomer or derivative, or the base form of cocaine; 4618

(2) Coca leaves or a salt, compound, derivative, or 4619
preparation of coca leaves, including ecgonine, a salt, isomer, or 4620
derivative of ecgonine, or a salt of an isomer or derivative of 4621
ecgonine; 4622

(3) A salt, compound, derivative, or preparation of a 4623
substance identified in division (X)(1) or (2) of this section 4624
that is chemically equivalent to or identical with any of those 4625
substances, except that the substances shall not include 4626
decocainized coca leaves or extraction of coca leaves if the 4627
extractions do not contain cocaine or ecgonine. 4628

(Y) "L.S.D." means lysergic acid diethylamide. 4629

(Z) "Hashish" means the resin or a preparation of the resin 4630
contained in marihuana, whether in solid form or in a liquid 4631
concentrate, liquid extract, or liquid distillate form. 4632

(AA) "Marihuana" has the same meaning as in section 3719.01 4633
of the Revised Code, except that it does not include hashish. 4634

(BB) An offense is "committed in the vicinity of a juvenile" 4635
if the offender commits the offense within one hundred feet of a 4636
juvenile or within the view of a juvenile, regardless of whether 4637
the offender knows the age of the juvenile, whether the offender 4638
knows the offense is being committed within one hundred feet of or 4639
within view of the juvenile, or whether the juvenile actually 4640
views the commission of the offense. 4641

(CC) "Presumption for a prison term" or "presumption that a 4642
prison term shall be imposed" means a presumption, as described in 4643
division (D) of section 2929.13 of the Revised Code, that a prison 4644
term is a necessary sanction for a felony in order to comply with 4645
the purposes and principles of sentencing under section 2929.11 of 4646
the Revised Code. 4647

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 4648
4649

(EE) "Minor drug possession offense" means either of the following: 4650
4651

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 4652
4653

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree. 4654
4655
4656

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 4657
4658

~~(GG) "Crack cocaine" means a compound, mixture, preparation, or substance that is or contains any amount of cocaine that is analytically identified as the base form of cocaine or that is in a form that resembles rocks or pebbles generally intended for individual use.~~ 4659
4660
4661
4662
4663

~~(HH)~~ "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 4664
4665

~~(II)~~(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort. 4666
4667
4668

~~(JJ)~~(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine. 4669
4670
4671
4672

~~(KK)~~(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense. 4673
4674
4675
4676
4677

~~(LL)~~(KK) "Deception" and "theft offense" have the same 4678
meanings as in section 2913.01 of the Revised Code. 4679

Sec. 2925.03. (A) No person shall knowingly do any of the 4680
following: 4681

(1) Sell or offer to sell a controlled substance; 4682

(2) Prepare for shipment, ship, transport, deliver, prepare 4683
for distribution, or distribute a controlled substance, when the 4684
offender knows or has reasonable cause to believe that the 4685
controlled substance is intended for sale or resale by the 4686
offender or another person. 4687

(B) This section does not apply to any of the following: 4688

(1) Manufacturers, licensed health professionals authorized 4689
to prescribe drugs, pharmacists, owners of pharmacies, and other 4690
persons whose conduct is in accordance with Chapters 3719., 4715., 4691
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 4692

(2) If the offense involves an anabolic steroid, any person 4693
who is conducting or participating in a research project involving 4694
the use of an anabolic steroid if the project has been approved by 4695
the United States food and drug administration; 4696

(3) Any person who sells, offers for sale, prescribes, 4697
dispenses, or administers for livestock or other nonhuman species 4698
an anabolic steroid that is expressly intended for administration 4699
through implants to livestock or other nonhuman species and 4700
approved for that purpose under the "Federal Food, Drug, and 4701
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 4702
and is sold, offered for sale, prescribed, dispensed, or 4703
administered for that purpose in accordance with that act. 4704

(C) Whoever violates division (A) of this section is guilty 4705
of one of the following: 4706

(1) If the drug involved in the violation is any compound, 4707

mixture, preparation, or substance included in schedule I or 4708
schedule II, with the exception of marihuana, cocaine, L.S.D., 4709
heroin, and hashish, whoever violates division (A) of this section 4710
is guilty of aggravated trafficking in drugs. The penalty for the 4711
offense shall be determined as follows: 4712

(a) Except as otherwise provided in division (C)(1)(b), (c), 4713
(d), (e), or (f) of this section, aggravated trafficking in drugs 4714
is a felony of the fourth degree, and division (C) of section 4715
2929.13 of the Revised Code applies in determining whether to 4716
impose a prison term on the offender. 4717

(b) Except as otherwise provided in division (C)(1)(c), (d), 4718
(e), or (f) of this section, if the offense was committed in the 4719
vicinity of a school or in the vicinity of a juvenile, aggravated 4720
trafficking in drugs is a felony of the third degree, and division 4721
(C) of section 2929.13 of the Revised Code applies in determining 4722
whether to impose a prison term on the offender. 4723

(c) Except as otherwise provided in this division, if the 4724
amount of the drug involved equals or exceeds the bulk amount but 4725
is less than five times the bulk amount, aggravated trafficking in 4726
drugs is a felony of the third degree, and the court shall impose 4727
as a mandatory prison term one of the prison terms prescribed for 4728
a felony of the third degree. If the amount of the drug involved 4729
is within that range and if the offense was committed in the 4730
vicinity of a school or in the vicinity of a juvenile, aggravated 4731
trafficking in drugs is a felony of the second degree, and the 4732
court shall impose as a mandatory prison term one of the prison 4733
terms prescribed for a felony of the second degree. 4734

(d) Except as otherwise provided in this division, if the 4735
amount of the drug involved equals or exceeds five times the bulk 4736
amount but is less than fifty times the bulk amount, aggravated 4737
trafficking in drugs is a felony of the second degree, and the 4738
court shall impose as a mandatory prison term one of the prison 4739

terms prescribed for a felony of the second degree. If the amount 4740
of the drug involved is within that range and if the offense was 4741
committed in the vicinity of a school or in the vicinity of a 4742
juvenile, aggravated trafficking in drugs is a felony of the first 4743
degree, and the court shall impose as a mandatory prison term one 4744
of the prison terms prescribed for a felony of the first degree. 4745

(e) If the amount of the drug involved equals or exceeds 4746
fifty times the bulk amount but is less than one hundred times the 4747
bulk amount and regardless of whether the offense was committed in 4748
the vicinity of a school or in the vicinity of a juvenile, 4749
aggravated trafficking in drugs is a felony of the first degree, 4750
and the court shall impose as a mandatory prison term one of the 4751
prison terms prescribed for a felony of the first degree. 4752

(f) If the amount of the drug involved equals or exceeds one 4753
hundred times the bulk amount and regardless of whether the 4754
offense was committed in the vicinity of a school or in the 4755
vicinity of a juvenile, aggravated trafficking in drugs is a 4756
felony of the first degree, the offender is a major drug offender, 4757
and the court shall impose as a mandatory prison term the maximum 4758
prison term prescribed for a felony of the first degree and may 4759
impose an additional prison term prescribed for a major drug 4760
offender under division (D)(3)(b) of section 2929.14 of the 4761
Revised Code. 4762

(2) If the drug involved in the violation is any compound, 4763
mixture, preparation, or substance included in schedule III, IV, 4764
or V, whoever violates division (A) of this section is guilty of 4765
trafficking in drugs. The penalty for the offense shall be 4766
determined as follows: 4767

(a) Except as otherwise provided in division (C)(2)(b), (c), 4768
(d), or (e) of this section, trafficking in drugs is a felony of 4769
the fifth degree, and division (C) of section 2929.13 of the 4770
Revised Code applies in determining whether to impose a prison 4771

term on the offender. 4772

(b) Except as otherwise provided in division (C)(2)(c), (d), 4773
or (e) of this section, if the offense was committed in the 4774
vicinity of a school or in the vicinity of a juvenile, trafficking 4775
in drugs is a felony of the fourth degree, and division (C) of 4776
section 2929.13 of the Revised Code applies in determining whether 4777
to impose a prison term on the offender. 4778

(c) Except as otherwise provided in this division, if the 4779
amount of the drug involved equals or exceeds the bulk amount but 4780
is less than five times the bulk amount, trafficking in drugs is a 4781
felony of the fourth degree, and there is a presumption for a 4782
prison term for the offense. If the amount of the drug involved is 4783
within that range and if the offense was committed in the vicinity 4784
of a school or in the vicinity of a juvenile, trafficking in drugs 4785
is a felony of the third degree, and there is a presumption for a 4786
prison term for the offense. 4787

(d) Except as otherwise provided in this division, if the 4788
amount of the drug involved equals or exceeds five times the bulk 4789
amount but is less than fifty times the bulk amount, trafficking 4790
in drugs is a felony of the third degree, and there is a 4791
presumption for a prison term for the offense. If the amount of 4792
the drug involved is within that range and if the offense was 4793
committed in the vicinity of a school or in the vicinity of a 4794
juvenile, trafficking in drugs is a felony of the second degree, 4795
and there is a presumption for a prison term for the offense. 4796

(e) Except as otherwise provided in this division, if the 4797
amount of the drug involved equals or exceeds fifty times the bulk 4798
amount, trafficking in drugs is a felony of the second degree, and 4799
the court shall impose as a mandatory prison term one of the 4800
prison terms prescribed for a felony of the second degree. If the 4801
amount of the drug involved equals or exceeds fifty times the bulk 4802
amount and if the offense was committed in the vicinity of a 4803

school or in the vicinity of a juvenile, trafficking in drugs is a 4804
felony of the first degree, and the court shall impose as a 4805
mandatory prison term one of the prison terms prescribed for a 4806
felony of the first degree. 4807

(3) If the drug involved in the violation is marihuana or a 4808
compound, mixture, preparation, or substance containing marihuana 4809
other than hashish, whoever violates division (A) of this section 4810
is guilty of trafficking in marihuana. The penalty for the offense 4811
shall be determined as follows: 4812

(a) Except as otherwise provided in division (C)(3)(b), (c), 4813
(d), (e), (f), ~~or~~ (g), or (h) of this section, trafficking in 4814
marihuana is a felony of the fifth degree, and division ~~(C)~~(B) of 4815
section 2929.13 of the Revised Code applies in determining whether 4816
to impose a prison term on the offender. 4817

(b) Except as otherwise provided in division (C)(3)(c), (d), 4818
(e), (f), ~~or~~ (g), or (h) of this section, if the offense was 4819
committed in the vicinity of a school or in the vicinity of a 4820
juvenile, trafficking in marihuana is a felony of the fourth 4821
degree, and division ~~(C)~~(B) of section 2929.13 of the Revised Code 4822
applies in determining whether to impose a prison term on the 4823
offender. 4824

(c) Except as otherwise provided in this division, if the 4825
amount of the drug involved equals or exceeds two hundred grams 4826
but is less than one thousand grams, trafficking in marihuana is a 4827
felony of the fourth degree, and division ~~(C)~~(B) of section 4828
2929.13 of the Revised Code applies in determining whether to 4829
impose a prison term on the offender. If the amount of the drug 4830
involved is within that range and if the offense was committed in 4831
the vicinity of a school or in the vicinity of a juvenile, 4832
trafficking in marihuana is a felony of the third degree, and 4833
division (C) of section 2929.13 of the Revised Code applies in 4834
determining whether to impose a prison term on the offender. 4835

(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 4868
grams, trafficking in marihuana is a felony of the second degree, 4869
and the court shall impose as a mandatory prison term the maximum 4870
prison term prescribed for a felony of the second degree. If the 4871
amount of the drug involved equals or exceeds ~~twenty~~ forty 4872
thousand grams and if the offense was committed in the vicinity of 4873
a school or in the vicinity of a juvenile, trafficking in 4874
marihuana is a felony of the first degree, and the court shall 4875
impose as a mandatory prison term the maximum prison term 4876
prescribed for a felony of the first degree. 4877

~~(g)~~(h) Except as otherwise provided in this division, if the 4878
offense involves a gift of twenty grams or less of marihuana, 4879
trafficking in marihuana is a minor misdemeanor upon a first 4880
offense and a misdemeanor of the third degree upon a subsequent 4881
offense. If the offense involves a gift of twenty grams or less of 4882
marihuana and if the offense was committed in the vicinity of a 4883
school or in the vicinity of a juvenile, trafficking in marihuana 4884
is a misdemeanor of the third degree. 4885

(4) If the drug involved in the violation is cocaine or a 4886
compound, mixture, preparation, or substance containing cocaine, 4887
whoever violates division (A) of this section is guilty of 4888
trafficking in cocaine. The penalty for the offense shall be 4889
determined as follows: 4890

(a) Except as otherwise provided in division (C)(4)(b), (c), 4891
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 4892
felony of the fifth degree, and division (C) of section 2929.13 of 4893
the Revised Code applies in determining whether to impose a prison 4894
term on the offender. 4895

(b) Except as otherwise provided in division (C)(4)(c), (d), 4896
(e), (f), or (g) of this section, if the offense was committed in 4897
the vicinity of a school or in the vicinity of a juvenile, 4898
trafficking in cocaine is a felony of the fourth degree, and 4899

division (C) of section 2929.13 of the Revised Code applies in 4900
determining whether to impose a prison term on the offender. 4901

(c) Except as otherwise provided in this division, if the 4902
amount of the drug involved equals or exceeds five grams but is 4903
less than ten grams of cocaine ~~that is not crack cocaine or equals~~ 4904
~~or exceeds one gram but is less than five grams of crack cocaine,~~ 4905
trafficking in cocaine is a felony of the fourth degree, and there 4906
is a presumption for a prison term for the offense. If the amount 4907
of the drug involved is within ~~one of those ranges~~ that range and 4908
if the offense was committed in the vicinity of a school or in the 4909
vicinity of a juvenile, trafficking in cocaine is a felony of the 4910
third degree, and there is a presumption for a prison term for the 4911
offense. 4912

(d) Except as otherwise provided in this division, if the 4913
amount of the drug involved equals or exceeds ten grams but is 4914
less than ~~one hundred~~ twenty grams of cocaine ~~that is not crack~~ 4915
~~cocaine or equals or exceeds five grams but is less than ten grams~~ 4916
~~of crack cocaine,~~ trafficking in cocaine is a felony of the third 4917
degree, and the court shall impose as a mandatory prison term one 4918
of the prison terms prescribed for a felony of the third degree. 4919
If the amount of the drug involved is within ~~one of those ranges~~ 4920
that range and if the offense was committed in the vicinity of a 4921
school or in the vicinity of a juvenile, trafficking in cocaine is 4922
a felony of the second degree, and the court shall impose as a 4923
mandatory prison term one of the prison terms prescribed for a 4924
felony of the second degree. 4925

(e) Except as otherwise provided in this division, if the 4926
amount of the drug involved equals or exceeds ~~one hundred~~ twenty 4927
grams but is less than ~~five hundred~~ twenty-seven grams of cocaine 4928
~~that is not crack cocaine or equals or exceeds ten grams but is~~ 4929
~~less than twenty five grams of crack cocaine,~~ trafficking in 4930
cocaine is a felony of the second degree, and the court shall 4931

impose as a mandatory prison term one of the prison terms 4932
prescribed for a felony of the second degree. If the amount of the 4933
drug involved is within ~~one of those ranges~~ that range and if the 4934
offense was committed in the vicinity of a school or in the 4935
vicinity of a juvenile, trafficking in cocaine is a felony of the 4936
first degree, and the court shall impose as a mandatory prison 4937
term one of the prison terms prescribed for a felony of the first 4938
degree. 4939

(f) If the amount of the drug involved equals or exceeds ~~five~~ 4940
~~hundred~~ twenty-seven grams but is less than one ~~thousand~~ hundred 4941
grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 4942
~~twenty-five grams but is less than one hundred grams of crack~~ 4943
~~cocaine~~ and regardless of whether the offense was committed in the 4944
vicinity of a school or in the vicinity of a juvenile, trafficking 4945
in cocaine is a felony of the first degree, and the court shall 4946
impose as a mandatory prison term one of the prison terms 4947
prescribed for a felony of the first degree. 4948

(g) If the amount of the drug involved equals or exceeds one 4949
~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or~~ 4950
~~equals or exceeds one hundred grams of crack cocaine~~ and 4951
regardless of whether the offense was committed in the vicinity of 4952
a school or in the vicinity of a juvenile, trafficking in cocaine 4953
is a felony of the first degree, the offender is a major drug 4954
offender, and the court shall impose as a mandatory prison term 4955
the maximum prison term prescribed for a felony of the first 4956
degree and may impose an additional mandatory prison term 4957
prescribed for a major drug offender under division (D)(3)(b) of 4958
section 2929.14 of the Revised Code. 4959

(5) If the drug involved in the violation is L.S.D. or a 4960
compound, mixture, preparation, or substance containing L.S.D., 4961
whoever violates division (A) of this section is guilty of 4962
trafficking in L.S.D. The penalty for the offense shall be 4963

determined as follows: 4964

(a) Except as otherwise provided in division (C)(5)(b), (c), 4965
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 4966
felony of the fifth degree, and division (C) of section 2929.13 of 4967
the Revised Code applies in determining whether to impose a prison 4968
term on the offender. 4969

(b) Except as otherwise provided in division (C)(5)(c), (d), 4970
(e), (f), or (g) of this section, if the offense was committed in 4971
the vicinity of a school or in the vicinity of a juvenile, 4972
trafficking in L.S.D. is a felony of the fourth degree, and 4973
division (C) of section 2929.13 of the Revised Code applies in 4974
determining whether to impose a prison term on the offender. 4975

(c) Except as otherwise provided in this division, if the 4976
amount of the drug involved equals or exceeds ten unit doses but 4977
is less than fifty unit doses of L.S.D. in a solid form or equals 4978
or exceeds one gram but is less than five grams of L.S.D. in a 4979
liquid concentrate, liquid extract, or liquid distillate form, 4980
trafficking in L.S.D. is a felony of the fourth degree, and there 4981
is a presumption for a prison term for the offense. If the amount 4982
of the drug involved is within that range and if the offense was 4983
committed in the vicinity of a school or in the vicinity of a 4984
juvenile, trafficking in L.S.D. is a felony of the third degree, 4985
and there is a presumption for a prison term for the offense. 4986

(d) Except as otherwise provided in this division, if the 4987
amount of the drug involved equals or exceeds fifty unit doses but 4988
is less than two hundred fifty unit doses of L.S.D. in a solid 4989
form or equals or exceeds five grams but is less than twenty-five 4990
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 4991
distillate form, trafficking in L.S.D. is a felony of the third 4992
degree, and the court shall impose as a mandatory prison term one 4993
of the prison terms prescribed for a felony of the third degree. 4994
If the amount of the drug involved is within that range and if the 4995

offense was committed in the vicinity of a school or in the 4996
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4997
second degree, and the court shall impose as a mandatory prison 4998
term one of the prison terms prescribed for a felony of the second 4999
degree. 5000

(e) Except as otherwise provided in this division, if the 5001
amount of the drug involved equals or exceeds two hundred fifty 5002
unit doses but is less than one thousand unit doses of L.S.D. in a 5003
solid form or equals or exceeds twenty-five grams but is less than 5004
one hundred grams of L.S.D. in a liquid concentrate, liquid 5005
extract, or liquid distillate form, trafficking in L.S.D. is a 5006
felony of the second degree, and the court shall impose as a 5007
mandatory prison term one of the prison terms prescribed for a 5008
felony of the second degree. If the amount of the drug involved is 5009
within that range and if the offense was committed in the vicinity 5010
of a school or in the vicinity of a juvenile, trafficking in 5011
L.S.D. is a felony of the first degree, and the court shall impose 5012
as a mandatory prison term one of the prison terms prescribed for 5013
a felony of the first degree. 5014

(f) If the amount of the drug involved equals or exceeds one 5015
thousand unit doses but is less than five thousand unit doses of 5016
L.S.D. in a solid form or equals or exceeds one hundred grams but 5017
is less than five hundred grams of L.S.D. in a liquid concentrate, 5018
liquid extract, or liquid distillate form and regardless of 5019
whether the offense was committed in the vicinity of a school or 5020
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 5021
of the first degree, and the court shall impose as a mandatory 5022
prison term one of the prison terms prescribed for a felony of the 5023
first degree. 5024

(g) If the amount of the drug involved equals or exceeds five 5025
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5026
five hundred grams of L.S.D. in a liquid concentrate, liquid 5027

extract, or liquid distillate form and regardless of whether the 5028
offense was committed in the vicinity of a school or in the 5029
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 5030
first degree, the offender is a major drug offender, and the court 5031
shall impose as a mandatory prison term the maximum prison term 5032
prescribed for a felony of the first degree and may impose an 5033
additional mandatory prison term prescribed for a major drug 5034
offender under division (D)(3)(b) of section 2929.14 of the 5035
Revised Code. 5036

(6) If the drug involved in the violation is heroin or a 5037
compound, mixture, preparation, or substance containing heroin, 5038
whoever violates division (A) of this section is guilty of 5039
trafficking in heroin. The penalty for the offense shall be 5040
determined as follows: 5041

(a) Except as otherwise provided in division (C)(6)(b), (c), 5042
(d), (e), (f), or (g) of this section, trafficking in heroin is a 5043
felony of the fifth degree, and division (C) of section 2929.13 of 5044
the Revised Code applies in determining whether to impose a prison 5045
term on the offender. 5046

(b) Except as otherwise provided in division (C)(6)(c), (d), 5047
(e), (f), or (g) of this section, if the offense was committed in 5048
the vicinity of a school or in the vicinity of a juvenile, 5049
trafficking in heroin is a felony of the fourth degree, and 5050
division (C) of section 2929.13 of the Revised Code applies in 5051
determining whether to impose a prison term on the offender. 5052

(c) Except as otherwise provided in this division, if the 5053
amount of the drug involved equals or exceeds ten unit doses but 5054
is less than fifty unit doses or equals or exceeds one gram but is 5055
less than five grams, trafficking in heroin is a felony of the 5056
fourth degree, and there is a presumption for a prison term for 5057
the offense. If the amount of the drug involved is within that 5058
range and if the offense was committed in the vicinity of a school 5059

or in the vicinity of a juvenile, trafficking in heroin is a 5060
felony of the third degree, and there is a presumption for a 5061
prison term for the offense. 5062

(d) Except as otherwise provided in this division, if the 5063
amount of the drug involved equals or exceeds fifty unit doses but 5064
is less than one hundred unit doses or equals or exceeds five 5065
grams but is less than ten grams, trafficking in heroin is a 5066
felony of the third degree, and there is a presumption for a 5067
prison term for the offense. If the amount of the drug involved is 5068
within that range and if the offense was committed in the vicinity 5069
of a school or in the vicinity of a juvenile, trafficking in 5070
heroin is a felony of the second degree, and there is a 5071
presumption for a prison term for the offense. 5072

(e) Except as otherwise provided in this division, if the 5073
amount of the drug involved equals or exceeds one hundred unit 5074
doses but is less than five hundred unit doses or equals or 5075
exceeds ten grams but is less than fifty grams, trafficking in 5076
heroin is a felony of the second degree, and the court shall 5077
impose as a mandatory prison term one of the prison terms 5078
prescribed for a felony of the second degree. If the amount of the 5079
drug involved is within that range and if 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

(f) If the amount of the drug involved equals or exceeds five 5085
hundred unit doses but is less than two thousand five hundred unit 5086
doses or equals or exceeds fifty grams but is less than two 5087
hundred fifty grams and regardless of whether the offense was 5088
committed in the vicinity of a school or in the vicinity of a 5089
juvenile, trafficking in heroin is a felony of the first degree, 5090
and the court shall impose as a mandatory prison term one of the 5091

prison terms prescribed for a felony of the first degree. 5092

(g) If the amount of the drug involved equals or exceeds two 5093
thousand five hundred unit doses or equals or exceeds two hundred 5094
fifty grams and regardless of whether the offense was committed in 5095
the vicinity of a school or in the vicinity of a juvenile, 5096
trafficking in heroin is a felony of the first degree, the 5097
offender is a major drug offender, and the court shall impose as a 5098
mandatory prison term the maximum prison term prescribed for a 5099
felony of the first degree and may impose an additional mandatory 5100
prison term prescribed for a major drug offender under division 5101
(D)(3)(b) of section 2929.14 of the Revised Code. 5102

(7) If the drug involved in the violation is hashish or a 5103
compound, mixture, preparation, or substance containing hashish, 5104
whoever violates division (A) of this section is guilty of 5105
trafficking in hashish. The penalty for the offense shall be 5106
determined as follows: 5107

(a) Except as otherwise provided in division (C)(7)(b), (c), 5108
(d), (e), ~~or (f)~~, or (g) of this section, trafficking in hashish 5109
is a felony of the fifth degree, and division ~~(C)(B)~~ of section 5110
2929.13 of the Revised Code applies in determining whether to 5111
impose a prison term on the offender. 5112

(b) Except as otherwise provided in division (C)(7)(c), (d), 5113
(e), ~~or (f)~~, or (g) of this section, if the offense was committed 5114
in the vicinity of a school or in the vicinity of a juvenile, 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. 5118

(c) Except as otherwise provided in this division, if the 5119
amount of the drug involved equals or exceeds ten grams but is 5120
less than fifty grams of hashish in a solid form or equals or 5121
exceeds two grams but is less than ten grams of hashish in a 5122

liquid concentrate, liquid extract, or liquid distillate form, 5123
trafficking in hashish is a felony of the fourth degree, and 5124
division ~~(C)~~(B) of section 2929.13 of the Revised Code applies in 5125
determining whether to impose a prison term on the offender. If 5126
the amount of the drug involved is within that range and if the 5127
offense was committed in the vicinity of a school or in the 5128
vicinity of a juvenile, trafficking in hashish is a felony of the 5129
third degree, and division (C) of section 2929.13 of the Revised 5130
Code applies in determining whether to impose a prison term on the 5131
offender. 5132

(d) Except as otherwise provided in this division, if the 5133
amount of the drug involved equals or exceeds fifty grams but is 5134
less than two hundred fifty grams of hashish in a solid form or 5135
equals or exceeds ten grams but is less than fifty grams of 5136
hashish in a liquid concentrate, liquid extract, or liquid 5137
distillate form, trafficking in hashish is a felony of the third 5138
degree, and division (C) of section 2929.13 of the Revised Code 5139
applies in determining whether to impose a prison term on the 5140
offender. If the amount of the drug involved is within that range 5141
and if the offense was committed in the vicinity of a school or in 5142
the vicinity of a juvenile, trafficking in hashish is a felony of 5143
the second degree, and there is a presumption that a prison term 5144
shall be imposed for the offense. 5145

(e) Except as otherwise provided in this division, if the 5146
amount of the drug involved equals or exceeds two hundred fifty 5147
grams but is less than one thousand grams of hashish in a solid 5148
form or equals or exceeds fifty grams but is less than two hundred 5149
grams of hashish in a liquid concentrate, liquid extract, or 5150
liquid distillate form, trafficking in hashish is a felony of the 5151
third degree, and there is a presumption that a prison term shall 5152
be imposed for the offense. If the amount of the drug involved is 5153
within that range and if the offense was committed in the vicinity 5154

of a school or in the vicinity of a juvenile, trafficking in 5155
hashish is a felony of the second degree, and there is a 5156
presumption that a prison term shall be imposed for the offense. 5157

(f) Except as otherwise provided in this division, if the 5158
amount of the drug involved equals or exceeds one thousand grams 5159
but is less than two thousand grams of hashish in a solid form or 5160
equals or exceeds two hundred grams but is less than four hundred 5161
grams of hashish in a liquid concentrate, liquid extract, or 5162
liquid distillate form trafficking in hashish is a felony of the 5163
second degree, and the court shall impose a mandatory prison term 5164
of five, six, seven, or eight years. If the amount of the drug 5165
involved is within that range and if the offense was committed in 5166
the vicinity of a school or in the vicinity of a juvenile, 5167
trafficking in hashish is a felony of the first degree, and the 5168
court shall impose as a mandatory prison term the maximum prison 5169
term prescribed for a felony of the first degree. 5170

(g) Except as otherwise provided in this division, if the 5171
amount of the drug involved equals or exceeds two thousand grams 5172
of hashish in a solid form or equals or exceeds four hundred grams 5173
of hashish in a liquid concentrate, liquid extract, or liquid 5174
distillate form, trafficking in hashish is a felony of the second 5175
degree, and the court shall impose as a mandatory prison term the 5176
maximum prison term prescribed for a felony of the second degree. 5177
If the amount of the drug involved ~~is within that range~~ equals or 5178
exceeds two thousand grams of hashish in a solid form or equals or 5179
exceeds four hundred grams of hashish in a liquid concentrate, 5180
liquid extract, or liquid distillate form and if the offense was 5181
committed in the vicinity of a school or in the vicinity of a 5182
juvenile, trafficking in hashish is a felony of the first degree, 5183
and the court shall impose as a mandatory prison term the maximum 5184
prison term prescribed for a felony of the first degree. 5185

(D) In addition to any prison term authorized or required by 5186

division (C) of this section and sections 2929.13 and 2929.14 of 5187
the Revised Code, and in addition to any other sanction imposed 5188
for the offense under this section or sections 2929.11 to 2929.18 5189
of the Revised Code, the court that sentences an offender who is 5190
convicted of or pleads guilty to a violation of division (A) of 5191
this section shall do all of the following that are applicable 5192
regarding the offender: 5193

(1) If the violation of division (A) of this section is a 5194
felony of the first, second, or third degree, the court shall 5195
impose upon the offender the mandatory fine specified for the 5196
offense under division (B)(1) of section 2929.18 of the Revised 5197
Code unless, as specified in that division, the court determines 5198
that the offender is indigent. Except as otherwise provided in 5199
division (H)(1) of this section, a mandatory fine or any other 5200
fine imposed for a violation of this section is subject to 5201
division (F) of this section. If a person is charged with a 5202
violation of this section that is a felony of the first, second, 5203
or third degree, posts bail, and forfeits the bail, the clerk of 5204
the court shall pay the forfeited bail pursuant to divisions 5205
(D)(1) and (F) of this section, as if the forfeited bail was a 5206
fine imposed for a violation of this section. If any amount of the 5207
forfeited bail remains after that payment and if a fine is imposed 5208
under division (H)(1) of this section, the clerk of the court 5209
shall pay the remaining amount of the forfeited bail pursuant to 5210
divisions (H)(2) and (3) of this section, as if that remaining 5211
amount was a fine imposed under division (H)(1) of this section. 5212

(2) The court shall suspend the driver's or commercial 5213
driver's license or permit of the offender in accordance with 5214
division (G) of this section. 5215

(3) If the offender is a professionally licensed person, the 5216
court immediately shall comply with section 2925.38 of the Revised 5217
Code. 5218

(E) When a person is charged with the sale of or offer to 5219
sell a bulk amount or a multiple of a bulk amount of a controlled 5220
substance, the jury, or the court trying the accused, shall 5221
determine the amount of the controlled substance involved at the 5222
time of the offense and, if a guilty verdict is returned, shall 5223
return the findings as part of the verdict. In any such case, it 5224
is unnecessary to find and return the exact amount of the 5225
controlled substance involved, and it is sufficient if the finding 5226
and return is to the effect that the amount of the controlled 5227
substance involved is the requisite amount, or that the amount of 5228
the controlled substance involved is less than the requisite 5229
amount. 5230

(F)(1) Notwithstanding any contrary provision of section 5231
3719.21 of the Revised Code and except as provided in division (H) 5232
of this section, the clerk of the court shall pay any mandatory 5233
fine imposed pursuant to division (D)(1) of this section and any 5234
fine other than a mandatory fine that is imposed for a violation 5235
of this section pursuant to division (A) or (B)(5) of section 5236
2929.18 of the Revised Code to the county, township, municipal 5237
corporation, park district, as created pursuant to section 511.18 5238
or 1545.04 of the Revised Code, or state law enforcement agencies 5239
in this state that primarily were responsible for or involved in 5240
making the arrest of, and in prosecuting, the offender. However, 5241
the clerk shall not pay a mandatory fine so imposed to a law 5242
enforcement agency unless the agency has adopted a written 5243
internal control policy under division (F)(2) of this section that 5244
addresses the use of the fine moneys that it receives. Each agency 5245
shall use the mandatory fines so paid to subsidize the agency's 5246
law enforcement efforts that pertain to drug offenses, in 5247
accordance with the written internal control policy adopted by the 5248
recipient agency under division (F)(2) of this section. 5249

(2)(a) Prior to receiving any fine moneys under division 5250

(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;	5284 5285 5286 5287
(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;	5288 5289
(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.	5290 5291 5292
(3) As used in division (F) of this section:	5293
(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.	5294 5295
(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	5296 5297
(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.	5298 5299 5300 5301 5302 5303 5304 5305 5306 5307 5308 5309 5310 5311 5312
(H)(1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14	5313 5314

of the Revised Code, in addition to any other penalty or sanction 5315
imposed for the offense under this section or sections 2929.11 to 5316
2929.18 of the Revised Code, and in addition to the forfeiture of 5317
property in connection with the offense as prescribed in Chapter 5318
2981. of the Revised Code, the court that sentences an offender 5319
who is convicted of or pleads guilty to a violation of division 5320
(A) of this section may impose upon the offender an additional 5321
fine specified for the offense in division (B)(4) of section 5322
2929.18 of the Revised Code. A fine imposed under division (H)(1) 5323
of this section is not subject to division (F) of this section and 5324
shall be used solely for the support of one or more eligible 5325
alcohol and drug addiction programs in accordance with divisions 5326
(H)(2) and (3) of this section. 5327

(2) The court that imposes a fine under division (H)(1) of 5328
this section shall specify in the judgment that imposes the fine 5329
one or more eligible alcohol and drug addiction programs for the 5330
support of which the fine money is to be used. No alcohol and drug 5331
addiction program shall receive or use money paid or collected in 5332
satisfaction of a fine imposed under division (H)(1) of this 5333
section unless the program is specified in the judgment that 5334
imposes the fine. No alcohol and drug addiction program shall be 5335
specified in the judgment unless the program is an eligible 5336
alcohol and drug addiction program and, except as otherwise 5337
provided in division (H)(2) of this section, unless the program is 5338
located in the county in which the court that imposes the fine is 5339
located or in a county that is immediately contiguous to the 5340
county in which that court is located. If no eligible alcohol and 5341
drug addiction program is located in any of those counties, the 5342
judgment may specify an eligible alcohol and drug addiction 5343
program that is located anywhere within this state. 5344

(3) Notwithstanding any contrary provision of section 3719.21 5345
of the Revised Code, the clerk of the court shall pay any fine 5346

imposed under division (H)(1) of this section to the eligible 5347
alcohol and drug addiction program specified pursuant to division 5348
(H)(2) of this section in the judgment. The eligible alcohol and 5349
drug addiction program that receives the fine moneys shall use the 5350
moneys only for the alcohol and drug addiction services identified 5351
in the application for certification under section 3793.06 of the 5352
Revised Code or in the application for a license under section 5353
3793.11 of the Revised Code filed with the department of alcohol 5354
and drug addiction services by the alcohol and drug addiction 5355
program specified in the judgment. 5356

(4) Each alcohol and drug addiction program that receives in 5357
a calendar year any fine moneys under division (H)(3) of this 5358
section shall file an annual report covering that calendar year 5359
with the court of common pleas and the board of county 5360
commissioners of the county in which the program is located, with 5361
the court of common pleas and the board of county commissioners of 5362
each county from which the program received the moneys if that 5363
county is different from the county in which the program is 5364
located, and with the attorney general. The alcohol and drug 5365
addiction program shall file the report no later than the first 5366
day of March in the calendar year following the calendar year in 5367
which the program received the fine moneys. The report shall 5368
include statistics on the number of persons served by the alcohol 5369
and drug addiction program, identify the types of alcohol and drug 5370
addiction services provided to those persons, and include a 5371
specific accounting of the purposes for which the fine moneys 5372
received were used. No information contained in the report shall 5373
identify, or enable a person to determine the identity of, any 5374
person served by the alcohol and drug addiction program. Each 5375
report received by a court of common pleas, a board of county 5376
commissioners, or the attorney general is a public record open for 5377
inspection under section 149.43 of the Revised Code. 5378

(5) As used in divisions (H)(1) to (5) of this section:	5379
(a) "Alcohol and drug addiction program" and "alcohol and drug addiction services" have the same meanings as in section 3793.01 of the Revised Code.	5380 5381 5382
(b) "Eligible alcohol and drug addiction program" means an alcohol and drug addiction program that is certified under section 3793.06 of the Revised Code or licensed under section 3793.11 of the Revised Code by the department of alcohol and drug addiction services.	5383 5384 5385 5386 5387
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	5388 5389
Sec. 2925.05. (A) No person shall knowingly provide money or other items of value to another person with the purpose that the recipient of the money or items of value use them to obtain any controlled substance for the purpose of violating section 2925.04 of the Revised Code or for the purpose of selling or offering to sell the controlled substance in the following amount:	5390 5391 5392 5393 5394 5395
(1) If the drug to be sold or offered for sale is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish, or schedule III, IV, or V, an amount of the drug that equals or exceeds the bulk amount of the drug;	5396 5397 5398 5399 5400
(2) If the drug to be sold or offered for sale is marihuana or a compound, mixture, preparation, or substance other than hashish containing marihuana, an amount of the marihuana that equals or exceeds two hundred grams;	5401 5402 5403 5404
(3) If the drug to be sold or offered for sale is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the cocaine that equals or exceeds five grams if the cocaine is not crack cocaine or equals or exceeds one gram if the	5405 5406 5407 5408

~~cocaine is crack cocaine;~~ 5409

(4) If the drug to be sold or offered for sale is L.S.D. or a 5410
compound, mixture, preparation, or substance containing L.S.D., an 5411
amount of the L.S.D. that equals or exceeds ten unit doses if the 5412
L.S.D. is in a solid form or equals or exceeds one gram if the 5413
L.S.D. is in a liquid concentrate, liquid extract, or liquid 5414
distillate form; 5415

(5) If the drug to be sold or offered for sale is heroin or a 5416
compound, mixture, preparation, or substance containing heroin, an 5417
amount of the heroin that equals or exceeds ten unit doses or 5418
equals or exceeds one gram; 5419

(6) If the drug to be sold or offered for sale is hashish or 5420
a compound, mixture, preparation, or substance containing hashish, 5421
an amount of the hashish that equals or exceeds ten grams if the 5422
hashish is in a solid form or equals or exceeds two grams if the 5423
hashish is in a liquid concentrate, liquid extract, or liquid 5424
distillate form. 5425

(B) This section does not apply to any person listed in 5426
division (B)(1), (2), or (3) of section 2925.03 of the Revised 5427
Code to the extent and under the circumstances described in those 5428
divisions. 5429

(C)(1) If the drug involved in the violation is any compound, 5430
mixture, preparation, or substance included in schedule I or II, 5431
with the exception of marihuana, whoever violates division (A) of 5432
this section is guilty of aggravated funding of drug trafficking, 5433
a felony of the first degree, and, subject to division (E) of this 5434
section, the court shall impose as a mandatory prison term one of 5435
the prison terms prescribed for a felony of the first degree. 5436

(2) If the drug involved in the violation is any compound, 5437
mixture, preparation, or substance included in schedule III, IV, 5438
or V, whoever violates division (A) of this section is guilty of 5439

funding of drug trafficking, a felony of the second degree, and 5440
the court shall impose as a mandatory prison term one of the 5441
prison terms prescribed for a felony of the second degree. 5442

(3) If the drug involved in the violation is marihuana, 5443
whoever violates division (A) of this section is guilty of funding 5444
of marihuana trafficking, a felony of the third degree, and the 5445
court shall impose as a mandatory prison term one of the prison 5446
terms prescribed for a felony of the third degree. 5447

(D) In addition to any prison term authorized or required by 5448
division (C) or (E) of this section and sections 2929.13 and 5449
2929.14 of the Revised Code and in addition to any other sanction 5450
imposed for the offense under this section or sections 2929.11 to 5451
2929.18 of the Revised Code, the court that sentences an offender 5452
who is convicted of or pleads guilty to a violation of division 5453
(A) of this section shall do all of the following that are 5454
applicable regarding the offender: 5455

(1) The court shall impose the mandatory fine specified for 5456
the offense under division (B)(1) of section 2929.18 of the 5457
Revised Code unless, as specified in that division, the court 5458
determines that the offender is indigent. The clerk of the court 5459
shall pay a mandatory fine or other fine imposed for a violation 5460
of this section pursuant to division (A) of section 2929.18 of the 5461
Revised Code in accordance with and subject to the requirements of 5462
division (F) of section 2925.03 of the Revised Code. The agency 5463
that receives the fine shall use the fine in accordance with 5464
division (F) of section 2925.03 of the Revised Code. If a person 5465
is charged with a violation of this section, posts bail, and 5466
forfeits the bail, the forfeited bail shall be paid as if the 5467
forfeited bail were a fine imposed for a violation of this 5468
section. 5469

(2) The court shall suspend the offender's driver's or 5470
commercial driver's license or permit in accordance with division 5471

(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 5502
the use of an anabolic steroid if the project has been approved by 5503
the United States food and drug administration; 5504

(3) Any person who sells, offers for sale, prescribes, 5505
dispenses, or administers for livestock or other nonhuman species 5506
an anabolic steroid that is expressly intended for administration 5507
through implants to livestock or other nonhuman species and 5508
approved for that purpose under the "Federal Food, Drug, and 5509
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5510
and is sold, offered for sale, prescribed, dispensed, or 5511
administered for that purpose in accordance with that act; 5512

(4) Any person who obtained the controlled substance pursuant 5513
to a lawful prescription issued by a licensed health professional 5514
authorized to prescribe drugs. 5515

(C) Whoever violates division (A) of this section is guilty 5516
of one of the following: 5517

(1) If the drug involved in the violation is a compound, 5518
mixture, preparation, or substance included in schedule I or II, 5519
with the exception of marihuana, cocaine, L.S.D., heroin, and 5520
hashish, whoever violates division (A) of this section is guilty 5521
of aggravated possession of drugs. The penalty for the offense 5522
shall be determined as follows: 5523

(a) Except as otherwise provided in division (C)(1)(b), (c), 5524
(d), or (e) of this section, aggravated possession of drugs is a 5525
felony of the fifth degree, and division (B) of section 2929.13 of 5526
the Revised Code applies in determining whether to impose a prison 5527
term on the offender. 5528

(b) If the amount of the drug involved equals or exceeds the 5529
bulk amount but is less than five times the bulk amount, 5530
aggravated possession of drugs is a felony of the third degree, 5531
and there is a presumption for a prison term for the offense. 5532

(c) If the amount of the drug involved equals or exceeds five 5533
times the bulk amount but is less than fifty times the bulk 5534
amount, aggravated possession of drugs is a felony of the second 5535
degree, and the court shall impose as a mandatory prison term one 5536
of the prison terms prescribed for a felony of the second degree. 5537

(d) If the amount of the drug involved equals or exceeds 5538
fifty times the bulk amount but is less than one hundred times the 5539
bulk amount, aggravated possession of drugs is a felony of the 5540
first degree, and the court shall impose as a mandatory prison 5541
term one of the prison terms prescribed for a felony of the first 5542
degree. 5543

(e) If the amount of the drug involved equals or exceeds one 5544
hundred times the bulk amount, aggravated possession of drugs is a 5545
felony of the first degree, the offender is a major drug offender, 5546
and the court shall impose as a mandatory prison term the maximum 5547
prison term prescribed for a felony of the first degree and may 5548
impose an additional mandatory prison term prescribed for a major 5549
drug offender under division (D)(3)(b) of section 2929.14 of the 5550
Revised Code. 5551

(2) If the drug involved in the violation is a compound, 5552
mixture, preparation, or substance included in schedule III, IV, 5553
or V, whoever violates division (A) of this section is guilty of 5554
possession of drugs. The penalty for the offense shall be 5555
determined as follows: 5556

(a) Except as otherwise provided in division (C)(2)(b), (c), 5557
or (d) of this section, possession of drugs is a misdemeanor of 5558
the first degree or, if the offender previously has been convicted 5559
of a drug abuse offense, a felony of the fifth degree. 5560

(b) If the amount of the drug involved equals or exceeds the 5561
bulk amount but is less than five times the bulk amount, 5562
possession of drugs is a felony of the fourth degree, and division 5563

(C) of section 2929.13 of the Revised Code applies in determining 5564
whether to impose a prison term on the offender. 5565

(c) If the amount of the drug involved equals or exceeds five 5566
times the bulk amount but is less than fifty times the bulk 5567
amount, possession of drugs is a felony of the third degree, and 5568
there is a presumption for a prison term for the offense. 5569

(d) If the amount of the drug involved equals or exceeds 5570
fifty times the bulk amount, possession of drugs is a felony of 5571
the second degree, and the court shall impose upon the offender as 5572
a mandatory prison term one of the prison terms prescribed for a 5573
felony of the second degree. 5574

(3) If the drug involved in the violation is marihuana or a 5575
compound, mixture, preparation, or substance containing marihuana 5576
other than hashish, whoever violates division (A) of this section 5577
is guilty of possession of marihuana. The penalty for the offense 5578
shall be determined as follows: 5579

(a) Except as otherwise provided in division (C)(3)(b), (c), 5580
(d), (e), ~~or (f)~~, or (g) of this section, possession of marihuana 5581
is a minor misdemeanor. 5582

(b) If the amount of the drug involved equals or exceeds one 5583
hundred grams but is less than two hundred grams, possession of 5584
marihuana is a misdemeanor of the fourth degree. 5585

(c) If the amount of the drug involved equals or exceeds two 5586
hundred grams but is less than one thousand grams, possession of 5587
marihuana is a felony of the fifth degree, and division (B) of 5588
section 2929.13 of the Revised Code applies in determining whether 5589
to impose a prison term on the offender. 5590

(d) If the amount of the drug involved equals or exceeds one 5591
thousand grams but is less than five thousand grams, possession of 5592
marihuana is a felony of the third degree, and division (C) of 5593
section 2929.13 of the Revised Code applies in determining whether 5594

to impose a prison term on the offender. 5595

(e) If the amount of the drug involved equals or exceeds five 5596
thousand grams but is less than twenty thousand grams, possession 5597
of marihuana is a felony of the third degree, and there is a 5598
presumption that a prison term shall be imposed for the offense. 5599

(f) If the amount of the drug involved equals or exceeds 5600
twenty thousand grams but is less than forty thousand grams, 5601
possession of marihuana is a felony of the second degree, and the 5602
court shall impose a mandatory prison term of five, six, seven, or 5603
eight years. 5604

(g) If the amount of the drug involved equals or exceeds 5605
forty thousand grams, possession of marihuana is a felony of the 5606
second degree, and the court shall impose as a mandatory prison 5607
term the maximum prison term prescribed for a felony of the second 5608
degree. 5609

(4) If the drug involved in the violation is cocaine or a 5610
compound, mixture, preparation, or substance containing cocaine, 5611
whoever violates division (A) of this section is guilty of 5612
possession of cocaine. The penalty for the offense shall be 5613
determined as follows: 5614

(a) Except as otherwise provided in division (C)(4)(b), (c), 5615
(d), (e), or (f) of this section, possession of cocaine is a 5616
felony of the fifth degree, and division (B) of section 2929.13 of 5617
the Revised Code applies in determining whether to impose a prison 5618
term on the offender. 5619

(b) If the amount of the drug involved equals or exceeds five 5620
grams but is less than ~~twenty five~~ ten grams of cocaine ~~that is~~ 5621
~~not crack cocaine or equals or exceeds one gram but is less than~~ 5622
~~five grams of crack cocaine,~~ possession of cocaine is a felony of 5623
the fourth degree, and ~~there is a presumption for a prison term~~ 5624
~~for the offense~~ division (B) of section 2929.13 of the Revised 5625

Code applies in determining whether to impose a prison term on the offender. 5626
5627

(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. 5628
5629
5630
5631
5632
5633
5634

(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. 5635
5636
5637
5638
5639
5640
5641

(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. 5642
5643
5644
5645
5646
5647
5648

(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. 5649
5650
5651
5652
5653
5654
5655
5656
5657

(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 5721
prison term on the offender. 5722

(c) If the amount of the drug involved equals or exceeds 5723
fifty unit doses but is less than one hundred unit doses or equals 5724
or exceeds five grams but is less than ten grams, possession of 5725
heroin is a felony of the third degree, and there is a presumption 5726
for a prison term for the offense. 5727

(d) If the amount of the drug involved equals or exceeds one 5728
hundred unit doses but is less than five hundred unit doses or 5729
equals or exceeds ten grams but is less than fifty grams, 5730
possession of heroin is a felony of the second degree, and the 5731
court shall impose as a mandatory prison term one of the prison 5732
terms prescribed for a felony of the second degree. 5733

(e) If the amount of the drug involved equals or exceeds five 5734
hundred unit doses but is less than two thousand five hundred unit 5735
doses or equals or exceeds fifty grams but is less than two 5736
hundred fifty grams, possession of heroin is a felony of the first 5737
degree, and the court shall impose as a mandatory prison term one 5738
of the prison terms prescribed for a felony of the first degree. 5739

(f) If the amount of the drug involved equals or exceeds two 5740
thousand five hundred unit doses or equals or exceeds two hundred 5741
fifty grams, possession of heroin is a felony of the first degree, 5742
the offender is a major drug offender, and the court shall impose 5743
as a mandatory prison term the maximum prison term prescribed for 5744
a felony of the first degree and may impose an additional 5745
mandatory prison term prescribed for a major drug offender under 5746
division (D)(3)(b) of section 2929.14 of the Revised Code. 5747

(7) If the drug involved in the violation is hashish or a 5748
compound, mixture, preparation, or substance containing hashish, 5749
whoever violates division (A) of this section is guilty of 5750
possession of hashish. The penalty for the offense shall be 5751

determined as follows: 5752

(a) Except as otherwise provided in division (C)(7)(b), (c), 5753
(d), (e), ~~or (f)~~, or (g) of this section, possession of hashish is 5754
a minor misdemeanor. 5755

(b) If the amount of the drug involved equals or exceeds five 5756
grams but is less than ten grams of hashish in a solid form or 5757
equals or exceeds one gram but is less than two grams of hashish 5758
in a liquid concentrate, liquid extract, or liquid distillate 5759
form, possession of hashish is a misdemeanor of the fourth degree. 5760

(c) If the amount of the drug involved equals or exceeds ten 5761
grams but is less than fifty grams of hashish in a solid form or 5762
equals or exceeds two grams but is less than ten grams of hashish 5763
in a liquid concentrate, liquid extract, or liquid distillate 5764
form, possession of hashish is a felony of the fifth degree, and 5765
division (B) of section 2929.13 of the Revised Code applies in 5766
determining whether to impose a prison term on the offender. 5767

(d) If the amount of the drug involved equals or exceeds 5768
fifty grams but is less than two hundred fifty grams of hashish in 5769
a solid form or equals or exceeds ten grams but is less than fifty 5770
grams of hashish in a liquid concentrate, liquid extract, or 5771
liquid distillate form, possession of hashish is a felony of the 5772
third degree, and division (C) of section 2929.13 of the Revised 5773
Code applies in determining whether to impose a prison term on the 5774
offender. 5775

(e) If the amount of the drug involved equals or exceeds two 5776
hundred fifty grams but is less than one thousand grams of hashish 5777
in a solid form or equals or exceeds fifty grams but is less than 5778
two hundred grams of hashish in a liquid concentrate, liquid 5779
extract, or liquid distillate form, possession of hashish is a 5780
felony of the third degree, and there is a presumption that a 5781
prison term shall be imposed for the offense. 5782

(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 5815
section 2929.18 of the Revised Code unless, as specified in that 5816
division, the court determines that the offender is indigent. 5817

(b) Notwithstanding any contrary provision of section 3719.21 5818
of the Revised Code, the clerk of the court shall pay a mandatory 5819
fine or other fine imposed for a violation of this section 5820
pursuant to division (A) of section 2929.18 of the Revised Code in 5821
accordance with and subject to the requirements of division (F) of 5822
section 2925.03 of the Revised Code. The agency that receives the 5823
fine shall use the fine as specified in division (F) of section 5824
2925.03 of the Revised Code. 5825

(c) If a person is charged with a violation of this section 5826
that is a felony of the first, second, or third degree, posts 5827
bail, and forfeits the bail, the clerk shall pay the forfeited 5828
bail pursuant to division (E)(1)(b) of this section as if it were 5829
a mandatory fine imposed under division (E)(1)(a) of this section. 5830

(2) The court shall suspend for not less than six months or 5831
more than five years the offender's driver's or commercial 5832
driver's license or permit. 5833

(3) If the offender is a professionally licensed person, in 5834
addition to any other sanction imposed for a violation of this 5835
section, the court immediately shall comply with section 2925.38 5836
of the Revised Code. 5837

(F) It is an affirmative defense, as provided in section 5838
2901.05 of the Revised Code, to a charge of a fourth degree felony 5839
violation under this section that the controlled substance that 5840
gave rise to the charge is in an amount, is in a form, is 5841
prepared, compounded, or mixed with substances that are not 5842
controlled substances in a manner, or is possessed under any other 5843
circumstances, that indicate that the substance was possessed 5844
solely for personal use. Notwithstanding any contrary provision of 5845

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 5876
the offender maintain contact with a person appointed to supervise 5877
the offender in accordance with sanctions imposed by the court or 5878
imposed by the parole board pursuant to section 2967.28 of the 5879
Revised Code. "Basic probation supervision" includes basic parole 5880
supervision and basic post-release control supervision. 5881

(C) "Cocaine," ~~"crack cocaine,"~~ "hashish," "L.S.D.," and 5882
"unit dose" have the same meanings as in section 2925.01 of the 5883
Revised Code. 5884

(D) "Community-based correctional facility" means a 5885
community-based correctional facility and program or district 5886
community-based correctional facility and program developed 5887
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 5888

(E) "Community control sanction" means a sanction that is not 5889
a prison term and that is described in section 2929.15, 2929.16, 5890
2929.17, or 2929.18 of the Revised Code or a sanction that is not 5891
a jail term and that is described in section 2929.26, 2929.27, or 5892
2929.28 of the Revised Code. "Community control sanction" includes 5893
probation if the sentence involved was imposed for a felony that 5894
was committed prior to July 1, 1996, or if the sentence involved 5895
was imposed for a misdemeanor that was committed prior to January 5896
1, 2004. 5897

(F) "Controlled substance," "marihuana," "schedule I," and 5898
"schedule II" have the same meanings as in section 3719.01 of the 5899
Revised Code. 5900

(G) "Curfew" means a requirement that an offender during a 5901
specified period of time be at a designated place. 5902

(H) "Day reporting" means a sanction pursuant to which an 5903
offender is required each day to report to and leave a center or 5904
other approved reporting location at specified times in order to 5905
participate in work, education or training, treatment, and other 5906

approved programs at the center or outside the center. 5907

(I) "Deadly weapon" has the same meaning as in section 5908
2923.11 of the Revised Code. 5909

(J) "Drug and alcohol use monitoring" means a program under 5910
which an offender agrees to submit to random chemical analysis of 5911
the offender's blood, breath, or urine to determine whether the 5912
offender has ingested any alcohol or other drugs. 5913

(K) "Drug treatment program" means any program under which a 5914
person undergoes assessment and treatment designed to reduce or 5915
completely eliminate the person's physical or emotional reliance 5916
upon alcohol, another drug, or alcohol and another drug and under 5917
which the person may be required to receive assessment and 5918
treatment on an outpatient basis or may be required to reside at a 5919
facility other than the person's home or residence while 5920
undergoing assessment and treatment. 5921

(L) "Economic loss" means any economic detriment suffered by 5922
a victim as a direct and proximate result of the commission of an 5923
offense and includes any loss of income due to lost time at work 5924
because of any injury caused to the victim, and any property loss, 5925
medical cost, or funeral expense incurred as a result of the 5926
commission of the offense. "Economic loss" does not include 5927
non-economic loss or any punitive or exemplary damages. 5928

(M) "Education or training" includes study at, or in 5929
conjunction with a program offered by, a university, college, or 5930
technical college or vocational study and also includes the 5931
completion of primary school, secondary school, and literacy 5932
curricula or their equivalent. 5933

(N) "Firearm" has the same meaning as in section 2923.11 of 5934
the Revised Code. 5935

(O) "Halfway house" means a facility licensed by the division 5936
of parole and community services of the department of 5937

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 6001
five hundred unit doses or two hundred fifty grams of heroin; at 6002
least five thousand unit doses of L.S.D. or five hundred grams of 6003
L.S.D. in a liquid concentrate, liquid extract, or liquid 6004
distillate form; or at least one hundred times the amount of any 6005
other schedule I or II controlled substance other than marihuana 6006
that is necessary to commit a felony of the third degree pursuant 6007
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6008
Code that is based on the possession of, sale of, or offer to sell 6009
the controlled substance. 6010

(X) "Mandatory prison term" means any of the following: 6011

(1) Subject to division (X)(2) of this section, the term in 6012
prison that must be imposed for the offenses or circumstances set 6013
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 6014
2929.13 and division (D) of section 2929.14 of the Revised Code. 6015
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 6016
and 2925.11 of the Revised Code, unless the maximum or another 6017
specific term is required under section 2929.14 or 2929.142 of the 6018
Revised Code, a mandatory prison term described in this division 6019
may be any prison term authorized for the level of offense. 6020

(2) The term of sixty or one hundred twenty days in prison 6021
that a sentencing court is required to impose for a third or 6022
fourth degree felony OVI offense pursuant to division (G)(2) of 6023
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 6024
of the Revised Code or the term of one, two, three, four, or five 6025
years in prison that a sentencing court is required to impose 6026
pursuant to division (G)(2) of section 2929.13 of the Revised 6027
Code. 6028

(3) The term in prison imposed pursuant to division (A) of 6029
section 2971.03 of the Revised Code for the offenses and in the 6030
circumstances described in division (F)(11) of section 2929.13 of 6031
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 6032

(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 6033
2971.03 of the Revised Code and that term as modified or 6034
terminated pursuant to section 2971.05 of the Revised Code. 6035

(Y) "Monitored time" means a period of time during which an 6036
offender continues to be under the control of the sentencing court 6037
or parole board, subject to no conditions other than leading a 6038
law-abiding life. 6039

(Z) "Offender" means a person who, in this state, is 6040
convicted of or pleads guilty to a felony or a misdemeanor. 6041

(AA) "Prison" means a residential facility used for the 6042
confinement of convicted felony offenders that is under the 6043
control of the department of rehabilitation and correction but 6044
does not include a violation sanction center operated under 6045
authority of section 2967.141 of the Revised Code. 6046

(BB) "Prison term" includes either of the following sanctions 6047
for an offender: 6048

(1) A stated prison term; 6049

(2) A term in a prison shortened by, or with the approval of, 6050
the sentencing court pursuant to section 2929.20, 2967.26, 6051
5120.031, 5120.032, or 5120.073 of the Revised Code. 6052

(CC) "Repeat violent offender" means a person about whom both 6053
of the following apply: 6054

(1) The person is being sentenced for committing or for 6055
complicity in committing any of the following: 6056

(a) Aggravated murder, murder, any felony of the first or 6057
second degree that is an offense of violence, or an attempt to 6058
commit any of these offenses if the attempt is a felony of the 6059
first or second degree; 6060

(b) An offense under an existing or former law of this state, 6061
another state, or the United States that is or was substantially 6062

equivalent to an offense described in division (CC)(1)(a) of this section. 6063
6064

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC)(1)(a) or (b) of this section. 6065
6066
6067

(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. 6068
6069
6070
6071
6072

(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. 6073
6074
6075

(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. 6076
6077
6078
6079
6080
6081
6082
6083
6084
6085

(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. 6086
6087
6088
6089
6090

(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. 6091
6092
6093

(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 6125
division (G) of that section, is a felony of the third degree. 6126

(QQ) "Random drug testing" has the same meaning as in section 6127
5120.63 of the Revised Code. 6128

(RR) "Felony sex offense" has the same meaning as in section 6129
2967.28 of the Revised Code. 6130

(SS) "Body armor" has the same meaning as in section 6131
2941.1411 of the Revised Code. 6132

(TT) "Electronic monitoring" means monitoring through the use 6133
of an electronic monitoring device. 6134

(UU) "Electronic monitoring device" means any of the 6135
following: 6136

(1) Any device that can be operated by electrical or battery 6137
power and that conforms with all of the following: 6138

(a) The device has a transmitter that can be attached to a 6139
person, that will transmit a specified signal to a receiver of the 6140
type described in division (UU)(1)(b) of this section if the 6141
transmitter is removed from the person, turned off, or altered in 6142
any manner without prior court approval in relation to electronic 6143
monitoring or without prior approval of the department of 6144
rehabilitation and correction in relation to the use of an 6145
electronic monitoring device for an inmate on transitional control 6146
or otherwise is tampered with, that can transmit continuously and 6147
periodically a signal to that receiver when the person is within a 6148
specified distance from the receiver, and that can transmit an 6149
appropriate signal to that receiver if the person to whom it is 6150
attached travels a specified distance from that receiver. 6151

(b) The device has a receiver that can receive continuously 6152
the signals transmitted by a transmitter of the type described in 6153
division (UU)(1)(a) of this section, can transmit continuously 6154

those signals by telephone to a central monitoring computer of the 6155
type described in division (UU)(1)(c) of this section, and can 6156
transmit continuously an appropriate signal to that central 6157
monitoring computer if the receiver is turned off or altered 6158
without prior court approval or otherwise tampered with. 6159

(c) The device has a central monitoring computer that can 6160
receive continuously the signals transmitted by telephone by a 6161
receiver of the type described in division (UU)(1)(b) of this 6162
section and can monitor continuously the person to whom an 6163
electronic monitoring device of the type described in division 6164
(UU)(1)(a) of this section is attached. 6165

(2) Any device that is not a device of the type described in 6166
division (UU)(1) of this section and that conforms with all of the 6167
following: 6168

(a) The device includes a transmitter and receiver that can 6169
monitor and determine the location of a subject person at any 6170
time, or at a designated point in time, through the use of a 6171
central monitoring computer or through other electronic means. 6172

(b) The device includes a transmitter and receiver that can 6173
determine at any time, or at a designated point in time, through 6174
the use of a central monitoring computer or other electronic means 6175
the fact that the transmitter is turned off or altered in any 6176
manner without prior approval of the court in relation to the 6177
electronic monitoring or without prior approval of the department 6178
of rehabilitation and correction in relation to the use of an 6179
electronic monitoring device for an inmate on transitional control 6180
or otherwise is tampered with. 6181

(3) Any type of technology that can adequately track or 6182
determine the location of a subject person at any time and that is 6183
approved by the director of rehabilitation and correction, 6184
including, but not limited to, any satellite technology, voice 6185

tracking system, or retinal scanning system that is so approved. 6186

(VV) "Non-economic loss" means nonpecuniary harm suffered by 6187
a victim of an offense as a result of or related to the commission 6188
of the offense, including, but not limited to, pain and suffering; 6189
loss of society, consortium, companionship, care, assistance, 6190
attention, protection, advice, guidance, counsel, instruction, 6191
training, or education; mental anguish; and any other intangible 6192
loss. 6193

(WW) "Prosecutor" has the same meaning as in section 2935.01 6194
of the Revised Code. 6195

(XX) "Continuous alcohol monitoring" means the ability to 6196
automatically test and periodically transmit alcohol consumption 6197
levels and tamper attempts at least every hour, regardless of the 6198
location of the person who is being monitored. 6199

(YY) A person is "adjudicated a sexually violent predator" if 6200
the person is convicted of or pleads guilty to a violent sex 6201
offense and also is convicted of or pleads guilty to a sexually 6202
violent predator specification that was included in the 6203
indictment, count in the indictment, or information charging that 6204
violent sex offense or if the person is convicted of or pleads 6205
guilty to a designated homicide, assault, or kidnapping offense 6206
and also is convicted of or pleads guilty to both a sexual 6207
motivation specification and a sexually violent predator 6208
specification that were included in the indictment, count in the 6209
indictment, or information charging that designated homicide, 6210
assault, or kidnapping offense. 6211

(ZZ) An offense is "committed in proximity to a school" if 6212
the offender commits the offense in a school safety zone or within 6213
five hundred feet of any school building or the boundaries of any 6214
school premises, regardless of whether the offender knows the 6215
offense is being committed in a school safety zone or within five 6216

hundred feet of any school building or the boundaries of any 6217
school premises. 6218

(AAA) "Human trafficking" means a scheme or plan to which all 6219
of the following apply: 6220

(1) Its object is to compel a victim or victims to engage in 6221
sexual activity for hire, to engage in a performance that is 6222
obscene, sexually oriented, or nudity oriented, or to be a model 6223
or participant in the production of material that is obscene, 6224
sexually oriented, or nudity oriented. 6225

(2) It involves at least two felony offenses, whether or not 6226
there has been a prior conviction for any of the felony offenses, 6227
to which all of the following apply: 6228

(a) Each of the felony offenses is a violation of section 6229
2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or 6230
(2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) 6231
of section 2919.22 of the Revised Code or is a violation of a law 6232
of any state other than this state that is substantially similar 6233
to any of the sections or divisions of the Revised Code identified 6234
in this division. 6235

(b) At least one of the felony offenses was committed in this 6236
state. 6237

(c) The felony offenses are related to the same scheme or 6238
plan, are not isolated instances, and are not so closely related 6239
to each other and connected in time and place that they constitute 6240
a single event or transaction. 6241

(BBB) "Material," "nudity," "obscene," "performance," and 6242
"sexual activity" have the same meanings as in section 2907.01 of 6243
the Revised Code. 6244

(CCC) "Material that is obscene, sexually oriented, or nudity 6245
oriented" means any material that is obscene, that shows a person 6246

participating or engaging in sexual activity, masturbation, or 6247
bestiality, or that shows a person in a state of nudity. 6248

(DDD) "Performance that is obscene, sexually oriented, or 6249
nudity oriented" means any performance that is obscene, that shows 6250
a person participating or engaging in sexual activity, 6251
masturbation, or bestiality, or that shows a person in a state of 6252
nudity. 6253

Sec. 2929.13. (A) Except as provided in division (E), (F), or 6254
(G) of this section and unless a specific sanction is required to 6255
be imposed or is precluded from being imposed pursuant to law, a 6256
court that imposes a sentence upon an offender for a felony may 6257
impose any sanction or combination of sanctions on the offender 6258
that are provided in sections 2929.14 to 2929.18 of the Revised 6259
Code. The sentence shall not impose an unnecessary burden on state 6260
or local government resources. 6261

If the offender is eligible to be sentenced to community 6262
control sanctions, the court shall consider the appropriateness of 6263
imposing a financial sanction pursuant to section 2929.18 of the 6264
Revised Code or a sanction of community service pursuant to 6265
section 2929.17 of the Revised Code as the sole sanction for the 6266
offense. Except as otherwise provided in this division, if the 6267
court is required to impose a mandatory prison term for the 6268
offense for which sentence is being imposed, the court also shall 6269
impose any financial sanction pursuant to section 2929.18 of the 6270
Revised Code that is required for the offense and may impose any 6271
other financial sanction pursuant to that section but may not 6272
impose any additional sanction or combination of sanctions under 6273
section 2929.16 or 2929.17 of the Revised Code. 6274

If the offender is being sentenced for a fourth degree felony 6275
OVI offense or for a third degree felony OVI offense, in addition 6276
to the mandatory term of local incarceration or the mandatory 6277

prison term required for the offense by division (G)(1) or (2) of 6278
this section, the court shall impose upon the offender a mandatory 6279
fine in accordance with division (B)(3) of section 2929.18 of the 6280
Revised Code and may impose whichever of the following is 6281
applicable: 6282

(1) For a fourth degree felony OVI offense for which sentence 6283
is imposed under division (G)(1) of this section, an additional 6284
community control sanction or combination of community control 6285
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 6286
the court imposes upon the offender a community control sanction 6287
and the offender violates any condition of the community control 6288
sanction, the court may take any action prescribed in division (B) 6289
of section 2929.15 of the Revised Code relative to the offender, 6290
including imposing a prison term on the offender pursuant to that 6291
division. 6292

(2) For a third or fourth degree felony OVI offense for which 6293
sentence is imposed under division (G)(2) of this section, an 6294
additional prison term as described in division (D)(4) of section 6295
2929.14 of the Revised Code or a community control sanction as 6296
described in division (G)(2) of this section. 6297

(B)(1) Except as provided in division (B)(2), (E), (F), or 6298
(G) of this section, in sentencing an offender for a felony of the 6299
fourth or fifth degree, the sentencing court shall determine 6300
whether any of the following apply: 6301

(a) In committing the offense, the offender caused physical 6302
harm to a person. 6303

(b) In committing the offense, the offender attempted to 6304
cause or made an actual threat of physical harm to a person with a 6305
deadly weapon. 6306

(c) In committing the offense, the offender attempted to 6307
cause or made an actual threat of physical harm to a person, and 6308

the offender previously was convicted of an offense that caused 6309
physical harm to a person. 6310

(d) The offender held a public office or position of trust 6311
and the offense related to that office or position; the offender's 6312
position obliged the offender to prevent the offense or to bring 6313
those committing it to justice; or the offender's professional 6314
reputation or position facilitated the offense or was likely to 6315
influence the future conduct of others. 6316

(e) The offender committed the offense for hire or as part of 6317
an organized criminal activity. 6318

(f) The offense is a sex offense that is a fourth or fifth 6319
degree felony violation of section 2907.03, 2907.04, 2907.05, 6320
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 6321
Revised Code. 6322

(g) The offender at the time of the offense was serving, or 6323
the offender previously had served, a prison term. 6324

(h) The offender committed the offense while under a 6325
community control sanction, while on probation, or while released 6326
from custody on a bond or personal recognizance. 6327

(i) The offender committed the offense while in possession of 6328
a firearm. 6329

(2)(a) If the court makes a finding described in division 6330
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 6331
section and if the court, after considering the factors set forth 6332
in section 2929.12 of the Revised Code, finds that a prison term 6333
is consistent with the purposes and principles of sentencing set 6334
forth in section 2929.11 of the Revised Code and finds that the 6335
offender is not amenable to an available community control 6336
sanction, the court shall impose a prison term upon the offender. 6337

(b) Except as provided in division (E), (F), or (G) of this 6338

section, if the court does not make a finding described in 6339
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 6340
this section and if the court, after considering the factors set 6341
forth in section 2929.12 of the Revised Code, finds that a 6342
community control sanction or combination of community control 6343
sanctions is consistent with the purposes and principles of 6344
sentencing set forth in section 2929.11 of the Revised Code, the 6345
court shall impose a community control sanction or combination of 6346
community control sanctions upon the offender. 6347

(C) Except as provided in division (D), (E), (F), or (G) of 6348
this section, in determining whether to impose a prison term as a 6349
sanction for a felony of the third degree or a felony drug offense 6350
that is a violation of a provision of Chapter 2925. of the Revised 6351
Code and that is specified as being subject to this division for 6352
purposes of sentencing, the sentencing court shall comply with the 6353
purposes and principles of sentencing under section 2929.11 of the 6354
Revised Code and with section 2929.12 of the Revised Code. 6355

(D)(1) Except as provided in division (E) or (F) of this 6356
section, for a felony of the first or second degree, for a felony 6357
drug offense that is a violation of any provision of Chapter 6358
2925., 3719., or 4729. of the Revised Code for which a presumption 6359
in favor of a prison term is specified as being applicable, and 6360
for a violation of division (A)(4) or (B) of section 2907.05 of 6361
the Revised Code for which a presumption in favor of a prison term 6362
is specified as being applicable, it is presumed that a prison 6363
term is necessary in order to comply with the purposes and 6364
principles of sentencing under section 2929.11 of the Revised 6365
Code. Division (D)(2) of this section does not apply to a 6366
presumption established under this division for a violation of 6367
division (A)(4) of section 2907.05 of the Revised Code. 6368

(2) Notwithstanding the presumption established under 6369
division (D)(1) of this section for the offenses listed in that 6370

division other than a violation of division (A)(4) or (B) of 6371
section 2907.05 of the Revised Code, the sentencing court may 6372
impose a community control sanction or a combination of community 6373
control sanctions instead of a prison term on an offender for a 6374
felony of the first or second degree or for a felony drug offense 6375
that is a violation of any provision of Chapter 2925., 3719., or 6376
4729. of the Revised Code for which a presumption in favor of a 6377
prison term is specified as being applicable if it makes both of 6378
the following findings: 6379

(a) A community control sanction or a combination of 6380
community control sanctions would adequately punish the offender 6381
and protect the public from future crime, because the applicable 6382
factors under section 2929.12 of the Revised Code indicating a 6383
lesser likelihood of recidivism outweigh the applicable factors 6384
under that section indicating a greater likelihood of recidivism. 6385

(b) A community control sanction or a combination of 6386
community control sanctions would not demean the seriousness of 6387
the offense, because one or more factors under section 2929.12 of 6388
the Revised Code that indicate that the offender's conduct was 6389
less serious than conduct normally constituting the offense are 6390
applicable, and they outweigh the applicable factors under that 6391
section that indicate that the offender's conduct was more serious 6392
than conduct normally constituting the offense. 6393

(E)(1) Except as provided in division (F) of this section, 6394
for any drug offense that is a violation of any provision of 6395
Chapter 2925. of the Revised Code and that is a felony of the 6396
third, fourth, or fifth degree, the applicability of a presumption 6397
under division (D) of this section in favor of a prison term or of 6398
division (B) or (C) of this section in determining whether to 6399
impose a prison term for the offense shall be determined as 6400
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6401
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 6402

Revised Code, whichever is applicable regarding the violation. 6403

(2) If an offender who was convicted of or pleaded guilty to 6404
a felony violates the conditions of a community control sanction 6405
imposed for the offense solely by reason of producing positive 6406
results on a drug test, the court, as punishment for the violation 6407
of the sanction, shall not order that the offender be imprisoned 6408
unless the court determines on the record either of the following: 6409

(a) The offender had been ordered as a sanction for the 6410
felony to participate in a drug treatment program, in a drug 6411
education program, or in narcotics anonymous or a similar program, 6412
and the offender continued to use illegal drugs after a reasonable 6413
period of participation in the program. 6414

(b) The imprisonment of the offender for the violation is 6415
consistent with the purposes and principles of sentencing set 6416
forth in section 2929.11 of the Revised Code. 6417

(3) A court that sentences an offender for a drug abuse 6418
offense that is a felony of the third, fourth, or fifth degree may 6419
require that the offender be assessed by a properly credentialed 6420
professional within a specified period of time. The court shall 6421
require the professional to file a written assessment of the 6422
offender with the court. If the offender is eligible for a 6423
community control sanction and after considering the written 6424
assessment, the court may impose a community control sanction that 6425
includes treatment and recovery support services authorized by 6426
section 3793.02 of the Revised Code. If the court imposes 6427
treatment and recovery support services as a community control 6428
sanction, the court shall direct the level and type of treatment 6429
and recovery support services after considering the assessment and 6430
recommendation of treatment and recovery support services 6431
providers. 6432

(F) Notwithstanding divisions (A) to (E) of this section, the 6433

court shall impose a prison term or terms under sections 2929.02 6434
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 6435
of the Revised Code and except as specifically provided in section 6436
2929.20, division (K) of section 2967.19, or section 2967.191 of 6437
the Revised Code or when parole is authorized for the offense 6438
under section 2967.13 of the Revised Code shall not reduce the 6439
term or terms pursuant to section 2929.20, section 2967.19, 6440
section 2967.193, or any other provision of Chapter 2967. or 6441
Chapter 5120. of the Revised Code for any of the following 6442
offenses: 6443

(1) Aggravated murder when death is not imposed or murder; 6444

(2) Any rape, regardless of whether force was involved and 6445
regardless of the age of the victim, or an attempt to commit rape 6446
if, had the offender completed the rape that was attempted, the 6447
offender would have been guilty of a violation of division 6448
(A)(1)(b) of section 2907.02 of the Revised Code and would be 6449
sentenced under section 2971.03 of the Revised Code; 6450

(3) Gross sexual imposition or sexual battery, if the victim 6451
is less than thirteen years of age and if any of the following 6452
applies: 6453

(a) Regarding gross sexual imposition, the offender 6454
previously was convicted of or pleaded guilty to rape, the former 6455
offense of felonious sexual penetration, gross sexual imposition, 6456
or sexual battery, and the victim of the previous offense was less 6457
than thirteen years of age; 6458

(b) Regarding gross sexual imposition, the offense was 6459
committed on or after August 3, 2006, and evidence other than the 6460
testimony of the victim was admitted in the case corroborating the 6461
violation. 6462

(c) Regarding sexual battery, either of the following 6463
applies: 6464

(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 6496
person or in physical harm to a person, or complicity in or an 6497
attempt to commit any of those offenses; 6498

(b) An offense under an existing or former law of this state, 6499
another state, or the United States that is or was substantially 6500
equivalent to an offense listed in division (F)(7)(a) of this 6501
section that resulted in the death of a person or in physical harm 6502
to a person. 6503

(8) Any offense, other than a violation of section 2923.12 of 6504
the Revised Code, that is a felony, if the offender had a firearm 6505
on or about the offender's person or under the offender's control 6506
while committing the felony, with respect to a portion of the 6507
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 6508
of the Revised Code for having the firearm; 6509

(9) Any offense of violence that is a felony, if the offender 6510
wore or carried body armor while committing the felony offense of 6511
violence, with respect to the portion of the sentence imposed 6512
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 6513
Code for wearing or carrying the body armor; 6514

(10) Corrupt activity in violation of section 2923.32 of the 6515
Revised Code when the most serious offense in the pattern of 6516
corrupt activity that is the basis of the offense is a felony of 6517
the first degree; 6518

(11) Any violent sex offense or designated homicide, assault, 6519
or kidnapping offense if, in relation to that offense, the 6520
offender is adjudicated a sexually violent predator; 6521

(12) A violation of division (A)(1) or (2) of section 2921.36 6522
of the Revised Code, or a violation of division (C) of that 6523
section involving an item listed in division (A)(1) or (2) of that 6524
section, if the offender is an officer or employee of the 6525
department of rehabilitation and correction; 6526

(13) A violation of division (A)(1) or (2) of section 2903.06 6527
of the Revised Code if the victim of the offense is a peace 6528
officer, as defined in section 2935.01 of the Revised Code, or an 6529
investigator of the bureau of criminal identification and 6530
investigation, as defined in section 2903.11 of the Revised Code, 6531
with respect to the portion of the sentence imposed pursuant to 6532
division (D)(5) of section 2929.14 of the Revised Code; 6533

(14) A violation of division (A)(1) or (2) of section 2903.06 6534
of the Revised Code if the offender has been convicted of or 6535
pleaded guilty to three or more violations of division (A) or (B) 6536
of section 4511.19 of the Revised Code or an equivalent offense, 6537
as defined in section 2941.1415 of the Revised Code, or three or 6538
more violations of any combination of those divisions and 6539
offenses, with respect to the portion of the sentence imposed 6540
pursuant to division (D)(6) of section 2929.14 of the Revised 6541
Code; 6542

(15) Kidnapping, in the circumstances specified in section 6543
2971.03 of the Revised Code and when no other provision of 6544
division (F) of this section applies; 6545

(16) Kidnapping, abduction, compelling prostitution, 6546
promoting prostitution, engaging in a pattern of corrupt activity, 6547
illegal use of a minor in a nudity-oriented material or 6548
performance in violation of division (A)(1) or (2) of section 6549
2907.323 of the Revised Code, or endangering children in violation 6550
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 6551
the Revised Code, if the offender is convicted of or pleads guilty 6552
to a specification as described in section 2941.1422 of the 6553
Revised Code that was included in the indictment, count in the 6554
indictment, or information charging the offense; 6555

(17) A felony violation of division (A) or (B) of section 6556
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 6557
that section, and division (A)(6) of that section, require the 6558

imposition of a prison term; 6559

(18) A felony violation of section 2903.11, 2903.12, or 6560
2903.13 of the Revised Code, if the victim of the offense was a 6561
woman that the offender knew was pregnant at the time of the 6562
violation, with respect to a portion of the sentence imposed 6563
pursuant to division (D)(8) of section 2929.14 of the Revised 6564
Code. 6565

(G) Notwithstanding divisions (A) to (E) of this section, if 6566
an offender is being sentenced for a fourth degree felony OVI 6567
offense or for a third degree felony OVI offense, the court shall 6568
impose upon the offender a mandatory term of local incarceration 6569
or a mandatory prison term in accordance with the following: 6570

(1) If the offender is being sentenced for a fourth degree 6571
felony OVI offense and if the offender has not been convicted of 6572
and has not pleaded guilty to a specification of the type 6573
described in section 2941.1413 of the Revised Code, the court may 6574
impose upon the offender a mandatory term of local incarceration 6575
of sixty days or one hundred twenty days as specified in division 6576
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 6577
not reduce the term pursuant to section 2929.20, 2967.193, or any 6578
other provision of the Revised Code. The court that imposes a 6579
mandatory term of local incarceration under this division shall 6580
specify whether the term is to be served in a jail, a 6581
community-based correctional facility, a halfway house, or an 6582
alternative residential facility, and the offender shall serve the 6583
term in the type of facility specified by the court. A mandatory 6584
term of local incarceration imposed under division (G)(1) of this 6585
section is not subject to any other Revised Code provision that 6586
pertains to a prison term except as provided in division (A)(1) of 6587
this section. 6588

(2) If the offender is being sentenced for a third degree 6589
felony OVI offense, or if the offender is being sentenced for a 6590

fourth degree felony OVI offense and the court does not impose a 6591
mandatory term of local incarceration under division (G)(1) of 6592
this section, the court shall impose upon the offender a mandatory 6593
prison term of one, two, three, four, or five years if the 6594
offender also is convicted of or also pleads guilty to a 6595
specification of the type described in section 2941.1413 of the 6596
Revised Code or shall impose upon the offender a mandatory prison 6597
term of sixty days or one hundred twenty days as specified in 6598
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 6599
if the offender has not been convicted of and has not pleaded 6600
guilty to a specification of that type. The Subject to division 6601
(K) of section 2967.19 of the Revised Code, the court shall not 6602
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 6603
any other provision of the Revised Code. The offender shall serve 6604
the one-, two-, three-, four-, or five-year mandatory prison term 6605
consecutively to and prior to the prison term imposed for the 6606
underlying offense and consecutively to any other mandatory prison 6607
term imposed in relation to the offense. In no case shall an 6608
offender who once has been sentenced to a mandatory term of local 6609
incarceration pursuant to division (G)(1) of this section for a 6610
fourth degree felony OVI offense be sentenced to another mandatory 6611
term of local incarceration under that division for any violation 6612
of division (A) of section 4511.19 of the Revised Code. In 6613
addition to the mandatory prison term described in division (G)(2) 6614
of this section, the court may sentence the offender to a 6615
community control sanction under section 2929.16 or 2929.17 of the 6616
Revised Code, but the offender shall serve the prison term prior 6617
to serving the community control sanction. The department of 6618
rehabilitation and correction may place an offender sentenced to a 6619
mandatory prison term under this division in an intensive program 6620
prison established pursuant to section 5120.033 of the Revised 6621
Code if the department gave the sentencing judge prior notice of 6622
its intent to place the offender in an intensive program prison 6623

established under that section and if the judge did not notify the 6624
department that the judge disapproved the placement. Upon the 6625
establishment of the initial intensive program prison pursuant to 6626
section 5120.033 of the Revised Code that is privately operated 6627
and managed by a contractor pursuant to a contract entered into 6628
under section 9.06 of the Revised Code, both of the following 6629
apply: 6630

(a) The department of rehabilitation and correction shall 6631
make a reasonable effort to ensure that a sufficient number of 6632
offenders sentenced to a mandatory prison term under this division 6633
are placed in the privately operated and managed prison so that 6634
the privately operated and managed prison has full occupancy. 6635

(b) Unless the privately operated and managed prison has full 6636
occupancy, the department of rehabilitation and correction shall 6637
not place any offender sentenced to a mandatory prison term under 6638
this division in any intensive program prison established pursuant 6639
to section 5120.033 of the Revised Code other than the privately 6640
operated and managed prison. 6641

(H) If an offender is being sentenced for a sexually oriented 6642
offense or child-victim oriented offense that is a felony 6643
committed on or after January 1, 1997, the judge shall require the 6644
offender to submit to a DNA specimen collection procedure pursuant 6645
to section 2901.07 of the Revised Code. 6646

(I) If an offender is being sentenced for a sexually oriented 6647
offense or a child-victim oriented offense committed on or after 6648
January 1, 1997, the judge shall include in the sentence a summary 6649
of the offender's duties imposed under sections 2950.04, 2950.041, 6650
2950.05, and 2950.06 of the Revised Code and the duration of the 6651
duties. The judge shall inform the offender, at the time of 6652
sentencing, of those duties and of their duration. If required 6653
under division (A)(2) of section 2950.03 of the Revised Code, the 6654
judge shall perform the duties specified in that section, or, if 6655

required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division. 6656
6657
6658

(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. 6659
6660
6661
6662
6663
6664
6665
6666

(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. 6667
6668
6669
6670
6671
6672
6673
6674
6675
6676
6677

(K) As used in this section, "drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 6678
6679

(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 6680
6681
6682
6683
6684
6685
6686
6687

victims reparations fund. 6688

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 6689
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), 6690
(J), or (L) of this section or in division (D)(6) of section 6691
2919.25 of the Revised Code and except in relation to an offense 6692
for which a sentence of death or life imprisonment is to be 6693
imposed, if the court imposing a sentence upon an offender for a 6694
felony elects or is required to impose a prison term on the 6695
offender pursuant to this chapter, the court shall impose a 6696
definite prison term that shall be one of the following: 6697

(1) For a felony of the first degree, the prison term shall 6699
be three, four, five, six, seven, eight, nine, or ten years. 6700

(2) For a felony of the second degree, the prison term shall 6701
be two, three, four, five, six, seven, or eight years. 6702

(3) For a felony of the third degree, the prison term shall 6703
be one, two, three, four, or five years. 6704

(4) For a felony of the fourth degree, the prison term shall 6705
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 6706
fourteen, fifteen, sixteen, seventeen, or eighteen months. 6707

(5) For a felony of the fifth degree, the prison term shall 6708
be six, seven, eight, nine, ten, eleven, or twelve months. 6709

(B) Except as provided in division (C), (D)(1), (D)(2), 6710
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), (J), or (L) of 6711
this section, in section 2907.02 , 2907.05, or 2919.25 of the 6712
Revised Code, or in Chapter 2925. of the Revised Code, if the 6713
court imposing a sentence upon an offender for a felony elects or 6714
is required to impose a prison term on the offender, the court 6715
shall impose the shortest prison term authorized for the offense 6716
pursuant to division (A) of this section, unless one or more of 6717

the following applies: 6718

(1) The offender was serving a prison term at the time of the 6719
offense, or the offender previously had served a prison term. 6720

(2) The court finds on the record that the shortest prison 6721
term will demean the seriousness of the offender's conduct or will 6722
not adequately protect the public from future crime by the 6723
offender or others. 6724

(C) Except as provided in division (D)(7), (D)(8), (G), or 6725
(L) of this section, in section 2919.25 of the Revised Code, or in 6726
Chapter 2925. of the Revised Code, the court imposing a sentence 6727
upon an offender for a felony may impose the longest prison term 6728
authorized for the offense pursuant to division (A) of this 6729
section only upon offenders who committed the worst forms of the 6730
offense, upon offenders who pose the greatest likelihood of 6731
committing future crimes, upon certain major drug offenders under 6732
division (D)(3) of this section, and upon certain repeat violent 6733
offenders in accordance with division (D)(2) of this section. 6734
6735

(D)(1)(a) Except as provided in division (D)(1)(e) of this 6736
section, if an offender who is convicted of or pleads guilty to a 6737
felony also is convicted of or pleads guilty to a specification of 6738
the type described in section 2941.141, 2941.144, or 2941.145 of 6739
the Revised Code, the court shall impose on the offender one of 6740
the following prison terms: 6741

(i) A prison term of six years if the specification is of the 6742
type described in section 2941.144 of the Revised Code that 6743
charges the offender with having a firearm that is an automatic 6744
firearm or that was equipped with a firearm muffler or silencer on 6745
or about the offender's person or under the offender's control 6746
while committing the felony; 6747

(ii) A prison term of three years if the specification is of 6748

the type described in section 2941.145 of the Revised Code that 6749
charges the offender with having a firearm on or about the 6750
offender's person or under the offender's control while committing 6751
the offense and displaying the firearm, brandishing the firearm, 6752
indicating that the offender possessed the firearm, or using it to 6753
facilitate the offense; 6754

(iii) A prison term of one year if the specification is of 6755
the type described in section 2941.141 of the Revised Code that 6756
charges the offender with having a firearm on or about the 6757
offender's person or under the offender's control while committing 6758
the felony. 6759

(b) If a court imposes a prison term on an offender under 6760
division (D)(1)(a) of this section, subject to division (K) of 6761
section 2967.19 of the Revised Code, the prison term shall not be 6762
reduced pursuant to section 2967.19, section 2929.20, section 6763
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 6764
of the Revised Code. Except as provided in division (D)(1)(g) of 6765
this section, a court shall not impose more than one prison term 6766
on an offender under division (D)(1)(a) of this section for 6767
felonies committed as part of the same act or transaction. 6768
6769

(c) Except as provided in division (D)(1)(e) of this section, 6770
if an offender who is convicted of or pleads guilty to a violation 6771
of section 2923.161 of the Revised Code or to a felony that 6772
includes, as an essential element, purposely or knowingly causing 6773
or attempting to cause the death of or physical harm to another, 6774
also is convicted of or pleads guilty to a specification of the 6775
type described in section 2941.146 of the Revised Code that 6776
charges the offender with committing the offense by discharging a 6777
firearm from a motor vehicle other than a manufactured home, the 6778
court, after imposing a prison term on the offender for the 6779
violation of section 2923.161 of the Revised Code or for the other 6780

felony offense under division (A), (D)(2), or (D)(3) of this 6781
section, shall impose an additional prison term of five years upon 6782
the offender that, subject to division (K) of section 2967.19 of 6783
the Revised Code, shall not be reduced pursuant to section 6784
2929.20, section 2967.19, section 2967.193, or any other provision 6785
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 6786
shall not impose more than one additional prison term on an 6787
offender under division (D)(1)(c) of this section for felonies 6788
committed as part of the same act or transaction. If a court 6789
imposes an additional prison term on an offender under division 6790
(D)(1)(c) of this section relative to an offense, the court also 6791
shall impose a prison term under division (D)(1)(a) of this 6792
section relative to the same offense, provided the criteria 6793
specified in that division for imposing an additional prison term 6794
are satisfied relative to the offender and the offense. 6795

(d) If an offender who is convicted of or pleads guilty to an 6796
offense of violence that is a felony also is convicted of or 6797
pleads guilty to a specification of the type described in section 6798
2941.1411 of the Revised Code that charges the offender with 6799
wearing or carrying body armor while committing the felony offense 6800
of violence, the court shall impose on the offender a prison term 6801
of two years. The prison term so imposed, subject to division (K) 6802
of section 2967.19 of the Revised Code, shall not be reduced 6803
pursuant to section 2929.20, section 2967.19, section 2967.193, or 6804
any other provision of Chapter 2967. or Chapter 5120. of the 6805
Revised Code. A court shall not impose more than one prison term 6806
on an offender under division (D)(1)(d) of this section for 6807
felonies committed as part of the same act or transaction. If a 6808
court imposes an additional prison term under division (D)(1)(a) 6809
or (c) of this section, the court is not precluded from imposing 6810
an additional prison term under division (D)(1)(d) of this 6811
section. 6812

(e) The court shall not impose any of the prison terms 6813
described in division (D)(1)(a) of this section or any of the 6814
additional prison terms described in division (D)(1)(c) of this 6815
section upon an offender for a violation of section 2923.12 or 6816
2923.123 of the Revised Code. The court shall not impose any of 6817
the prison terms described in division (D)(1)(a) or (b) of this 6818
section upon an offender for a violation of section 2923.122 that 6819
involves a deadly weapon that is a firearm other than a dangerous 6820
ordnance, section 2923.16, or section 2923.121 of the Revised 6821
Code. The court shall not impose any of the prison terms described 6822
in division (D)(1)(a) of this section or any of the additional 6823
prison terms described in division (D)(1)(c) of this section upon 6824
an offender for a violation of section 2923.13 of the Revised Code 6825
unless all of the following apply: 6826

(i) The offender previously has been convicted of aggravated 6827
murder, murder, or any felony of the first or second degree. 6828

(ii) Less than five years have passed since the offender was 6829
released from prison or post-release control, whichever is later, 6830
for the prior offense. 6831

(f) If an offender is convicted of or pleads guilty to a 6832
felony that includes, as an essential element, causing or 6833
attempting to cause the death of or physical harm to another and 6834
also is convicted of or pleads guilty to a specification of the 6835
type described in section 2941.1412 of the Revised Code that 6836
charges the offender with committing the offense by discharging a 6837
firearm at a peace officer as defined in section 2935.01 of the 6838
Revised Code or a corrections officer, as defined in section 6839
2941.1412 of the Revised Code, the court, after imposing a prison 6840
term on the offender for the felony offense under division (A), 6841
(D)(2), or (D)(3) of this section, shall impose an additional 6842
prison term of seven years upon the offender that, subject to 6843
division (K) of section 2967.28 of the Revised Code, shall not be 6844

reduced pursuant to section 2929.20, section 2967.19, section 6845
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 6846
of the Revised Code. If an offender is convicted of or pleads 6847
guilty to two or more felonies that include, as an essential 6848
element, causing or attempting to cause the death or physical harm 6849
to another and also is convicted of or pleads guilty to a 6850
specification of the type described under division (D)(1)(f) of 6851
this section in connection with two or more of the felonies of 6852
which the offender is convicted or to which the offender pleads 6853
guilty, the sentencing court shall impose on the offender the 6854
prison term specified under division (D)(1)(f) of this section for 6855
each of two of the specifications of which the offender is 6856
convicted or to which the offender pleads guilty and, in its 6857
discretion, also may impose on the offender the prison term 6858
specified under that division for any or all of the remaining 6859
specifications. If a court imposes an additional prison term on an 6860
offender under division (D)(1)(f) of this section relative to an 6861
offense, the court shall not impose a prison term under division 6862
(D)(1)(a) or (c) of this section relative to the same offense. 6863

6864

(g) If an offender is convicted of or pleads guilty to two or 6865
more felonies, if one or more of those felonies is aggravated 6866
murder, murder, attempted aggravated murder, attempted murder, 6867
aggravated robbery, felonious assault, or rape, and if the 6868
offender is convicted of or pleads guilty to a specification of 6869
the type described under division (D)(1)(a) of this section in 6870
connection with two or more of the felonies, the sentencing court 6871
shall impose on the offender the prison term specified under 6872
division (D)(1)(a) of this section for each of the two most 6873
serious specifications of which the offender is convicted or to 6874
which the offender pleads guilty and, in its discretion, also may 6875
impose on the offender the prison term specified under that 6876
division for any or all of the remaining specifications. 6877

(2)(a) If division (D)(2)(b) of this section does not apply, 6878
the court may impose on an offender, in addition to the longest 6879
prison term authorized or required for the offense, an additional 6880
definite prison term of one, two, three, four, five, six, seven, 6881
eight, nine, or ten years if all of the following criteria are 6882
met: 6883

(i) The offender is convicted of or pleads guilty to a 6884
specification of the type described in section 2941.149 of the 6885
Revised Code that the offender is a repeat violent offender. 6886

(ii) The offense of which the offender currently is convicted 6887
or to which the offender currently pleads guilty is aggravated 6888
murder and the court does not impose a sentence of death or life 6889
imprisonment without parole, murder, terrorism and the court does 6890
not impose a sentence of life imprisonment without parole, any 6891
felony of the first degree that is an offense of violence and the 6892
court does not impose a sentence of life imprisonment without 6893
parole, or any felony of the second degree that is an offense of 6894
violence and the trier of fact finds that the offense involved an 6895
attempt to cause or a threat to cause serious physical harm to a 6896
person or resulted in serious physical harm to a person. 6897

(iii) The court imposes the longest prison term for the 6898
offense that is not life imprisonment without parole. 6899

(iv) The court finds that the prison terms imposed pursuant 6900
to division (D)(2)(a)(iii) of this section and, if applicable, 6901
division (D)(1) or (3) of this section are inadequate to punish 6902
the offender and protect the public from future crime, because the 6903
applicable factors under section 2929.12 of the Revised Code 6904
indicating a greater likelihood of recidivism outweigh the 6905
applicable factors under that section indicating a lesser 6906
likelihood of recidivism. 6907

(v) The court finds that the prison terms imposed pursuant to 6908

division (D)(2)(a)(iii) of this section and, if applicable, 6909
division (D)(1) or (3) of this section are demeaning to the 6910
seriousness of the offense, because one or more of the factors 6911
under section 2929.12 of the Revised Code indicating that the 6912
offender's conduct is more serious than conduct normally 6913
constituting the offense are present, and they outweigh the 6914
applicable factors under that section indicating that the 6915
offender's conduct is less serious than conduct normally 6916
constituting the offense. 6917

(b) The court shall impose on an offender the longest prison 6918
term authorized or required for the offense and shall impose on 6919
the offender an additional definite prison term of one, two, 6920
three, four, five, six, seven, eight, nine, or ten years if all of 6921
the following criteria are met: 6922

(i) The offender is convicted of or pleads guilty to a 6923
specification of the type described in section 2941.149 of the 6924
Revised Code that the offender is a repeat violent offender. 6925

(ii) The offender within the preceding twenty years has been 6926
convicted of or pleaded guilty to three or more offenses described 6927
in division (CC)(1) of section 2929.01 of the Revised Code, 6928
including all offenses described in that division of which the 6929
offender is convicted or to which the offender pleads guilty in 6930
the current prosecution and all offenses described in that 6931
division of which the offender previously has been convicted or to 6932
which the offender previously pleaded guilty, whether prosecuted 6933
together or separately. 6934

(iii) The offense or offenses of which the offender currently 6935
is convicted or to which the offender currently pleads guilty is 6936
aggravated murder and the court does not impose a sentence of 6937
death or life imprisonment without parole, murder, terrorism and 6938
the court does not impose a sentence of life imprisonment without 6939
parole, any felony of the first degree that is an offense of 6940

violence and the court does not impose a sentence of life 6941
imprisonment without parole, or any felony of the second degree 6942
that is an offense of violence and the trier of fact finds that 6943
the offense involved an attempt to cause or a threat to cause 6944
serious physical harm to a person or resulted in serious physical 6945
harm to a person. 6946

(c) For purposes of division (D)(2)(b) of this section, two 6947
or more offenses committed at the same time or as part of the same 6948
act or event shall be considered one offense, and that one offense 6949
shall be the offense with the greatest penalty. 6950

(d) A sentence imposed under division (D)(2)(a) or (b) of 6951
this section, subject to division (K) of section 2967.19 of the 6952
Revised Code, shall not be reduced pursuant to section 2929.20, 6953
section 2967.19, or section 2967.193, or any other provision of 6954
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6955
shall serve an additional prison term imposed under this section 6956
consecutively to and prior to the prison term imposed for the 6957
underlying offense. 6958

(e) When imposing a sentence pursuant to division (D)(2)(a) 6959
or (b) of this section, the court shall state its findings 6960
explaining the imposed sentence. 6961

(3)(a) Except when an offender commits a violation of section 6962
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 6963
the violation is life imprisonment or commits a violation of 6964
section 2903.02 of the Revised Code, if the offender commits a 6965
violation of section 2925.03 or 2925.11 of the Revised Code and 6966
that section classifies the offender as a major drug offender and 6967
requires the imposition of a ten-year prison term on the offender, 6968
if the offender commits a felony violation of section 2925.02, 6969
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6970
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6971
division (C) of section 4729.51, or division (J) of section 6972

4729.54 of the Revised Code that includes the sale, offer to sell, 6973
or possession of a schedule I or II controlled substance, with the 6974
exception of marihuana, and the court imposing sentence upon the 6975
offender finds that the offender is guilty of a specification of 6976
the type described in section 2941.1410 of the Revised Code 6977
charging that the offender is a major drug offender, if the court 6978
imposing sentence upon an offender for a felony finds that the 6979
offender is guilty of corrupt activity with the most serious 6980
offense in the pattern of corrupt activity being a felony of the 6981
first degree, or if the offender is guilty of an attempted 6982
violation of section 2907.02 of the Revised Code and, had the 6983
offender completed the violation of section 2907.02 of the Revised 6984
Code that was attempted, the offender would have been subject to a 6985
sentence of life imprisonment or life imprisonment without parole 6986
for the violation of section 2907.02 of the Revised Code, the 6987
court shall impose upon the offender for the felony violation a 6988
ten-year prison term that, subject to division (K) of section 6989
2967.19 of the Revised Code, cannot be reduced pursuant to section 6990
2929.20, section 2967.19, or any other provision of Chapter 2967. 6991
or 5120. of the Revised Code. 6992

(b) The court imposing a prison term on an offender under 6993
division (D)(3)(a) of this section may impose an additional prison 6994
term of one, two, three, four, five, six, seven, eight, nine, or 6995
ten years, if the court, with respect to the term imposed under 6996
division (D)(3)(a) of this section and, if applicable, divisions 6997
(D)(1) and (2) of this section, makes both of the findings set 6998
forth in divisions (D)(2)(a)(iv) and (v) of this section. 6999

(4) If the offender is being sentenced for a third or fourth 7000
degree felony OVI offense under division (G)(2) of section 2929.13 7001
of the Revised Code, the sentencing court shall impose upon the 7002
offender a mandatory prison term in accordance with that division. 7003
In addition to the mandatory prison term, if the offender is being 7004

sentenced for a fourth degree felony OVI offense, the court, 7005
notwithstanding division (A)(4) of this section, may sentence the 7006
offender to a definite prison term of not less than six months and 7007
not more than thirty months, and if the offender is being 7008
sentenced for a third degree felony OVI offense, the sentencing 7009
court may sentence the offender to an additional prison term of 7010
any duration specified in division (A)(3) of this section. In 7011
either case, the additional prison term imposed shall be reduced 7012
by the sixty or one hundred twenty days imposed upon the offender 7013
as the mandatory prison term. The total of the additional prison 7014
term imposed under division (D)(4) of this section plus the sixty 7015
or one hundred twenty days imposed as the mandatory prison term 7016
shall equal a definite term in the range of six months to thirty 7017
months for a fourth degree felony OVI offense and shall equal one 7018
of the authorized prison terms specified in division (A)(3) of 7019
this section for a third degree felony OVI offense. If the court 7020
imposes an additional prison term under division (D)(4) of this 7021
section, the offender shall serve the additional prison term after 7022
the offender has served the mandatory prison term required for the 7023
offense. In addition to the mandatory prison term or mandatory and 7024
additional prison term imposed as described in division (D)(4) of 7025
this section, the court also may sentence the offender to a 7026
community control sanction under section 2929.16 or 2929.17 of the 7027
Revised Code, but the offender shall serve all of the prison terms 7028
so imposed prior to serving the community control sanction. 7029

If the offender is being sentenced for a fourth degree felony 7030
OVI offense under division (G)(1) of section 2929.13 of the 7031
Revised Code and the court imposes a mandatory term of local 7032
incarceration, the court may impose a prison term as described in 7033
division (A)(1) of that section. 7034

(5) If an offender is convicted of or pleads guilty to a 7035
violation of division (A)(1) or (2) of section 2903.06 of the 7036

Revised Code and also is convicted of or pleads guilty to a 7037
specification of the type described in section 2941.1414 of the 7038
Revised Code that charges that the victim of the offense is a 7039
peace officer, as defined in section 2935.01 of the Revised Code, 7040
or an investigator of the bureau of criminal identification and 7041
investigation, as defined in section 2903.11 of the Revised Code, 7042
the court shall impose on the offender a prison term of five 7043
years. If a court imposes a prison term on an offender under 7044
division (D)(5) of this section, the prison term, subject to 7045
division (K) of section 2967.19 of the Revised Code, shall not be 7046
reduced pursuant to section 2929.20, section 2967.19, section 7047
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7048
of the Revised Code. A court shall not impose more than one prison 7049
term on an offender under division (D)(5) of this section for 7050
felonies committed as part of the same act. 7051

(6) If an offender is convicted of or pleads guilty to a 7052
violation of division (A)(1) or (2) of section 2903.06 of the 7053
Revised Code and also is convicted of or pleads guilty to a 7054
specification of the type described in section 2941.1415 of the 7055
Revised Code that charges that the offender previously has been 7056
convicted of or pleaded guilty to three or more violations of 7057
division (A) or (B) of section 4511.19 of the Revised Code or an 7058
equivalent offense, as defined in section 2941.1415 of the Revised 7059
Code, or three or more violations of any combination of those 7060
divisions and offenses, the court shall impose on the offender a 7061
prison term of three years. If a court imposes a prison term on an 7062
offender under division (D)(6) of this section, the prison term, 7063
subject to division (K) of section 2967.19 of the Revised Code, 7064
shall not be reduced pursuant to section 2929.20, section 2967.19, 7065
section 2967.193, or any other provision of Chapter 2967. or 7066
Chapter 5120. of the Revised Code. A court shall not impose more 7067
than one prison term on an offender under division (D)(6) of this 7068
section for felonies committed as part of the same act. 7069

(7)(a) If an offender is convicted of or pleads guilty to a
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or
2923.32, division (A)(1) or (2) of section 2907.323, or division
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised
Code and also is convicted of or pleads guilty to a specification
of the type described in section 2941.1422 of the Revised Code
that charges that the offender knowingly committed the offense in
furtherance of human trafficking, the court shall impose on the
offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a
definite prison term of not less than five years and not greater
than ten years;

(ii) If the offense is a felony of the second or third
degree, a definite prison term of not less than three years and
not greater than the maximum prison term allowed for the offense
by division (A) of section 2929.14 of the Revised Code;

(iii) If the offense is a felony of the fourth or fifth
degree, a definite prison term that is the maximum prison term
allowed for the offense by division (A) of section 2929.14 of the
Revised Code.

(b) The Subject to division (K) of section 2967.19 of the
Revised Code, the prison term imposed under division (D)(7)(a) of
this section shall not be reduced pursuant to section 2929.20,
section 2967.19, section 2967.193, or any other provision of
Chapter 2967. of the Revised Code. A court shall not impose more
than one prison term on an offender under division (D)(7)(a) of
this section for felonies committed as part of the same act,
scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a
felony violation of section 2903.11, 2903.12, or 2903.13 of the

Revised Code and also is convicted of or pleads guilty to a 7101
specification of the type described in section 2941.1423 of the 7102
Revised Code that charges that the victim of the violation was a 7103
woman whom the offender knew was pregnant at the time of the 7104
violation, notwithstanding the range of prison terms prescribed in 7105
division (A) of this section for felonies of the same degree as 7106
the violation, the court shall impose on the offender a mandatory 7107
prison term that is either a definite prison term of six months or 7108
one of the prison terms prescribed in section 2929.14 of the 7109
Revised Code for felonies of the same degree as the violation. 7110

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 7111
mandatory prison term is imposed upon an offender pursuant to 7112
division (D)(1)(a) of this section for having a firearm on or 7113
about the offender's person or under the offender's control while 7114
committing a felony, if a mandatory prison term is imposed upon an 7115
offender pursuant to division (D)(1)(c) of this section for 7116
committing a felony specified in that division by discharging a 7117
firearm from a motor vehicle, or if both types of mandatory prison 7118
terms are imposed, the offender shall serve any mandatory prison 7119
term imposed under either division consecutively to any other 7120
mandatory prison term imposed under either division or under 7121
division (D)(1)(d) of this section, consecutively to and prior to 7122
any prison term imposed for the underlying felony pursuant to 7123
division (A), (D)(2), or (D)(3) of this section or any other 7124
section of the Revised Code, and consecutively to any other prison 7125
term or mandatory prison term previously or subsequently imposed 7126
upon the offender. 7127

(b) If a mandatory prison term is imposed upon an offender 7128
pursuant to division (D)(1)(d) of this section for wearing or 7129
carrying body armor while committing an offense of violence that 7130
is a felony, the offender shall serve the mandatory term so 7131
imposed consecutively to any other mandatory prison term imposed 7132

under that division or under division (D)(1)(a) or (c) of this 7133
section, consecutively to and prior to any prison term imposed for 7134
the underlying felony under division (A), (D)(2), or (D)(3) of 7135
this section or any other section of the Revised Code, and 7136
consecutively to any other prison term or mandatory prison term 7137
previously or subsequently imposed upon the offender. 7138

(c) If a mandatory prison term is imposed upon an offender 7139
pursuant to division (D)(1)(f) of this section, the offender shall 7140
serve the mandatory prison term so imposed consecutively to and 7141
prior to any prison term imposed for the underlying felony under 7142
division (A), (D)(2), or (D)(3) of this section or any other 7143
section of the Revised Code, and consecutively to any other prison 7144
term or mandatory prison term previously or subsequently imposed 7145
upon the offender. 7146

(d) If a mandatory prison term is imposed upon an offender 7147
pursuant to division (D)(7) or (8) of this section, the offender 7148
shall serve the mandatory prison term so imposed consecutively to 7149
any other mandatory prison term imposed under that division or 7150
under any other provision of law and consecutively to any other 7151
prison term or mandatory prison term previously or subsequently 7152
imposed upon the offender. 7153

(2) If an offender who is an inmate in a jail, prison, or 7154
other residential detention facility violates section 2917.02, 7155
2917.03, ~~2921.34~~, or 2921.35 of the Revised Code or division 7156
(A)(1) or (2) of section 2921.34 of the Revised Code, if an 7157
offender who is under detention at a detention facility commits a 7158
felony violation of section 2923.131 of the Revised Code, or if an 7159
offender who is an inmate in a jail, prison, or other residential 7160
detention facility or is under detention at a detention facility 7161
commits another felony while the offender is an escapee in 7162
violation of division (A)(1) or (2) of section 2921.34 of the 7163
Revised Code, any prison term imposed upon the offender for one of 7164

those violations shall be served by the offender consecutively to 7165
the prison term or term of imprisonment the offender was serving 7166
when the offender committed that offense and to any other prison 7167
term previously or subsequently imposed upon the offender. 7168

(3) If a prison term is imposed for a violation of division 7169
(B) of section 2911.01 of the Revised Code, a violation of 7170
division (A) of section 2913.02 of the Revised Code in which the 7171
stolen property is a firearm or dangerous ordnance, or a felony 7172
violation of division (B) of section 2921.331 of the Revised Code, 7173
the offender shall serve that prison term consecutively to any 7174
other prison term or mandatory prison term previously or 7175
subsequently imposed upon the offender. 7176

(4) If multiple prison terms are imposed on an offender for 7177
convictions of multiple offenses, the court may require the 7178
offender to serve the prison terms consecutively if the court 7179
finds that the consecutive service is necessary to protect the 7180
public from future crime or to punish the offender and that 7181
consecutive sentences are not disproportionate to the seriousness 7182
of the offender's conduct and to the danger the offender poses to 7183
the public, and if the court also finds any of the following: 7184

(a) The offender committed one or more of the multiple 7185
offenses while the offender was awaiting trial or sentencing, was 7186
under a sanction imposed pursuant to section 2929.16, 2929.17, or 7187
2929.18 of the Revised Code, or was under post-release control for 7188
a prior offense. 7189

(b) At least two of the multiple offenses were committed as 7190
part of one or more courses of conduct, and the harm caused by two 7191
or more of the multiple offenses so committed was so great or 7192
unusual that no single prison term for any of the offenses 7193
committed as part of any of the courses of conduct adequately 7194
reflects the seriousness of the offender's conduct. 7195

(c) The offender's history of criminal conduct demonstrates 7196
that consecutive sentences are necessary to protect the public 7197
from future crime by the offender. 7198

(5) If a mandatory prison term is imposed upon an offender 7199
pursuant to division (D)(5) or (6) of this section, the offender 7200
shall serve the mandatory prison term consecutively to and prior 7201
to any prison term imposed for the underlying violation of 7202
division (A)(1) or (2) of section 2903.06 of the Revised Code 7203
pursuant to division (A) of this section or section 2929.142 of 7204
the Revised Code. If a mandatory prison term is imposed upon an 7205
offender pursuant to division (D)(5) of this section, and if a 7206
mandatory prison term also is imposed upon the offender pursuant 7207
to division (D)(6) of this section in relation to the same 7208
violation, the offender shall serve the mandatory prison term 7209
imposed pursuant to division (D)(5) of this section consecutively 7210
to and prior to the mandatory prison term imposed pursuant to 7211
division (D)(6) of this section and consecutively to and prior to 7212
any prison term imposed for the underlying violation of division 7213
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 7214
division (A) of this section or section 2929.142 of the Revised 7215
Code. 7216

(6) When consecutive prison terms are imposed pursuant to 7217
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 7218
of this section, the term to be served is the aggregate of all of 7219
the terms so imposed. 7220

(F)(1) If a court imposes a prison term for a felony of the 7221
first degree, for a felony of the second degree, for a felony sex 7222
offense, or for a felony of the third degree that is not a felony 7223
sex offense and in the commission of which the offender caused or 7224
threatened to cause physical harm to a person, it shall include in 7225
the sentence a requirement that the offender be subject to a 7226
period of post-release control after the offender's release from 7227

imprisonment, in accordance with that division. If a court imposes 7228
a sentence including a prison term of a type described in this 7229
division on or after July 11, 2006, the failure of a court to 7230
include a post-release control requirement in the sentence 7231
pursuant to this division does not negate, limit, or otherwise 7232
affect the mandatory period of post-release control that is 7233
required for the offender under division (B) of section 2967.28 of 7234
the Revised Code. Section 2929.191 of the Revised Code applies if, 7235
prior to July 11, 2006, a court imposed a sentence including a 7236
prison term of a type described in this division and failed to 7237
include in the sentence pursuant to this division a statement 7238
regarding post-release control. 7239

(2) If a court imposes a prison term for a felony of the 7240
third, fourth, or fifth degree that is not subject to division 7241
(F)(1) of this section, it shall include in the sentence a 7242
requirement that the offender be subject to a period of 7243
post-release control after the offender's release from 7244
imprisonment, in accordance with that division, if the parole 7245
board determines that a period of post-release control is 7246
necessary. Section 2929.191 of the Revised Code applies if, prior 7247
to July 11, 2006, a court imposed a sentence including a prison 7248
term of a type described in this division and failed to include in 7249
the sentence pursuant to this division a statement regarding 7250
post-release control. 7251

(G) The court shall impose sentence upon the offender in 7252
accordance with section 2971.03 of the Revised Code, and Chapter 7253
2971. of the Revised Code applies regarding the prison term or 7254
term of life imprisonment without parole imposed upon the offender 7255
and the service of that term of imprisonment if any of the 7256
following apply: 7257

(1) A person is convicted of or pleads guilty to a violent 7258
sex offense or a designated homicide, assault, or kidnapping 7259

offense, and, in relation to that offense, the offender is 7260
adjudicated a sexually violent predator. 7261

(2) A person is convicted of or pleads guilty to a violation 7262
of division (A)(1)(b) of section 2907.02 of the Revised Code 7263
committed on or after January 2, 2007, and either the court does 7264
not impose a sentence of life without parole when authorized 7265
pursuant to division (B) of section 2907.02 of the Revised Code, 7266
or division (B) of section 2907.02 of the Revised Code provides 7267
that the court shall not sentence the offender pursuant to section 7268
2971.03 of the Revised Code. 7269

(3) A person is convicted of or pleads guilty to attempted 7270
rape committed on or after January 2, 2007, and a specification of 7271
the type described in section 2941.1418, 2941.1419, or 2941.1420 7272
of the Revised Code. 7273

(4) A person is convicted of or pleads guilty to a violation 7274
of section 2905.01 of the Revised Code committed on or after 7275
January 1, 2008, and that section requires the court to sentence 7276
the offender pursuant to section 2971.03 of the Revised Code. 7277

(5) A person is convicted of or pleads guilty to aggravated 7278
murder committed on or after January 1, 2008, and division 7279
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 7280
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 7281
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 7282
2929.06 of the Revised Code requires the court to sentence the 7283
offender pursuant to division (B)(3) of section 2971.03 of the 7284
Revised Code. 7285

(6) A person is convicted of or pleads guilty to murder 7286
committed on or after January 1, 2008, and division (B)(2) of 7287
section 2929.02 of the Revised Code requires the court to sentence 7288
the offender pursuant to section 2971.03 of the Revised Code. 7289

7290

(H) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

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

(J)(1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2)(a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (J)(2)(a)(ii) of this section, an additional prison term of one, two, three, four, five, or six

months; 7323

(ii) If the offender previously has been convicted of or 7324
pleaded guilty to one or more felony or misdemeanor violations of 7325
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 7326
Revised Code and also was convicted of or pleaded guilty to a 7327
specification of the type described in section 2941.1421 of the 7328
Revised Code regarding one or more of those violations, an 7329
additional prison term of one, two, three, four, five, six, seven, 7330
eight, nine, ten, eleven, or twelve months. 7331

(b) In lieu of imposing an additional prison term under 7332
division (J)(2)(a) of this section, the court may directly impose 7333
on the offender a sanction that requires the offender to wear a 7334
real-time processing, continual tracking electronic monitoring 7335
device during the period of time specified by the court. The 7336
period of time specified by the court shall equal the duration of 7337
an additional prison term that the court could have imposed upon 7338
the offender under division (J)(2)(a) of this section. A sanction 7339
imposed under this division shall commence on the date specified 7340
by the court, provided that the sanction shall not commence until 7341
after the offender has served the prison term imposed for the 7342
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 7343
of the Revised Code and any residential sanction imposed for the 7344
violation under section 2929.16 of the Revised Code. A sanction 7345
imposed under this division shall be considered to be a community 7346
control sanction for purposes of section 2929.15 of the Revised 7347
Code, and all provisions of the Revised Code that pertain to 7348
community control sanctions shall apply to a sanction imposed 7349
under this division, except to the extent that they would by their 7350
nature be clearly inapplicable. The offender shall pay all costs 7351
associated with a sanction imposed under this division, including 7352
the cost of the use of the monitoring device. 7353

(K) At the time of sentencing, the court may recommend the 7354

offender for placement in a program of shock incarceration under 7355
section 5120.031 of the Revised Code or for placement in an 7356
intensive program prison under section 5120.032 of the Revised 7357
Code, disapprove placement of the offender in a program of shock 7358
incarceration or an intensive program prison of that nature, or 7359
make no recommendation on placement of the offender. In no case 7360
shall the department of rehabilitation and correction place the 7361
offender in a program or prison of that nature unless the 7362
department determines as specified in section 5120.031 or 5120.032 7363
of the Revised Code, whichever is applicable, that the offender is 7364
eligible for the placement. 7365

If the court disapproves placement of the offender in a 7366
program or prison of that nature, the department of rehabilitation 7367
and correction shall not place the offender in any program of 7368
shock incarceration or intensive program prison. 7369

If the court recommends placement of the offender in a 7370
program of shock incarceration or in an intensive program prison, 7371
and if the offender is subsequently placed in the recommended 7372
program or prison, the department shall notify the court of the 7373
placement and shall include with the notice a brief description of 7374
the placement. 7375

If the court recommends placement of the offender in a 7376
program of shock incarceration or in an intensive program prison 7377
and the department does not subsequently place the offender in the 7378
recommended program or prison, the department shall send a notice 7379
to the court indicating why the offender was not placed in the 7380
recommended program or prison. 7381

If the court does not make a recommendation under this 7382
division with respect to an offender and if the department 7383
determines as specified in section 5120.031 or 5120.032 of the 7384
Revised Code, whichever is applicable, that the offender is 7385
eligible for placement in a program or prison of that nature, the 7386

department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(L) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code and division (B)(2)(c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

Sec. 2929.20. (A) As used in this section:

(1)(a) Except as provided in division (A)(1)(b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term of that includes one or more nonmandatory prison terms that in the aggregate are ten years or less ~~when either of the following applies:~~

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

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

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05,

2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;	7417 7418
(ii) A violation of section 2913.42, 2921.04, 2921.11, or 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;	7419 7420 7421 7422 7423
(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;	7424 7425 7426 7427
(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;	7428 7429 7430 7431 7432 7433 7434
(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;	7435 7436 7437
(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.	7438 7439 7440 7441 7442 7443 7444 7445 7446
(2) <u>"Nonmandatory prison term" means a prison term that is</u>	7447

not a mandatory prison term. 7448

(3) "Public office" means any elected federal, state, or 7449
local government office in this state. 7450

(B) On the motion of an eligible offender or upon its own 7451
motion, the sentencing court may reduce the eligible offender's 7452
~~stated~~ aggregated nonmandatory prison term or terms of ten years 7453
or less through a judicial release under this section. 7454

(C) An eligible offender may file a motion for judicial 7455
release with the sentencing court within the following applicable 7456
periods: 7457

(1) If the ~~stated~~ aggregated nonmandatory prison term or 7458
terms is less than two years, the eligible offender may file the 7459
motion ~~not earlier than thirty days~~ after the offender ~~is~~ 7460
~~delivered to a state correctional institution or, if the prison~~ 7461
~~term includes a mandatory prison term or terms, not earlier than~~ 7462
~~has served~~ thirty days after the expiration of all mandatory 7463
~~prison terms~~ of the aggregated nonmandatory prison term or terms. 7464

(2) If the ~~stated~~ aggregated nonmandatory prison term or 7465
terms is at least two years but less than five years, the eligible 7466
offender may file the motion ~~not earlier than one hundred eighty~~ 7467
~~days~~ after the offender ~~is delivered to a state correctional~~ 7468
~~institution or, if the prison term includes a mandatory prison~~ 7469
~~term or terms, not earlier than~~ has served one hundred eighty days 7470
after the expiration of all mandatory prison terms of the 7471
aggregated nonmandatory prison term or terms. 7472

(3) If the aggregated nonmandatory prison term or terms is 7473
five years, the eligible offender may file the motion after the 7474
eligible offender has served four years of the aggregated 7475
nonmandatory prison term or terms. 7476

(4) If the ~~stated~~ aggregated nonmandatory prison term or 7477
terms is more than five years ~~or more~~ but not more than ten years, 7478

the eligible offender may file the motion ~~not earlier than five~~ 7479
~~years~~ after the eligible offender ~~is delivered to a state~~ 7480
~~correctional institution or, if the prison term includes a~~ 7481
~~mandatory prison term or terms, not earlier than~~ has served five 7482
~~years after the expiration of all mandatory prison~~ of the 7483
aggregated nonmandatory prison term or terms. 7484

(D) Upon receipt of a timely motion for judicial release 7485
filed by an eligible offender under division (C) of this section 7486
or upon the sentencing court's own motion made within the 7487
appropriate time specified in that division, the court may deny 7488
the motion without a hearing or schedule a hearing on the motion. 7489
The court shall not grant the motion without a hearing. If a court 7490
denies a motion without a hearing, the court later may consider 7491
judicial release for that eligible offender on a subsequent motion 7492
filed by that eligible offender unless the court denies the motion 7493
with prejudice. If a court denies a motion with prejudice, the 7494
court may later consider judicial release on its own motion. If a 7495
court denies a motion after a hearing, the court shall not 7496
consider a subsequent motion for that eligible offender. The court 7497
shall hold only one hearing for any eligible offender. 7498

A hearing under this section shall be conducted in open court 7499
within sixty days after the motion is filed, provided that the 7500
court may delay the hearing for one hundred eighty additional 7501
days. If the court holds a hearing, the court shall enter a ruling 7502
on the motion within ten days after the hearing. If the court 7503
denies the motion without a hearing, the court shall enter its 7504
ruling on the motion within sixty days after the motion is filed. 7505

(E) If a court schedules a hearing under division (D) of this 7506
section, the court shall notify the eligible offender and the head 7507
of the state correctional institution in which the eligible 7508
offender is confined prior to the hearing. The head of the state 7509
correctional institution immediately shall notify the appropriate 7510

person at the department of rehabilitation and correction of the 7511
hearing, and the department within twenty-four hours after receipt 7512
of the notice, shall post on the database it maintains pursuant to 7513
section 5120.66 of the Revised Code the offender's name and all of 7514
the information specified in division (A)(1)(c)(i) of that 7515
section. If the court schedules a hearing for judicial release, 7516
the court promptly shall give notice of the hearing to the 7517
prosecuting attorney of the county in which the eligible offender 7518
was indicted. Upon receipt of the notice from the court, the 7519
prosecuting attorney shall notify the victim of the offense or the 7520
victim's representative pursuant to section 2930.16 of the Revised 7521
Code. 7522

(F) Upon an offender's successful completion of 7523
rehabilitative activities, the head of the state correctional 7524
institution may notify the sentencing court of the successful 7525
completion of the activities. 7526

(G) Prior to the date of the hearing on a motion for judicial 7527
release under this section, the head of the state correctional 7528
institution in which the eligible offender is confined shall send 7529
to the court a report on the eligible offender's conduct in the 7530
institution and in any institution from which the eligible 7531
offender may have been transferred. The report shall cover the 7532
eligible offender's participation in school, vocational training, 7533
work, treatment, and other rehabilitative activities and any 7534
disciplinary action taken against the eligible offender. The 7535
report shall be made part of the record of the hearing. 7536

(H) If the court grants a hearing on a motion for judicial 7537
release under this section, the eligible offender shall attend the 7538
hearing if ordered to do so by the court. Upon receipt of a copy 7539
of the journal entry containing the order, the head of the state 7540
correctional institution in which the eligible offender is 7541
incarcerated shall deliver the eligible offender to the sheriff of 7542

the county in which the hearing is to be held. The sheriff shall 7543
convey the eligible offender to and from the hearing. 7544

(I) At the hearing on a motion for judicial release under 7545
this section, the court shall afford the eligible offender and the 7546
eligible offender's attorney an opportunity to present written 7547
and, if present, oral information relevant to the motion. The 7548
court shall afford a similar opportunity to the prosecuting 7549
attorney, the victim or the victim's representative, as defined in 7550
section 2930.01 of the Revised Code, and any other person the 7551
court determines is likely to present additional relevant 7552
information. The court shall consider any statement of a victim 7553
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 7554
any victim impact statement prepared pursuant to section 2947.051 7555
of the Revised Code, and any report made under division (G) of 7556
this section. The court may consider any written statement of any 7557
person submitted to the court pursuant to division (L) of this 7558
section. After ruling on the motion, the court shall notify the 7559
victim of the ruling in accordance with sections 2930.03 and 7560
2930.16 of the Revised Code. 7561

(J)(1) A court shall not grant a judicial release under this 7562
section to an eligible offender who is imprisoned for a felony of 7563
the first or second degree, or to an eligible offender who 7564
committed an offense under Chapter 2925. or 3719. of the Revised 7565
Code and for whom there was a presumption under section 2929.13 of 7566
the Revised Code in favor of a prison term, unless the court, with 7567
reference to factors under section 2929.12 of the Revised Code, 7568
finds both of the following: 7569

(a) That a sanction other than a prison term would adequately 7570
punish the offender and protect the public from future criminal 7571
violations by the eligible offender because the applicable factors 7572
indicating a lesser likelihood of recidivism outweigh the 7573
applicable factors indicating a greater likelihood of recidivism; 7574

(b) That a sanction other than a prison term would not demean 7575
the seriousness of the offense because factors indicating that the 7576
eligible offender's conduct in committing the offense was less 7577
serious than conduct normally constituting the offense outweigh 7578
factors indicating that the eligible offender's conduct was more 7579
serious than conduct normally constituting the offense. 7580

(2) A court that grants a judicial release to an eligible 7581
offender under division (J)(1) of this section shall specify on 7582
the record both findings required in that division and also shall 7583
list all the factors described in that division that were 7584
presented at the hearing. 7585

(K) If the court grants a motion for judicial release under 7586
this section, the court shall order the release of the eligible 7587
offender, shall place the eligible offender under an appropriate 7588
community control sanction, under appropriate conditions, and 7589
under the supervision of the department of probation serving the 7590
court and shall reserve the right to reimpose the sentence that it 7591
reduced if the offender violates the sanction. If the court 7592
reimposes the reduced sentence, it may do so either concurrently 7593
with, or consecutive to, any new sentence imposed upon the 7594
eligible offender as a result of the violation that is a new 7595
offense. The period of community control shall be no longer than 7596
five years. The court, in its discretion, may reduce the period of 7597
community control by the amount of time the eligible offender 7598
spent in jail or prison for the offense and in prison. If the 7599
court made any findings pursuant to division (J)(1) of this 7600
section, the court shall serve a copy of the findings upon counsel 7601
for the parties within fifteen days after the date on which the 7602
court grants the motion for judicial release. 7603

If the court grants a motion for judicial release, the court 7604
shall notify the appropriate person at the department of 7605
rehabilitation and correction, and the department shall post 7606

notice of the release on the database it maintains pursuant to 7607
section 5120.66 of the Revised Code. 7608

(L) In addition to and independent of the right of a victim 7609
to make a statement pursuant to section 2930.14, 2930.17, or 7610
2946.051 of the Revised Code and any right of a person to present 7611
written information or make a statement pursuant to division (I) 7612
of this section, any person may submit to the court, at any time 7613
prior to the hearing on the offender's motion for judicial 7614
release, a written statement concerning the effects of the 7615
offender's crime or crimes, the circumstances surrounding the 7616
crime or crimes, the manner in which the crime or crimes were 7617
perpetrated, and the person's opinion as to whether the offender 7618
should be released. 7619

(M) The changes to this section that are made on the 7620
effective date of this division apply to any judicial release 7621
decision made on or after the effective date of this division for 7622
any eligible offender. 7623

Sec. 2929.26. (A) Except when a mandatory jail term is 7624
required by law, the court imposing a sentence for a misdemeanor, 7625
other than a minor misdemeanor, may impose upon the offender any 7626
community residential sanction or combination of community 7627
residential sanctions under this section. Community residential 7628
sanctions include, but are not limited to, the following: 7629

(1) A term of up to one hundred eighty days in a halfway 7630
house or a term in a halfway house not to exceed the longest jail 7631
term available for the offense, whichever is shorter, if the 7632
political subdivision that would have responsibility for paying 7633
the costs of confining the offender in a jail has entered into a 7634
contract with the halfway house for use of the facility for 7635
misdemeanor offenders; 7636

(2) A term of up to one hundred eighty days in an alternative 7637

residential facility or a term in an alternative residential 7638
facility not to exceed the longest jail term available for the 7639
offense, whichever is shorter. The court may specify the level of 7640
security in the alternative residential facility that is needed 7641
for the offender. 7642

(3) If the offender is an eligible offender, as defined in 7643
section 307.932 of the Revised Code, a term of up to thirty days 7644
in a community alternative sentencing center or district community 7645
alternative sentencing center established and operated in 7646
accordance with that section, in the circumstances specified in 7647
that section, with one of the conditions of the sanction being 7648
that the offender complete in the center the entire term imposed. 7649

(B) The A sentence to a community residential sanction under 7650
division (A)(3) of this section shall be in accordance with 7651
section 307.932 of the Revised Code. In all other cases, the court 7652
that sentences an offender to a community residential sanction 7653
under this section may do either or both of the following: 7654

(1) Permit the offender to serve the offender's sentence in 7655
intermittent confinement, overnight, on weekends or at any other 7656
time or times that will allow the offender to continue at the 7657
offender's occupation or care for the offender's family; 7658

(2) Authorize the offender to be released so that the 7659
offender may seek or maintain employment, receive education or 7660
training, receive treatment, perform community service, or 7661
otherwise fulfill an obligation imposed by law or by the court. A 7662
release pursuant to this division shall be only for the duration 7663
of time that is needed to fulfill the purpose of the release and 7664
for travel that reasonably is necessary to fulfill the purposes of 7665
the release. 7666

(C) The court may order that a reasonable portion of the 7667
income earned by the offender upon a release pursuant to division 7668

(B) of this section be applied to any financial sanction imposed 7669
under section 2929.28 of the Revised Code. 7670

(D) No court shall sentence any person to a prison term for a 7671
misdemeanor or minor misdemeanor or to a jail term for a minor 7672
misdemeanor. 7673

(E) If a court sentences a person who has been convicted of 7674
or pleaded guilty to a misdemeanor to a community residential 7675
sanction as described in division (A) of this section, at the time 7676
of reception and at other times the person in charge of the 7677
operation of the halfway house, alternative residential facility, 7678
community alternative sentencing center, district community 7679
alternative sentencing center, or other place at which the 7680
offender will serve the residential sanction determines to be 7681
appropriate, the person in charge of the operation of the halfway 7682
house, alternative residential facility, community alternative 7683
sentencing center, district community alternative sentencing 7684
center, or other place may cause the convicted offender to be 7685
examined and tested for tuberculosis, HIV infection, hepatitis, 7686
including, but not limited to, hepatitis A, B, and C, and other 7687
contagious diseases. The person in charge of the operation of the 7688
halfway house, alternative residential facility, community 7689
alternative sentencing center, district community alternative 7690
sentencing center, or other place at which the offender will serve 7691
the residential sanction may cause a convicted offender in the 7692
halfway house, alternative residential facility, community 7693
alternative sentencing center, district community alternative 7694
sentencing center, or other place who refuses to be tested or 7695
treated for tuberculosis, HIV infection, hepatitis, including, but 7696
not limited to, hepatitis A, B, and C, or another contagious 7697
disease to be tested and treated involuntarily. 7698

(F) A political subdivision may enter into a contract with a 7699
halfway house for use of the halfway house to house misdemeanor 7700

offenders under a sanction imposed under division (A)(1) of this 7701
section. 7702

Sec. 2929.34. (A) A person who is convicted of or pleads 7703
guilty to aggravated murder, murder, or an offense punishable by 7704
life imprisonment and who is sentenced to a term of life 7705
imprisonment or a prison term pursuant to that conviction shall 7706
serve that term in an institution under the control of the 7707
department of rehabilitation and correction. 7708

(B)(1) A person who is convicted of or pleads guilty to a 7709
felony other than aggravated murder, murder, or an offense 7710
punishable by life imprisonment and who is sentenced to a term of 7711
imprisonment or a prison term pursuant to that conviction shall 7712
serve that term as follows: 7713

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 7714
section, in an institution under the control of the department of 7715
rehabilitation and correction if the term is a prison term or as 7716
otherwise determined by the sentencing court pursuant to section 7717
2929.16 of the Revised Code if the term is not a prison term; 7718

(b) In a facility of a type described in division (G)(1) of 7719
section 2929.13 of the Revised Code, if the offender is sentenced 7720
pursuant to that division. 7721

(2) If the term is a prison term, the person may be 7722
imprisoned in a jail that is not a minimum security jail pursuant 7723
to agreement under section 5120.161 of the Revised Code between 7724
the department of rehabilitation and correction and the local 7725
authority that operates the jail. 7726

(C) A person who is convicted of or pleads guilty to one or 7727
more misdemeanors and who is sentenced to a jail term or term of 7728
imprisonment pursuant to the conviction or convictions shall serve 7729
that term in a county, multicounty, municipal, municipal-county, 7730

or multicounty-municipal jail or workhouse; in a community 7731
alternative sentencing center or district community alternative 7732
sentencing center when authorized by section 307.932 of the 7733
Revised Code; or, if the misdemeanor or misdemeanors are not 7734
offenses of violence, in a minimum security jail. 7735

(D) Nothing in this section prohibits the commitment, 7736
referral, or sentencing of a person who is convicted of or pleads 7737
guilty to a felony to a community-based correctional facility. 7738

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 7739
a case who has requested to receive notice under this section 7740
shall be given notice of the incarceration of the defendant. If an 7741
alleged juvenile offender is committed to the temporary custody of 7742
a school, camp, institution, or other facility operated for the 7743
care of delinquent children or to the legal custody of the 7744
department of youth services, a victim in a case who has requested 7745
to receive notice under this section shall be given notice of the 7746
commitment. Promptly after sentence is imposed upon the defendant 7747
or the commitment of the alleged juvenile offender is ordered, the 7748
prosecutor in the case shall notify the victim of the date on 7749
which the defendant will be released from confinement or the 7750
prosecutor's reasonable estimate of that date or the date on which 7751
the alleged juvenile offender will have served the minimum period 7752
of commitment or the prosecutor's reasonable estimate of that 7753
date. The prosecutor also shall notify the victim of the name of 7754
the custodial agency of the defendant or alleged juvenile offender 7755
and tell the victim how to contact that custodial agency. If the 7756
custodial agency is the department of rehabilitation and 7757
correction, the prosecutor shall notify the victim of the services 7758
offered by the office of victims' services pursuant to section 7759
5120.60 of the Revised Code. If the custodial agency is the 7760
department of youth services, the prosecutor shall notify the 7761
victim of the services provided by the office of victims' services 7762

within the release authority of the department pursuant to section 7763
5139.55 of the Revised Code and the victim's right pursuant to 7764
section 5139.56 of the Revised Code to submit a written request to 7765
the release authority to be notified of actions the release 7766
authority takes with respect to the alleged juvenile offender. The 7767
victim shall keep the custodial agency informed of the victim's 7768
current address and telephone number. 7769

(B)(1) Upon the victim's request, the prosecutor promptly 7770
shall notify the victim of any hearing for judicial release of the 7771
defendant pursuant to section 2929.20 of the Revised Code, of any 7772
hearing for release of the defendant pursuant to section 2967.19 7773
of the Revised Code, or of any hearing for judicial release or 7774
early release of the alleged juvenile offender pursuant to section 7775
2151.38 of the Revised Code and of the victim's right to make a 7776
statement under those sections. The court shall notify the victim 7777
of its ruling in each of those hearings and on each of those 7778
applications. 7779

(2) If an offender is sentenced to a prison term pursuant to 7780
division (A)(3) or (B) of section 2971.03 of the Revised Code, 7781
upon the request of the victim of the crime, the prosecutor 7782
promptly shall notify the victim of any hearing to be conducted 7783
pursuant to section 2971.05 of the Revised Code to determine 7784
whether to modify the requirement that the offender serve the 7785
entire prison term in a state correctional facility in accordance 7786
with division (C) of that section, whether to continue, revise, or 7787
revoke any existing modification of that requirement, or whether 7788
to terminate the prison term in accordance with division (D) of 7789
that section. The court shall notify the victim of any order 7790
issued at the conclusion of the hearing. 7791

(C) Upon the victim's request made at any time before the 7792
particular notice would be due, the custodial agency of a 7793
defendant or alleged juvenile offender shall give the victim any 7794

of the following notices that is applicable: 7795

(1) At least three weeks before the adult parole authority 7796
recommends a pardon or commutation of sentence for the defendant 7797
or at least three weeks prior to a hearing before the adult parole 7798
authority regarding a grant of parole to the defendant, notice of 7799
the victim's right to submit a statement regarding the impact of 7800
the defendant's release in accordance with section 2967.12 of the 7801
Revised Code and, if applicable, of the victim's right to appear 7802
at a full board hearing of the parole board to give testimony as 7803
authorized by section 5149.101 of the Revised Code; 7804

(2) At least three weeks before the defendant is transferred 7805
to transitional control under section 2967.26 of the Revised Code, 7806
notice of the pendency of the transfer and of the victim's right 7807
under that section to submit a statement regarding the impact of 7808
the transfer; 7809

(3) At least thirty days before the release authority of the 7810
department of youth services holds a release review, release 7811
hearing, or discharge review for the alleged juvenile offender, 7812
notice of the pendency of the review or hearing, of the victim's 7813
right to make an oral or written statement regarding the impact of 7814
the crime upon the victim or regarding the possible release or 7815
discharge, and, if the notice pertains to a hearing, of the 7816
victim's right to attend and make statements or comments at the 7817
hearing as authorized by section 5139.56 of the Revised Code; 7818

(4) Prompt notice of the defendant's or alleged juvenile 7819
offender's escape from a facility of the custodial agency in which 7820
the defendant was incarcerated or in which the alleged juvenile 7821
offender was placed after commitment, of the defendant's or 7822
alleged juvenile offender's absence without leave from a mental 7823
health or mental retardation and developmental disabilities 7824
facility or from other custody, and of the capture of the 7825
defendant or alleged juvenile offender after an escape or absence; 7826

(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody; 7827
7828

(6) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release. 7829
7830
7831

Sec. 2930.17. (A) In determining whether to grant a judicial release to a defendant from a prison term pursuant to section 2929.20 of the Revised Code at a time before the defendant's stated prison term expires, in determining whether to grant a release to an offender from a prison term pursuant to section 2967.19 of the Revised Code at a time before the offender's stated prison term expires, or in determining whether to grant a judicial release or early release to an alleged juvenile offender from a commitment to the department of youth services pursuant to section 2151.38 of the Revised Code, the court shall permit a victim of a crime or specified delinquent act for which the defendant or alleged juvenile offender was incarcerated or committed to make a statement, in addition to any other statement made under this chapter, concerning the effects of that crime or specified delinquent act on the victim, the circumstances surrounding the crime or specified delinquent act, the manner in which the crime or specified delinquent act was perpetrated, and the victim's opinion whether the defendant or alleged juvenile offender should be released. The victim may make the statement in writing or orally, at the court's discretion. The court shall give the defendant or alleged juvenile offender and either the adult parole authority or the department of youth services, whichever is applicable, a copy of any written impact statement made by the victim under this division. 7832
7833
7834
7835
7836
7837
7838
7839
7840
7841
7842
7843
7844
7845
7846
7847
7848
7849
7850
7851
7852
7853
7854
7855

(B) In deciding whether to grant a judicial release or early release to the defendant or alleged juvenile offender, the court 7856
7857

shall consider a statement made by the victim under division (A) 7858
of this section or section 2930.14 or 2947.051 of the Revised 7859
Code. 7860

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 7861
division (A)(1)(b) of this section, whoever violates a prohibition 7862
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 7863
Code shall be punished as follows: 7864

(i) If the most serious sexually oriented offense that was 7865
the basis of the registration, notice of intent to reside, change 7866
of address notification, or address verification requirement that 7867
was violated under the prohibition is aggravated murder or murder 7868
if committed by an adult or a comparable category of offense 7869
committed in another jurisdiction, the offender is guilty of a 7870
felony of the first degree. 7871

(ii) If the most serious sexually oriented offense or 7872
child-victim oriented offense that was the basis of the 7873
registration, notice of intent to reside, change of address 7874
notification, or address verification requirement that was 7875
violated under the prohibition is a felony of the first, second, 7876
third, or fourth degree if committed by an adult or a comparable 7877
category of offense committed in another jurisdiction, the 7878
offender is guilty of a felony of the same degree as the most 7879
serious sexually oriented offense or child-victim oriented offense 7880
that was the basis of the registration, notice of intent to 7881
reside, change of address, or address verification requirement 7882
that was violated under the prohibition, or, if the most serious 7883
sexually oriented offense or child-victim oriented offense that 7884
was the basis of the registration, notice of intent to reside, 7885
change of address, or address verification requirement that was 7886
violated under the prohibition is a comparable category of offense 7887
committed in another jurisdiction, the offender is guilty of a 7888

felony of the same degree as that offense committed in the other 7889
jurisdiction would constitute if committed in this state. 7890

(iii) If the most serious sexually oriented offense or 7891
child-victim oriented offense that was the basis of the 7892
registration, notice of intent to reside, change of address 7893
notification, or address verification requirement that was 7894
violated under the prohibition is a felony of the fifth degree or 7895
a misdemeanor if committed by an adult or a comparable category of 7896
offense committed in another jurisdiction, the offender is guilty 7897
of a felony of the fourth degree. 7898

(b) If the offender previously has been convicted of or 7899
pleaded guilty to, or previously has been adjudicated a delinquent 7900
child for committing, a violation of a prohibition in section 7901
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 7902
whoever violates a prohibition in section 2950.04, 2950.041, 7903
2950.05, or 2950.06 of the Revised Code shall be punished as 7904
follows: 7905

(i) If the most serious sexually oriented offense that was 7906
the basis of the registration, notice of intent to reside, change 7907
of address notification, or address verification requirement that 7908
was violated under the prohibition is aggravated murder or murder 7909
if committed by an adult or a comparable category of offense 7910
committed in another jurisdiction, the offender is guilty of a 7911
felony of the first degree. 7912

(ii) If the most serious sexually oriented offense or 7913
child-victim oriented offense that was the basis of the 7914
registration, notice of intent to reside, change of address 7915
notification, or address verification requirement that was 7916
violated under the prohibition is a felony of the first, second, 7917
or third degree if committed by an adult or a comparable category 7918
of offense committed in another jurisdiction, the offender is 7919
guilty of a felony of the same degree as the most serious sexually 7920

oriented offense or child-victim oriented offense that was the 7921
basis of the registration, notice of intent to reside, change of 7922
address, or address verification requirement that was violated 7923
under the prohibition, or, if the most serious sexually oriented 7924
offense or child-victim oriented offense that was the basis of the 7925
registration, notice of intent to reside, change of address, or 7926
address verification requirement that was violated under the 7927
prohibition is a comparable category of offense committed in 7928
another jurisdiction, the offender is guilty of a felony of the 7929
same degree as that offense committed in the other jurisdiction 7930
would constitute if committed in this state. 7931

(iii) If the most serious sexually oriented offense or 7932
child-victim oriented offense that was the basis of the 7933
registration, notice of intent to reside, change of address 7934
notification, or address verification requirement that was 7935
violated under the prohibition is a felony of the fourth or fifth 7936
degree if committed by an adult or a comparable category of 7937
offense committed in another jurisdiction, the offender is guilty 7938
of a felony of the third degree. 7939

(iv) If the most serious sexually oriented offense or 7940
child-victim oriented offense that was the basis of the 7941
registration, notice of intent to reside, change of address 7942
notification, or address verification requirement that was 7943
violated under the prohibition is a misdemeanor if committed by an 7944
adult or a comparable category of offense committed in another 7945
jurisdiction, the offender is guilty of a felony of the fourth 7946
degree. 7947

(2)(a) In addition to any penalty or sanction imposed under 7948
division (A)(1) of this section or any other provision of law for 7949
a violation of a prohibition in section 2950.04, 2950.041, 7950
2950.05, or 2950.06 of the Revised Code, if the offender or 7951
delinquent child is subject to a community control sanction, is on 7952

parole, is subject to one or more post-release control sanctions, 7953
or is subject to any other type of supervised release at the time 7954
of the violation, the violation shall constitute a violation of 7955
the terms and conditions of the community control sanction, 7956
parole, post-release control sanction, or other type of supervised 7957
release. 7958

(b) In addition to any penalty or sanction imposed under 7959
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 7960
provision of law for a violation of a prohibition in section 7961
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 7962
offender previously has been convicted of or pleaded guilty to, or 7963
previously has been adjudicated a delinquent child for committing, 7964
a violation of a prohibition in section 2950.04, 2950.041, 7965
2950.05, or 2950.06 of the Revised Code when the most serious 7966
sexually oriented offense or child-victim oriented offense that 7967
was the basis of the requirement that was violated under the 7968
prohibition is a felony if committed by an adult or a comparable 7969
category of offense committed in another jurisdiction, the court 7970
imposing a sentence upon the offender shall impose a definite 7971
prison term of no less than three years. The definite prison term 7972
imposed under this section is not restricted by division (B) of 7973
section 2929.14 of the Revised Code and, subject to division (K) 7974
of section 2967.19 of the Revised Code, shall not be reduced to 7975
less than three years pursuant to any provision of Chapter 2967. 7976
or any other provision of the Revised Code. 7977

(3) As used in division (A)(1) of this section, "comparable 7978
category of offense committed in another jurisdiction" means a 7979
sexually oriented offense or child-victim oriented offense that 7980
was the basis of the registration, notice of intent to reside, 7981
change of address notification, or address verification 7982
requirement that was violated, that is a violation of an existing 7983
or former law of another state or the United States, an existing 7984

or former law applicable in a military court or in an Indian 7985
tribal court, or an existing or former law of any nation other 7986
than the United States, and that, if it had been committed in this 7987
state, would constitute or would have constituted aggravated 7988
murder or murder for purposes of division (A)(1)(a)(i) of this 7989
section, a felony of the first, second, third, or fourth degree 7990
for purposes of division (A)(1)(a)(ii) of this section, a felony 7991
of the fifth degree or a misdemeanor for purposes of division 7992
(A)(1)(a)(iii) of this section, aggravated murder or murder for 7993
purposes of division (A)(1)(b)(i) of this section, a felony of the 7994
first, second, or third degree for purposes of division 7995
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 7996
degree for purposes of division (A)(1)(b)(iii) of this section, or 7997
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 7998
section. 7999

(B) If a person violates a prohibition in section 2950.04, 8000
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 8001
the person as a result of the person being adjudicated a 8002
delinquent child and being classified a juvenile offender 8003
registrant or an out-of-state juvenile offender registrant, both 8004
of the following apply: 8005

(1) If the violation occurs while the person is under 8006
eighteen years of age, the person is subject to proceedings under 8007
Chapter 2152. of the Revised Code based on the violation. 8008

(2) If the violation occurs while the person is eighteen 8009
years of age or older, the person is subject to criminal 8010
prosecution based on the violation. 8011

(C) Whoever violates division (C) of section 2950.13 of the 8012
Revised Code is guilty of a misdemeanor of the first degree. 8013

Sec. 2951.041. (A)(1) If an offender is charged with a 8014
criminal offense, including but not limited to a violation of 8015

section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 8016
the Revised Code, and the court has reason to believe that drug or 8017
alcohol usage by the offender was a factor leading to the 8018
offender's criminal offense with which the offender is charged or 8019
that, at the time of committing that offense, the offender had a 8020
mental illness or was a mentally retarded person and that the 8021
mental illness or status as a mentally retarded person was a 8022
factor leading to the offender's criminal behavior, the court may 8023
accept, prior to the entry of a guilty plea, the offender's 8024
request for intervention in lieu of conviction. The request shall 8025
include a statement from the offender as to whether the offender 8026
is alleging that drug or alcohol usage by the offender was a 8027
factor leading to the criminal offense with which the offender is 8028
charged or is alleging that, at the time of committing that 8029
offense, the offender had a mental illness or was a mentally 8030
retarded person and that the mental illness or status as a 8031
mentally retarded person was a factor leading to the criminal 8032
offense with which the offender is charged. The request also shall 8033
include a waiver of the defendant's right to a speedy trial, the 8034
preliminary hearing, the time period within which the grand jury 8035
may consider an indictment against the offender, and arraignment, 8036
unless the hearing, indictment, or arraignment has already 8037
occurred. The court may reject an offender's request without a 8038
hearing. If the court elects to consider an offender's request, 8039
the court shall conduct a hearing to determine whether the 8040
offender is eligible under this section for intervention in lieu 8041
of conviction and shall stay all criminal proceedings pending the 8042
outcome of the hearing. If the court schedules a hearing, the 8043
court shall order an assessment of the offender for the purpose of 8044
determining the offender's eligibility for intervention in lieu of 8045
conviction and recommending an appropriate intervention plan. 8046

If the offender alleges that drug or alcohol usage by the 8047
offender was a factor leading to the criminal offense with which 8048

the offender is charged, the court may order that the offender be 8049
assessed by a program certified pursuant to section 3793.06 of the 8050
Revised Code or a properly credentialed professional for the 8051
purpose of determining the offender's eligibility for intervention 8052
in lieu of conviction and recommending an appropriate intervention 8053
plan. The program or the properly credentialed professional shall 8054
provide a written assessment of the offender to the court. 8055
8056

(2) The victim notification provisions of division (C) of 8057
section 2930.08 of the Revised Code apply in relation to any 8058
hearing held under division (A)(1) of this section. 8059

(B) An offender is eligible for intervention in lieu of 8060
conviction if the court finds all of the following: 8061

(1) The offender previously has not been convicted of or 8062
pleaded guilty to a felony offense of violence or previously has 8063
been convicted of or pleaded guilty to any felony that is not an 8064
offense of violence and the prosecuting attorney recommends that 8065
the offender be found eligible for participation in intervention 8066
in lieu of treatment under this section, previously has not been 8067
through intervention in lieu of conviction under this section or 8068
any similar regimen, and is charged with a felony for which the 8069
court, upon conviction, would impose sentence under division 8070
(B)(2)(b) of section 2929.13 of the Revised Code or with a 8071
misdemeanor. 8072

(2) The offense is not a felony of the first, second, or 8073
third degree, is not an offense of violence, is not a violation of 8074
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 8075
not a violation of division (A)(1) of section 2903.08 of the 8076
Revised Code, is not a violation of division (A) of section 8077
4511.19 of the Revised Code or a municipal ordinance that is 8078
substantially similar to that division, and is not an offense for 8079
which a sentencing court is required to impose a mandatory prison 8080

term, a mandatory term of local incarceration, or a mandatory term 8081
of imprisonment in a jail. 8082

(3) The offender is not charged with a violation of section 8083
2925.02, ~~2925.03~~, 2925.04, or 2925.06 of the Revised Code, is not 8084
charged with a violation of section 2925.03 of the Revised Code 8085
that is a felony of the first, second, third, or fourth degree, 8086
and is not charged with a violation of section 2925.11 of the 8087
Revised Code that is a felony of the first, second, or third 8088
degree. 8089

~~(4) The offender is not charged with a violation of section 8090
2925.11 of the Revised Code that is a felony of the fourth degree,~~ 8091
~~or the offender is charged with a violation of that section that~~ 8092
~~is a felony of the fourth degree and the prosecutor in the case~~ 8093
~~has recommended that the offender be classified as being eligible~~ 8094
~~for intervention in lieu of conviction under this section.~~ 8095

~~(5) The~~ If an offender alleges that drug or alcohol usage by 8096
the offender was a factor leading to the criminal offense with 8097
which the offender is charged, the court has ordered that the 8098
offender ~~has been~~ be assessed by an ~~appropriately licensed~~ 8099
~~provider, certified facility, or licensed and credentialed~~ 8100
~~professional, including, but not limited to, a program licensed by~~ 8101
~~the department of alcohol and drug addiction services pursuant to~~ 8102
~~section 3793.11 of the Revised Code, a program certified by that~~ 8103
~~department pursuant to section 3793.06 of the Revised Code,~~ a 8104
~~public or private hospital, the United States department of~~ 8105
~~veterans affairs, another appropriate agency of the government of~~ 8106
~~the United States, or a licensed physician, psychiatrist,~~ 8107
~~psychologist, independent social worker, professional counselor,~~ 8108
~~or chemical dependency counselor~~ or a properly credentialed 8109
professional for the purpose of determining the offender's 8110
eligibility for intervention in lieu of conviction and 8111
recommending an appropriate intervention plan, the offender has 8112

been assessed by a program of that nature or a properly 8113
credentialed professional in accordance with the court's order, 8114
and the program or properly credentialed professional has filed 8115
the written assessment of the offender with the court. 8116

(5) If an offender alleges that, at the time of committing 8117
the criminal offense with which the offender is charged, the 8118
offender had a mental illness or was a mentally retarded person 8119
and that the mental illness or status as a mentally retarded 8120
person was a factor leading to that offense, the offender has been 8121
assessed by a psychiatrist, psychologist, independent social 8122
worker, or professional clinical counselor for the purpose of 8123
determining the offender's eligibility for intervention in lieu of 8124
conviction and recommending an appropriate intervention plan. 8125

(6) The offender's drug ~~or~~ usage, alcohol usage, mental 8126
illness, or mental retardation, whichever is applicable, was a 8127
factor leading to the criminal offense with which the offender is 8128
charged, intervention in lieu of conviction would not demean the 8129
seriousness of the offense, and intervention would substantially 8130
reduce the likelihood of any future criminal activity. 8131

(7) The alleged victim of the offense was not sixty-five 8132
years of age or older, permanently and totally disabled, under 8133
thirteen years of age, or a peace officer engaged in the officer's 8134
official duties at the time of the alleged offense. 8135

(8) If the offender is charged with a violation of section 8136
2925.24 of the Revised Code, the alleged violation did not result 8137
in physical harm to any person, and the offender previously has 8138
not been treated for drug abuse. 8139

(9) The offender is willing to comply with all terms and 8140
conditions imposed by the court pursuant to division (D) of this 8141
section. 8142

(C) At the conclusion of a hearing held pursuant to division 8143

(A) of this section, the court shall enter its determination as to 8144
whether the offender is eligible for intervention in lieu of 8145
conviction and as to whether to grant the offender's request. If 8146
the court finds under division (B) of this section that the 8147
offender is eligible for intervention in lieu of conviction and 8148
grants the offender's request, the court shall accept the 8149
offender's plea of guilty and waiver of the defendant's right to a 8150
speedy trial, the preliminary hearing, the time period within 8151
which the grand jury may consider an indictment against the 8152
offender, and arraignment, unless the hearing, indictment, or 8153
arraignment has already occurred. In addition, the court then may 8154
stay all criminal proceedings and order the offender to comply 8155
with all terms and conditions imposed by the court pursuant to 8156
division (D) of this section. If the court finds that the offender 8157
is not eligible or does not grant the offender's request, the 8158
criminal proceedings against the offender shall proceed as if the 8159
offender's request for intervention in lieu of conviction had not 8160
been made. 8161

(D) If the court grants an offender's request for 8162
intervention in lieu of conviction, the court shall place the 8163
offender under the general control and supervision of the county 8164
probation department, the adult parole authority, or another 8165
appropriate local probation or court services agency, if one 8166
exists, as if the offender was subject to a community control 8167
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 8168
Revised Code. The court shall establish an intervention plan for 8169
the offender. The terms and conditions of the intervention plan 8170
shall require the offender, for at least one year from the date on 8171
which the court grants the order of intervention in lieu of 8172
conviction, to abstain from the use of illegal drugs and alcohol, 8173
to participate in treatment and recovery support services, and to 8174
submit to regular random testing for drug and alcohol use and may 8175
include any other treatment terms and conditions, or terms and 8176

conditions similar to community control sanctions, which may 8177
include community service or restitution, that are ordered by the 8178
court. 8179

(E) If the court grants an offender's request for 8180
intervention in lieu of conviction and the court finds that the 8181
offender has successfully completed the intervention plan for the 8182
offender, including the requirement that the offender abstain from 8183
using illegal drugs and alcohol for a period of at least one year 8184
from the date on which the court granted the order of intervention 8185
in lieu of conviction, the requirement that the offender 8186
participate in treatment and recovery support services, and all 8187
other terms and conditions ordered by the court, the court shall 8188
dismiss the proceedings against the offender. Successful 8189
completion of the intervention plan and period of abstinence under 8190
this section shall be without adjudication of guilt and is not a 8191
criminal conviction for purposes of any disqualification or 8192
disability imposed by law and upon conviction of a crime, and the 8193
court may order the sealing of records related to the offense in 8194
question in the manner provided in sections 2953.31 to 2953.36 of 8195
the Revised Code. 8196

(F) If the court grants an offender's request for 8197
intervention in lieu of conviction and the offender fails to 8198
comply with any term or condition imposed as part of the 8199
intervention plan for the offender, the supervising authority for 8200
the offender promptly shall advise the court of this failure, and 8201
the court shall hold a hearing to determine whether the offender 8202
failed to comply with any term or condition imposed as part of the 8203
plan. If the court determines that the offender has failed to 8204
comply with any of those terms and conditions, it shall enter a 8205
finding of guilty and shall impose an appropriate sanction under 8206
Chapter 2929. of the Revised Code. If the court sentences the 8207
offender to a prison term, the court, after consulting with the 8208

department of rehabilitation and correction regarding the 8209
availability of services, may order continued court-supervised 8210
activity and treatment of the offender during the prison term and, 8211
upon consideration of reports received from the department 8212
concerning the offender's progress in the program of activity and 8213
treatment, may consider judicial release under section 2929.20 of 8214
the Revised Code. 8215

(G) As used in this section: 8216

(1) "Community control sanction" has the same meaning as in 8217
section 2929.01 of the Revised Code. 8218

(2) "Intervention in lieu of conviction" means any 8219
court-supervised activity that complies with this section. 8220

(3) "Peace officer" has the same meaning as in section 8221
2935.01 of the Revised Code. 8222

(4) "Mental illness" and "psychiatrist" have the same 8223
meanings as in section 5122.01 of the Revised Code. 8224

(5) "Mentally retarded person" has the same meaning as in 8225
section 5123.01 of the Revised Code. 8226

(6) "Psychologist" has the same meaning as in section 4732.01 8227
of the Revised Code. 8228

Sec. 2967.05. (A) As used in this section: 8229

(1) "Imminent danger of death" means that the inmate has a 8230
medically diagnosable condition that will cause death to occur 8231
within a short period of time. 8232

As used in division (A)(1) of this section, "within a short 8233
period of time" means generally within six months. 8234

(2)(a) "Medically incapacitated" means any diagnosable 8235
medical condition, including mental dementia and severe, permanent 8236
medical or cognitive disability, that prevents the inmate from 8237

completing activities of daily living without significant 8238
assistance, that incapacitates the inmate to the extent that 8239
institutional confinement does not offer additional restrictions, 8240
that is likely to continue throughout the entire period of parole, 8241
and that is unlikely to improve noticeably. 8242

(b) "Medically incapacitated" does not include conditions 8243
related solely to mental illness unless the mental illness is 8244
accompanied by injury, disease, or organic defect. 8245

(3)(a) "Terminal illness" means a condition that satisfies 8246
all of the following criteria: 8247

(i) The condition is irreversible and incurable and is caused 8248
by disease, illness, or injury from which the inmate is unlikely 8249
to recover. 8250

(ii) In accordance with reasonable medical standards and a 8251
reasonable degree of medical certainty, the condition is likely to 8252
cause death to the inmate within twelve months. 8253

(iii) Institutional confinement of the inmate does not offer 8254
additional protections for public safety or against the inmate's 8255
risk to reoffend. 8256

(b) The department of rehabilitation and correction shall 8257
adopt rules pursuant to Chapter 119. of the Revised Code to 8258
implement the definition of "terminal illness" in division 8259
(A)(3)(a) of this section. 8260

(B) Upon the recommendation of the director of rehabilitation 8261
and correction, accompanied by a certificate of the attending 8262
physician that an inmate is terminally ill, medically 8263
incapacitated, or in imminent danger of death, the governor may 8264
order the inmate's release ~~as if~~ on indefinite parole on or after 8265
a specified date, reserving the right to return the inmate to the 8266
institution pursuant to this section. The inmate shall not be 8267
released until an appropriate placement in a skilled nursing 8268

facility has been secured for the inmate and the skilled nursing 8269
facility has secured a funding source for the placement. The 8270
department of job and family services shall give priority to the 8271
processing and determination of an inmate's eligibility for 8272
initial or continued medicaid funding under this section. The 8273
department of job and family services' processing and 8274
determination of the inmate's eligibility may be based solely on 8275
identifying information provided by the department of 8276
rehabilitation and correction. In addition to the reimbursement 8277
otherwise provided to a skilled nursing facility under Chapter 8278
5111. of the Revised Code, the department of job and family 8279
services, through the medicaid program, shall reimburse a skilled 8280
nursing facility that provides care to inmates under this section 8281
for reasonable additional costs incurred by the facility in 8282
providing the security required by division (D)(1)(e) of this 8283
section and will take all necessary steps to implement the payment 8284
of these additional costs. An inmate shall not be released to a 8285
skilled nursing facility until the inmate has undergone 8286
preadmission screening and resident review and the level of care 8287
review and determination process established under the 8288
Administrative Code and has been determined to meet the criteria 8289
for skilled nursing care. A skilled nursing facility shall meet 8290
the requirements set forth in division (D) of this section. If, 8291
subsequent to the inmate's release, the inmate's health improves 8292
so that the inmate is no longer terminally ill, medically 8293
incapacitated, or in imminent danger of death, the inmate shall be 8294
returned, by order of the governor, to the institution from which 8295
the inmate was released. If the inmate violates any rules or 8296
conditions applicable to the inmate, the inmate may be returned to 8297
an institution under the control of the department of 8298
rehabilitation and correction. The governor may direct the adult 8299
parole authority to investigate or cause to be investigated the 8300
inmate and make a recommendation in the manner set forth in 8301

section 2967.03 of the Revised Code. An inmate released under this 8302
section shall be subject to supervision by the adult parole 8303
authority in accordance with any recommendation of the adult 8304
parole authority that is approved by the governor. The adult 8305
parole authority shall adopt rules pursuant to section 119.03 of 8306
the Revised Code to establish the procedure for medical release of 8307
an inmate when an inmate is terminally ill, medically 8308
incapacitated, or in imminent danger of death. 8309

(C) No inmate is eligible for release under this section if 8310
the inmate is serving a death sentence, a sentence of life without 8311
parole, or a sentence under Chapter 2971. of the Revised Code for 8312
a felony of the first or second degree, ~~a sentence for aggravated~~ 8313
~~murder or murder, or a mandatory prison term for an offense of~~ 8314
~~violence or any specification described in Chapter 2941. of the~~ 8315
~~Revised Code.~~ 8316

(D)(1) An inmate shall not be released to a skilled nursing 8317
facility under this section unless the skilled nursing facility 8318
meets all of the following requirements: 8319

(a) The skilled nursing facility is certified as a skilled 8320
nursing facility under Title XVIII or XIX of the "Social Security 8321
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and has 8322
obtained any approval or authorization needed for its operation as 8323
described in division (E) of this section. 8324

(b) The skilled nursing facility is under contract with the 8325
department of rehabilitation and correction solely for the care of 8326
inmates released under this section and is certified by the 8327
department. 8328

(c) The skilled nursing facility is located in Ohio, and the 8329
facility's location presents a minimal risk to public safety. 8330

(d) The skilled nursing facility is operated by a licensed 8331
nursing home administrator who has a minimum of six years of 8332

active licensure, a master's degree in healthcare administration, 8333
and experience in the administration of an assisted living 8334
program, a home care program, a skilled nursing facility, a 8335
hospice care program, and a long term acute care hospital. 8336

(e) Employees of the facility or a contractor provide 8337
security to the skilled nursing facility. The security staff shall 8338
be directed by a person with at least thirty years of experience 8339
as a law enforcement officer with a law enforcement agency 8340
employing a minimum of five hundred law enforcement officers, 8341
whose experience includes a minimum of five years of supervisory 8342
experience. 8343

(2) The department of health shall issue a certificate of 8344
need to the operator of a skilled nursing facility that accepts 8345
inmates under this section. 8346

(E) The department of job and family services shall apply to 8347
the centers for medicare and medicaid services of the United 8348
States department of health and human services for any approval or 8349
other authorization needed for the operation of the skilled 8350
nursing facility to be used to provide care to inmates under this 8351
section, and for a statement of the applicable parameters for 8352
operation of the facility. The department shall notify the 8353
facility and the department of rehabilitation and correction of 8354
the grant by the centers of any such approval or authorization 8355
needed for the facility and of the applicable parameters for its 8356
operation. 8357

(F) Sections 3721.10 to 3721.18 of the Revised Code do not 8358
apply to an inmate receiving care in a skilled nursing facility 8359
under divisions (B) to (D) of this section. 8360

Sec. 2967.14. (A) The department of rehabilitation and 8361
correction or the adult parole authority may require or allow a 8362
parolee or, a releasee, or a prisoner otherwise released from a 8363

state correctional institution to reside in a halfway house or 8364
other suitable community residential center that has been licensed 8365
by the division of parole and community services pursuant to 8366
division (C) of this section during a part or for the entire 8367
period of the offender's or parolee's conditional release or of 8368
the releasee's term of post-release control. The court of common 8369
pleas that placed an offender under a sanction consisting of a 8370
term in a halfway house or in an alternative residential sanction 8371
may require the offender to reside in a halfway house or other 8372
suitable community residential center that is designated by the 8373
court and that has been licensed by the division pursuant to 8374
division (C) of this section during a part or for the entire 8375
period of the offender's residential sanction. 8376

(B) The division of parole and community services may 8377
negotiate and enter into agreements with any public or private 8378
agency or a department or political subdivision of the state that 8379
operates a halfway house, reentry center, or community residential 8380
center that has been licensed by the division pursuant to division 8381
(C) of this section. An agreement under this division shall 8382
provide for the purchase of beds, shall set limits of supervision 8383
and levels of occupancy, and shall determine the scope of services 8384
for all eligible offenders, including those subject to a 8385
residential sanction, as defined in rules adopted by the director 8386
of rehabilitation and correction in accordance with Chapter 119. 8387
of the Revised Code, or those released from prison without 8388
supervision. ~~The payments for beds and services shall be equal to~~ 8389
~~the halfway house's or community residential center's average~~ 8390
~~daily per capita costs with its facility at full occupancy.~~ The 8391
payments for beds and services shall not exceed the total 8392
operating costs of the halfway house, reentry center, or community 8393
residential center during the term of an agreement. The director 8394
of rehabilitation and correction shall adopt rules in accordance 8395
with Chapter 119. of the Revised Code for determining includable 8396

and excludable costs and income to be used in computing the 8397
agency's average daily per capita costs with its facility at full 8398
occupancy. 8399

The department of rehabilitation and correction may use no 8400
more than ten per cent of the amount appropriated to the 8401
department each fiscal year for the halfway house, reentry center, 8402
and community residential center program to pay for contracts for 8403
nonresidential services for offenders under the supervision of the 8404
adult parole authority. The nonresidential services may include, 8405
but are not limited to, treatment for substance abuse, mental 8406
health counseling, ~~and~~ counseling for sex offenders, and 8407
electronic monitoring services. 8408

(C) The division of parole and community services may license 8409
a halfway house, reentry center, or community residential center 8410
as a suitable facility for the care and treatment of adult 8411
offenders, including offenders sentenced under section 2929.16 or 8412
2929.26 of the Revised Code, only if the halfway house, reentry 8413
center, or community residential center complies with the 8414
standards that the division adopts in accordance with Chapter 119. 8415
of the Revised Code for the licensure of halfway houses, reentry 8416
centers, and community residential centers. The division shall 8417
annually inspect each licensed halfway house, licensed reentry 8418
center, and licensed community residential center to determine if 8419
it is in compliance with the licensure standards. 8420

Sec. 2967.19. (A) The director of rehabilitation and 8421
correction may petition the sentencing court for the release from 8422
prison of any offender confined in a state correctional 8423
institution under a stated prison term of one year or more who has 8424
served at least eighty-five per cent of the offender's stated 8425
prison term and is eligible under division (B) of this section for 8426
a release under this section. If the director wishes to submit a 8427

petition for release under this section, the director shall submit 8428
the petition not earlier than ninety days prior to the date on 8429
which the offender has served eighty-five per cent of the 8430
offender's stated prison term. The director's submission of a 8431
petition for release under this section constitutes a 8432
recommendation by the director that the court strongly consider 8433
release of the offender consistent with the purposes and 8434
principles of sentencing set forth in section 2929.13 of the 8435
Revised Code. 8436

(B) Except as otherwise provided in this division, an 8437
offender serving a stated prison term of one year or more is 8438
eligible for release from prison under this section. An offender 8439
is not eligible for release from prison under this section if the 8440
offender is serving a term of life imprisonment, including any 8441
term of life imprisonment that has parole eligibility, if the 8442
offender is serving a mandatory prison term imposed under division 8443
(D)(1)(a), (D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 8444
2929.14 of the Revised Code, or if the offender is serving a 8445
prison term for any of the following: 8446

(1) Aggravated murder, murder, voluntary manslaughter, 8447
involuntary manslaughter, felonious assault, kidnapping, rape, 8448
aggravated arson, or aggravated robbery; 8449

(2) Complicity in, an attempt to commit, or conspiracy to 8450
commit any offense listed in division (B)(1) of this section; 8451

(3) Any offense that is a felony of the first or second 8452
degree, that is not described in division (B)(1) or (2) of this 8453
section, and for which the offender is not serving a term of life 8454
imprisonment if the offender previously has been convicted of or 8455
pleaded guilty to aggravated murder, murder, any felony of the 8456
first or second degree, or any offense under an existing or former 8457
law of this state, another state, or the United States that is or 8458

was substantially equivalent to aggravated murder, murder, or a 8459
felony of the first or second degree; 8460

(4) Any felony, other than carrying a concealed weapon, that 8461
was committed while the person had a firearm, as defined in 8462
section 2923.11 of the Revised Code, on or about the offender's 8463
person or under the offender's control; 8464

(5) Any violation of section 2925.03 of the Revised Code that 8465
is a felony of the first or second degree; 8466

(6) Engaging in a pattern of corrupt activity in violation of 8467
section 2923.32 of the Revised Code. 8468

(C) The director shall include with any petition submitted to 8469
the sentencing court under this section an institutional summary 8470
report that covers the offender's participation while confined in 8471
a state correctional institution in school, training, work, 8472
treatment, and other rehabilitative activities and any 8473
disciplinary action taken against the offender while so confined. 8474
The director shall include with the petition a post-release 8475
control assessment and placement plan, when relevant, and any 8476
other documentation requested by the court, if available. 8477

(D) When the director submits a petition under this section 8478
for release of an offender, the department promptly shall give 8479
notice of the petition to the prosecuting attorney of the county 8480
in which the offender was indicted and to any victim of the 8481
offender or victim's representative of any victim of the offender 8482
who is registered with the office of victim's services. 8483

The department also shall post notice of the petition on the 8484
database it maintains under section 5120.66 of the Revised Code 8485
and include information on where a person may send comments 8486
regarding the petition. 8487

(E) Upon receipt of a petition for release of an offender 8488
submitted by the director under this section, the court may deny 8489

the petition without a hearing. The court shall not grant a 8490
petition for release of an offender without a hearing. If a court 8491
denies a petition for release of an offender without a hearing, 8492
the court may later consider release of that offender on a 8493
subsequent petition. The court shall enter its ruling within 8494
thirty days after the petition is filed. 8495

(F) If the court grants a hearing on a petition for release 8496
of an offender, the court shall notify the head of the state 8497
correctional institution in which the offender is confined of the 8498
hearing prior to the hearing. If the court makes a journal entry 8499
ordering the offender to be conveyed to the hearing, except as 8500
otherwise provided in this division, the head of the correctional 8501
institution shall deliver the offender to the sheriff of the 8502
county in which the hearing is to be held, and the sheriff shall 8503
convey the offender to and from the hearing. Upon the court's own 8504
motion or the motion of the offender or the prosecuting attorney 8505
of the county in which the offender was indicted, the court may 8506
permit the offender to appear at the hearing by video conferencing 8507
equipment if equipment of that nature is available and compatible. 8508

Upon receipt of notice from a court of a hearing on the 8509
release of an offender under this division, the head of the state 8510
correctional institution in which the offender is confined 8511
immediately shall notify the appropriate person at the department 8512
of rehabilitation and correction of the hearing, and the 8513
department within twenty-four hours after receipt of the notice 8514
shall post on the database it maintains pursuant to section 8515
5120.66 of the Revised Code the offender's name and all of the 8516
information specified in division (A)(1)(c)(i) of that section. If 8517
the court grants a hearing on a petition for release of an 8518
offender under this section, the court promptly shall give notice 8519
of the hearing to the prosecuting attorney of the county in which 8520
the offender was indicted. Upon receipt of the notice from the 8521

court, the prosecuting attorney shall notify pursuant to section 8522
2930.16 of the Revised Code any victim of the offender or the 8523
victim's representative of the hearing. 8524

(G) If the court grants a hearing on a petition for release 8525
of an offender under this section, at the hearing, the court shall 8526
afford the offender and the offender's attorney an opportunity to 8527
present written information and, if present, oral information 8528
relevant to the motion. The court shall afford a similar 8529
opportunity to the prosecuting attorney, victim or victim's 8530
representative, as defined in section 2930.01 of the Revised Code, 8531
and any other person the court determines is likely to present 8532
additional relevant information. If the court pursuant to division 8533
(F) of this section permits the offender to appear at the hearing 8534
by video conferencing equipment, the offender's opportunity to 8535
present oral information shall be as a part of the video 8536
conferencing. The court shall consider any statement of a victim 8537
made under section 2930.14 or 2930.17 of the Revised Code, any 8538
victim impact statement prepared under 2947.051 of the Revised 8539
Code, and any report, plan, and other documentation submitted by 8540
the director under division (C) of this section. After ruling on 8541
the motion, the court shall notify the victim in accordance with 8542
sections 2930.03 and 2930.16 of the Revised Code. 8543

(H) If the court grants a petition for release of an offender 8544
under this section, it shall order the offender's release under 8545
the supervision of the adult parole authority. The court shall not 8546
make a release under this section effective prior to the date on 8547
which the offender has served at least eighty-five per cent of the 8548
offender's stated prison term. If the sentence under which the 8549
offender is confined in a state correctional institution and from 8550
which the offender is being released was imposed for a felony of 8551
the first or second degree, the court shall order that the 8552
offender be monitored by means of a global positioning device, 8553

with the cost of monitoring borne by the offender through the 8554
imposition of supervision fees under section 5120.56 of the 8555
Revised Code. If the offender is indigent, the cost shall be paid 8556
out of the reparations fund created under section 2743.191 of the 8557
Revised Code. The initial period of supervision by the adult 8558
parole authority and the monitoring of the offender by means of a 8559
global positioning device when ordered shall conclude on the date 8560
of expiration of the stated prison term from which the offender 8561
was released. If the parole board imposed a period of post-release 8562
control on the offender under section 2967.28 of the Revised Code, 8563
upon the conclusion of that initial period of supervision and that 8564
initial period of monitoring when ordered, the offender shall be 8565
placed on post-release control in accordance with the post-release 8566
control sanctions the board imposed on the offender under that 8567
section. 8568

If the court grants a petition for release of an offender 8569
under this section, it shall notify the appropriate person at the 8570
department of rehabilitation and correction of the release, and 8571
the department shall post notice of the release on the database it 8572
maintains pursuant to section 5120.66 of the Revised Code. 8573

(I) Within ninety days after the effective date of this 8574
section, the chair of the parole board or the chair's designee 8575
shall review the cases of all parole-eligible inmates who are age 8576
sixty-five or older and who have had a statutory first parole 8577
consideration hearing. 8578

(J) Upon completion of the review described in division (I) 8579
of this section, the chair of the parole board shall present to 8580
the board the cases of the offenders described in that division. 8581
Upon presentation of the case of an offender, the board, by 8582
majority vote, may choose to rehear the offender's case for 8583
possible release on parole. 8584

(K)(1) An offender who is serving a mandatory prison term 8585

imposed under a provision other than division (D)(1)(a), (D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 2929.14 of the Revised Code is not automatically ineligible as a result of the offender's service of that term for release from prison under this section.

(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 five 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 ealendar 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~~ 8617
~~on which the prisoner's stated prison term will expire. The total~~ 8618
~~number of days of credit that a person may earn under this section~~ 8619
~~shall not exceed eight per cent of the total number of days in the~~ 8620
~~person's stated prison term.~~ If the prisoner violates prison 8621
rules, the department may deny the prisoner a credit that 8622
otherwise could have been awarded to the prisoner or may withdraw 8623
one or more credits previously earned by the prisoner. 8624

~~If a prisoner is released before the expiration of the~~ 8626
~~prisoner's stated prison term by reason of credit earned under~~ 8627
~~this section, the department shall retain control of the prisoner~~ 8628
~~by means of an appropriate post release control sanction imposed~~ 8629
~~by the parole board until the end of the stated prison term if the~~ 8630
~~parole board imposes a post release control sanction pursuant to~~ 8631
~~section 2967.28 of the Revised Code. If the parole board is not~~ 8632
~~required to impose a post release control sanction under section~~ 8633
~~2967.28 of the Revised Code, the parole board may elect not to~~ 8634
~~impose a post release control sanction on the prisoner.~~ 8635

(B) The department of rehabilitation and correction shall 8637
adopt rules that specify the programs or activities for which 8638
credit may be earned under this section, the criteria for 8639
determining productive participation in the programs or activities 8640
and for awarding credit, and the criteria for denying or 8641
withdrawing previously earned credit as a result of a violation of 8642
prison rules. 8643

(C) No person who is serving a sentence of life imprisonment 8644
without parole imposed pursuant to section 2929.03 or 2929.06 of 8645
the Revised Code ~~or~~, who is serving a prison term or a term of 8646
life imprisonment without parole imposed pursuant to section 8647
2971.03 of the Revised Code, or who is serving a sentence for a 8648

sexually oriented offense shall be awarded any days of credit 8649
under division (A) of this section. 8650

(D) The determination of whether a person confined in a state 8651
correctional institution may earn one day of credit or five days 8652
of credit under division (A) of this section for each completed 8653
month during which the person productively participates in a 8654
program specified under that division shall be made in accordance 8655
with the following: 8656

(1) The offender may earn one day of credit under division 8657
(A) of this section, except as provided in division (C) of this 8658
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 8659
Code, if the most serious offense for which the offender is 8660
confined is any of the following that is a felony of the first or 8661
second degree: 8662

(a) A violation of section 2903.11, 2903.15, 2905.01, 8663
2907.21, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 8664
2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 8665
2919.13, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 8666
2923.32, 2925.24, or 2927.24 of the Revised Code; 8667

(b) A conspiracy or attempt to commit, or complicity in 8668
committing, aggravated murder, murder, any other offense for which 8669
the maximum penalty is death or imprisonment for life, or any 8670
offense listed in division (D)(1)(a) of this section. 8671

(2) The offender may earn five days of credit under division 8672
(A) of this section, except as provided in division (C) of this 8673
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 8674
Code, if the most serious offense for which the offender is 8675
confined is a felony of the first or second degree and division 8676
(D)(1) of this section does not apply to the offender. 8677

(3) The offender may earn five days of credit under division 8678
(A) of this section, except as provided in division (C) of this 8679

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.

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

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

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

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

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

(B) Each sentence to a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B)(3)(c) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. Section 2929.191 of the Revised Code applies if, prior

to July 11, 2006, a court imposed a sentence including a prison 8710
term of a type described in this division and failed to notify the 8711
offender pursuant to division (B)(3)(c) of section 2929.19 of the 8712
Revised Code regarding post-release control or to include in the 8713
judgment of conviction entered on the journal or in the sentence 8714
pursuant to division (F)(1) of section 2929.14 of the Revised Code 8715
a statement regarding post-release control. Unless reduced by the 8716
parole board pursuant to division (D) of this section when 8717
authorized under that division, a period of post-release control 8718
required by this division for an offender shall be of one of the 8719
following periods: 8720

(1) For a felony of the first degree or for a felony sex 8721
offense, five years; 8722

(2) For a felony of the second degree that is not a felony 8723
sex offense, three years; 8724

(3) For a felony of the third degree that is not a felony sex 8725
offense and in the commission of which the offender caused or 8726
threatened physical harm to a person, three years. 8727

(C) Any sentence to a prison term for a felony of the third, 8728
fourth, or fifth degree that is not subject to division (B)(1) or 8729
(3) of this section shall include a requirement that the offender 8730
be subject to a period of post-release control of up to three 8731
years after the offender's release from imprisonment, if the 8732
parole board, in accordance with division (D) of this section, 8733
determines that a period of post-release control is necessary for 8734
that offender. Section 2929.191 of the Revised Code applies if, 8735
prior to July 11, 2006, a court imposed a sentence including a 8736
prison term of a type described in this division and failed to 8737
notify the offender pursuant to division (B)(3)(d) of section 8738
2929.19 of the Revised Code regarding post-release control or to 8739
include in the judgment of conviction entered on the journal or in 8740
the sentence pursuant to division (F)(2) of section 2929.14 of the 8741

Revised Code a statement regarding post-release control. Pursuant 8742
to an agreement entered into under section 2967.29 of the Revised 8743
Code, a court of common pleas or parole board may impose sanctions 8744
or conditions on an offender who is placed on post-release control 8745
under this division. 8746

(D)(1) Before the prisoner is released from imprisonment, the 8747
parole board or, pursuant to an agreement under section 2967.29 of 8748
the Revised Code, the court shall impose upon a prisoner described 8749
in division (B) of this section, may impose upon a prisoner 8750
described in division (C) of this section, and shall impose upon a 8751
prisoner described in division (B)(2)(b) of section 5120.031 or in 8752
division (B)(1) of section 5120.032 of the Revised Code, one or 8753
more post-release control sanctions to apply during the prisoner's 8754
period of post-release control. Whenever the board or court 8755
imposes one or more post-release control sanctions upon a 8756
prisoner, the board or court, in addition to imposing the 8757
sanctions, also shall include as a condition of the post-release 8758
control that the offender not leave the state without permission 8759
of the court or the offender's parole or probation officer and 8760
that the offender abide by the law. The board or court may impose 8761
any other conditions of release under a post-release control 8762
sanction that the board or court considers appropriate, and the 8763
conditions of release may include any community residential 8764
sanction, community nonresidential sanction, or financial sanction 8765
that the sentencing court was authorized to impose pursuant to 8766
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 8767
to the release of a prisoner for whom it will impose one or more 8768
post-release control sanctions under this division, the parole 8769
board or court shall review the prisoner's criminal history, all 8770
juvenile court adjudications finding the prisoner, while a 8771
juvenile, to be a delinquent child, and the record of the 8772
prisoner's conduct while imprisoned. The parole board or court 8773
shall consider any recommendation regarding post-release control 8774

sanctions for the prisoner made by the office of victims' 8775
services. After considering those materials, the board or court 8776
shall determine, for a prisoner described in division (B) of this 8777
section, division (B)(2)(b) of section 5120.031, or division 8778
(B)(1) of section 5120.032 of the Revised Code, which post-release 8779
control sanction or combination of post-release control sanctions 8780
is reasonable under the circumstances or, for a prisoner described 8781
in division (C) of this section, whether a post-release control 8782
sanction is necessary and, if so, which post-release control 8783
sanction or combination of post-release control sanctions is 8784
reasonable under the circumstances. In the case of a prisoner 8785
convicted of a felony of the fourth or fifth degree other than a 8786
felony sex offense, the board or court shall presume that 8787
monitored time is the appropriate post-release control sanction 8788
unless the board or court determines that a more restrictive 8789
sanction is warranted. A post-release control sanction imposed 8790
under this division takes effect upon the prisoner's release from 8791
imprisonment. 8792

Regardless of whether the prisoner was sentenced to the 8793
prison term prior to, on, or after July 11, 2006, prior to the 8794
release of a prisoner for whom it will impose one or more 8795
post-release control sanctions under this division, the parole 8796
board shall notify the prisoner that, if the prisoner violates any 8797
sanction so imposed or any condition of post-release control 8798
described in division (B) of section 2967.131 of the Revised Code 8799
that is imposed on the prisoner, the parole board may impose a 8800
prison term of up to one-half of the stated prison term originally 8801
imposed upon the prisoner. 8802

(2) If a prisoner who is placed on post-release control under 8803
this section is released before the expiration of the prisoner's 8804
stated prison term by reason of credit earned under section 8805
2967.193 of the Revised Code and if the prisoner earned sixty or 8806

more days of credit, the adult parole authority shall supervise 8807
the offender with an active global positioning system device for 8808
the first fourteen days after the offender's release from 8809
imprisonment. This division does not prohibit or limit the 8810
imposition of any post-release control sanction otherwise 8811
authorized by this section. 8812

(3) At any time after a prisoner is released from 8813
imprisonment and during the period of post-release control 8814
applicable to the releasee, the adult parole authority or, 8815
pursuant to an agreement under section 2967.29 of the Revised 8816
Code, the court may review the releasee's behavior under the 8817
post-release control sanctions imposed upon the releasee under 8818
this section. The authority or court may determine, based upon the 8819
review and in accordance with the standards established under 8820
division (E) of this section, that a more restrictive or a less 8821
restrictive sanction is appropriate and may impose a different 8822
sanction. The authority also may recommend that the parole board 8823
or court increase or reduce the duration of the period of 8824
post-release control imposed by the court. If the authority 8825
recommends that the board or court increase the duration of 8826
post-release control, the board or court shall review the 8827
releasee's behavior and may increase the duration of the period of 8828
post-release control imposed by the court up to eight years. If 8829
the authority recommends that the board or court reduce the 8830
duration of control for an offense described in division (B) or 8831
(C) of this section, the board or court shall review the 8832
releasee's behavior and may reduce the duration of the period of 8833
control imposed by the court. In no case shall the board or court 8834
reduce the duration of the period of control imposed for an 8835
offense described in division (B)(1) of this section to a period 8836
less than the length of the stated prison term originally imposed, 8837
and in no case shall the board or court permit the releasee to 8838
leave the state without permission of the court or the releasee's 8839

parole or probation officer. 8840

(E) The department of rehabilitation and correction, in 8841
accordance with Chapter 119. of the Revised Code, shall adopt 8842
rules that do all of the following: 8843

(1) Establish standards for the imposition by the parole 8844
board of post-release control sanctions under this section that 8845
are consistent with the overriding purposes and sentencing 8846
principles set forth in section 2929.11 of the Revised Code and 8847
that are appropriate to the needs of releasees; 8848

(2) Establish standards by which the parole board can 8849
determine which prisoners described in division (C) of this 8850
section should be placed under a period of post-release control; 8851

(3) Establish standards to be used by the parole board in 8852
reducing the duration of the period of post-release control 8853
imposed by the court when authorized under division (D) of this 8854
section, in imposing a more restrictive post-release control 8855
sanction than monitored time upon a prisoner convicted of a felony 8856
of the fourth or fifth degree other than a felony sex offense, or 8857
in imposing a less restrictive control sanction upon a releasee 8858
based on the releasee's activities including, but not limited to, 8859
remaining free from criminal activity and from the abuse of 8860
alcohol or other drugs, successfully participating in approved 8861
rehabilitation programs, maintaining employment, and paying 8862
restitution to the victim or meeting the terms of other financial 8863
sanctions; 8864

(4) Establish standards to be used by the adult parole 8865
authority in modifying a releasee's post-release control sanctions 8866
pursuant to division (D)(2) of this section; 8867

(5) Establish standards to be used by the adult parole 8868
authority or parole board in imposing further sanctions under 8869
division (F) of this section on releasees who violate post-release 8870

control sanctions, including standards that do the following: 8871

(a) Classify violations according to the degree of 8872
seriousness; 8873

(b) Define the circumstances under which formal action by the 8874
parole board is warranted; 8875

(c) Govern the use of evidence at violation hearings; 8876

(d) Ensure procedural due process to an alleged violator; 8877

(e) Prescribe nonresidential community control sanctions for 8878
most misdemeanor and technical violations; 8879

(f) Provide procedures for the return of a releasee to 8880
imprisonment for violations of post-release control. 8881

(F)(1) Whenever the parole board imposes one or more 8882
post-release control sanctions upon an offender under this 8883
section, the offender upon release from imprisonment shall be 8884
under the general jurisdiction of the adult parole authority and 8885
generally shall be supervised by the field services section 8886
through its staff of parole and field officers as described in 8887
section 5149.04 of the Revised Code, as if the offender had been 8888
placed on parole. If the offender upon release from imprisonment 8889
violates the post-release control sanction or any conditions 8890
described in division (A) of section 2967.131 of the Revised Code 8891
that are imposed on the offender, the public or private person or 8892
entity that operates or administers the sanction or the program or 8893
activity that comprises the sanction shall report the violation 8894
directly to the adult parole authority or to the officer of the 8895
authority who supervises the offender. The authority's officers 8896
may treat the offender as if the offender were on parole and in 8897
violation of the parole, and otherwise shall comply with this 8898
section. 8899

(2) If the adult parole authority or, pursuant to an 8900

agreement under section 2967.29 of the Revised Code, the court 8901
determines that a releasee has violated a post-release control 8902
sanction or any conditions described in division (A) of section 8903
2967.131 of the Revised Code imposed upon the releasee and that a 8904
more restrictive sanction is appropriate, the authority or court 8905
may impose a more restrictive sanction upon the releasee, in 8906
accordance with the standards established under division (E) of 8907
this section or in accordance with the agreement made under 8908
section 2967.29 of the Revised Code, or may report the violation 8909
to the parole board for a hearing pursuant to division (F)(3) of 8910
this section. The authority or court may not, pursuant to this 8911
division, increase the duration of the releasee's post-release 8912
control or impose as a post-release control sanction a residential 8913
sanction that includes a prison term, but the authority or court 8914
may impose on the releasee any other residential sanction, 8915
nonresidential sanction, or financial sanction that the sentencing 8916
court was authorized to impose pursuant to sections 2929.16, 8917
2929.17, and 2929.18 of the Revised Code. 8918

(3) The parole board or, pursuant to an agreement under 8919
section 2967.29 of the Revised Code, the court may hold a hearing 8920
on any alleged violation by a releasee of a post-release control 8921
sanction or any conditions described in division (A) of section 8922
2967.131 of the Revised Code that are imposed upon the releasee. 8923
If after the hearing the board or court finds that the releasee 8924
violated the sanction or condition, the board or court may 8925
increase the duration of the releasee's post-release control up to 8926
the maximum duration authorized by division (B) or (C) of this 8927
section or impose a more restrictive post-release control 8928
sanction. When appropriate, the board or court may impose as a 8929
post-release control sanction a residential sanction that includes 8930
a prison term. The board or court shall consider a prison term as 8931
a post-release control sanction imposed for a violation of 8932
8933

post-release control when the violation involves a deadly weapon 8934
or dangerous ordnance, physical harm or attempted serious physical 8935
harm to a person, or sexual misconduct, or when the releasee 8936
committed repeated violations of post-release control sanctions. 8937
Unless a releasee's stated prison term was reduced pursuant to 8938
section 5120.032 of the Revised Code, the period of a prison term 8939
that is imposed as a post-release control sanction under this 8940
division shall not exceed nine months, and the maximum cumulative 8941
prison term for all violations under this division shall not 8942
exceed one-half of the stated prison term originally imposed upon 8943
the offender as part of this sentence. If a releasee's stated 8944
prison term was reduced pursuant to section 5120.032 of the 8945
Revised Code, the period of a prison term that is imposed as a 8946
post-release control sanction under this division and the maximum 8947
cumulative prison term for all violations under this division 8948
shall not exceed the period of time not served in prison under the 8949
sentence imposed by the court. The period of a prison term that is 8950
imposed as a post-release control sanction under this division 8951
shall not count as, or be credited toward, the remaining period of 8952
post-release control. 8953

If an offender is imprisoned for a felony committed while 8954
under post-release control supervision and is again released on 8955
post-release control for a period of time determined by division 8956
(F)(4)(d) of this section, the maximum cumulative prison term for 8957
all violations under this division shall not exceed one-half of 8958
the total stated prison terms of the earlier felony, reduced by 8959
any prison term administratively imposed by the parole board or 8960
court, plus one-half of the total stated prison term of the new 8961
felony. 8962

(4) Any period of post-release control shall commence upon an 8963
offender's actual release from prison. If an offender is serving 8964
an indefinite prison term or a life sentence in addition to a 8965

stated prison term, the offender shall serve the period of 8966
post-release control in the following manner: 8967

(a) If a period of post-release control is imposed upon the 8968
offender and if the offender also is subject to a period of parole 8969
under a life sentence or an indefinite sentence, and if the period 8970
of post-release control ends prior to the period of parole, the 8971
offender shall be supervised on parole. The offender shall receive 8972
credit for post-release control supervision during the period of 8973
parole. The offender is not eligible for final release under 8974
section 2967.16 of the Revised Code until the post-release control 8975
period otherwise would have ended. 8976

(b) If a period of post-release control is imposed upon the 8977
offender and if the offender also is subject to a period of parole 8978
under an indefinite sentence, and if the period of parole ends 8979
prior to the period of post-release control, the offender shall be 8980
supervised on post-release control. The requirements of parole 8981
supervision shall be satisfied during the post-release control 8982
period. 8983

(c) If an offender is subject to more than one period of 8984
post-release control, the period of post-release control for all 8985
of the sentences shall be the period of post-release control that 8986
expires last, as determined by the parole board or court. Periods 8987
of post-release control shall be served concurrently and shall not 8988
be imposed consecutively to each other. 8989

(d) The period of post-release control for a releasee who 8990
commits a felony while under post-release control for an earlier 8991
felony shall be the longer of the period of post-release control 8992
specified for the new felony under division (B) or (C) of this 8993
section or the time remaining under the period of post-release 8994
control imposed for the earlier felony as determined by the parole 8995
board or court. 8996

Sec. 2981.07. (A) No person shall destroy, damage, remove, or transfer property that is subject to forfeiture or otherwise take any action in regard to property that is subject to forfeiture with purpose to do any of the following:

(1) Prevent or impair the state's or political subdivision's lawful authority to take the property into its custody or control under this chapter or to continue holding the property under its lawful custody or control;

(2) Impair or defeat the court's continuing jurisdiction over the person and property;

(3) Devalue property that the person knows, or has reasonable cause to believe, is subject to forfeiture proceedings under this chapter.

(B)(1) Whoever violates this section is guilty of interference with or diminishing forfeitable property.

(2) Except as otherwise provided in divisions (B)(3), (4), and (5) of this section, interference with or diminishing forfeitable property is a misdemeanor of the first degree.

(3) If the value of the property is ~~five hundred~~ one thousand dollars or more but less than ~~five~~ seven thousand ~~five hundred~~ dollars, interference with or diminishing forfeitable property is a felony of the fifth degree.

(4) If the value of the property is ~~five~~ seven thousand ~~five~~ hundred dollars or more but less than one hundred ~~fifty~~ thousand dollars, interference with or diminishing forfeitable property is a felony of the fourth degree.

(5) If the value of the property is one hundred ~~fifty~~ thousand dollars or more, interference with or diminishing forfeitable property is a felony of the third degree.

Sec. 4507.51. (A)(1) Every application for an identification 9026
card or duplicate shall be made on a form furnished by the 9027
registrar of motor vehicles, shall be signed by the applicant, and 9028
by the applicant's parent or guardian if the applicant is under 9029
eighteen years of age, and shall contain the following information 9030
pertaining to the applicant: name, date of birth, sex, general 9031
description including the applicant's height, weight, hair color, 9032
and eye color, address, and social security number. The 9033
application also shall state whether an applicant wishes to 9034
certify willingness to make an anatomical gift under section 9035
2108.05 of the Revised Code and shall include information about 9036
the requirements of sections 2108.01 to 2108.29 of the Revised 9037
Code that apply to persons who are less than eighteen years of 9038
age. The statement regarding willingness to make such a donation 9039
shall be given no consideration in the decision of whether to 9040
issue an identification card. Each applicant shall be photographed 9041
in color at the time of making application. 9042

(2)(a) The application also shall state whether the applicant 9043
has executed a valid durable power of attorney for health care 9044
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 9045
executed a declaration governing the use or continuation, or the 9046
withholding or withdrawal, of life-sustaining treatment pursuant 9047
to sections 2133.01 to 2133.15 of the Revised Code and, if the 9048
applicant has executed either type of instrument, whether the 9049
applicant wishes the identification card issued to indicate that 9050
the applicant has executed the instrument. 9051

(b) On and after October 7, 2009, the application also shall 9052
state whether the applicant is a veteran, active duty, or 9053
reservist of the armed forces of the United States and, if the 9054
applicant is such, whether the applicant wishes the identification 9055
card issued to indicate that the applicant is a veteran, active 9056
duty, or reservist of the armed forces of the United States by a 9057

military designation on the identification card. 9058

9059

(3) The registrar or deputy registrar, in accordance with 9060
section 3503.11 of the Revised Code, shall register as an elector 9061
any person who applies for an identification card or duplicate if 9062
the applicant is eligible and wishes to be registered as an 9063
elector. The decision of an applicant whether to register as an 9064
elector shall be given no consideration in the decision of whether 9065
to issue the applicant an identification card or duplicate. 9066

(B) The application for an identification card or duplicate 9067
shall be filed in the office of the registrar or deputy registrar. 9068
Each applicant shall present documentary evidence as required by 9069
the registrar of the applicant's age and identity, and the 9070
applicant shall swear that all information given is true. An 9071
identification card issued by the department of rehabilitation and 9072
correction under section 5120.59 of the Revised Code shall be 9073
sufficient documentary evidence under this division upon 9074
verification of the applicant's social security number by the 9075
registrar or a deputy registrar. Upon issuing an identification 9076
card under this section for a person who has been issued an 9077
identification card under section 5120.59 of the Revised Code, the 9078
registrar or deputy registrar shall destroy the identification 9079
card issued under section 5120.59 of the Revised Code. 9080

9081

All applications for an identification card or duplicate 9082
shall be filed in duplicate, and if submitted to a deputy 9083
registrar, a copy shall be forwarded to the registrar. The 9084
registrar shall prescribe rules for the manner in which a deputy 9085
registrar is to file and maintain applications and other records. 9086
The registrar shall maintain a suitable, indexed record of all 9087
applications denied and cards issued or canceled. 9088

(C) In addition to any other information it contains, on and 9089

after the date that is fifteen months after the effective date of 9090
this amendment, the form furnished by the registrar of motor 9091
vehicles for an application for an identification card or 9092
duplicate shall inform applicants that the applicant must present 9093
a copy of the applicant's DD-214 or an equivalent document in 9094
order to qualify to have the card or duplicate indicate that the 9095
applicant is an honorably discharged veteran of the armed forces 9096
of the United States based on a request made pursuant to division 9097
(A)(2)(b) of this section. 9098

Sec. 5120.035. (A) As used in this section: 9099

(1) "Alcohol and drug addiction services" has the same 9100
meaning as in section 3793.01 of the Revised Code. 9101

(2) "Second Chance Act" means the "Second Chance Act of 2007: 9102
Community Safety Through Recidivism Prevention," 122 Stat. 657, 42 9103
U.S.C. 17501, et seq., as now or hereafter amended. 9104

(B) The department of rehabilitation and correction, together 9105
with the department of alcohol and drug addiction services as the 9106
single state authority for alcohol and drug addiction services, 9107
shall develop an implementation plan related to any funding 9108
approved by the bureau of justice assistance of the United States 9109
department of justice through the Second Chance Act related to 9110
reentry of offenders into the community. The department of 9111
rehabilitation and correction, together with the department of 9112
alcohol and drug addiction services, shall develop the plan not 9113
later than ninety days after either of the departments is notified 9114
by the United States department of justice that this state will 9115
receive funding through the Second Chance Act. The implementation 9116
plan shall include, but is not limited to, all of the following: 9117

(1) A process and funding system for the reentry of offenders 9118
seeking alcohol and drug addiction services; 9119

(2) The planning, development, implementation, outcomes, monitoring, regulation, and evaluation of a statewide system for clinically appropriate alcohol and drug addiction services. 9120
9121
9122

Sec. 5120.07. (A) There is hereby created the ex-offender reentry coalition consisting of the following seventeen members or their designees: 9123
9124
9125

- (1) The director of rehabilitation and correction; 9126
- (2) The director of aging; 9127
- (3) The director of alcohol and drug addiction services; 9128
- (4) The director of development; 9129
- (5) The superintendent of public instruction; 9130
- (6) The director of health; 9131
- (7) The director of job and family services; 9132
- (8) The director of mental health; 9133
- (9) The director of mental retardation and developmental disabilities; 9134
9135
- (10) The director of public safety; 9136
- (11) The director of youth services; 9137
- (12) The chancellor of the Ohio board of regents; 9138
- (13) ~~The director~~ A representative or member of the governor's ~~office of external affairs and economic opportunity~~ staff; 9139
9140
9141
- (14) ~~The director of the governor's office of faith based and community initiatives;~~ 9142
9143
- ~~(15)~~ The director of the rehabilitation services commission; 9144
- ~~(16)~~(15) The director of the department of commerce; 9145
- ~~(17)~~(16) The executive director of a health care licensing 9146

board created under Title XLVII of the Revised Code, as appointed 9147
by the chairperson of the coalition; 9148

(17) The director of veterans services. 9149

(B) The members of the coalition shall serve without 9150
compensation. The director of rehabilitation and correction or the 9151
director's designee shall be the chairperson of the coalition. 9152

(C) In consultation with persons interested and involved in 9153
the reentry of ex-offenders into the community, including but not 9154
limited to, service providers, community-based organizations, and 9155
local governments, the coalition shall identify and examine social 9156
service barriers and other obstacles to the reentry of 9157
ex-offenders into the community. Not later than one year after ~~the~~ 9158
~~effective date of this act~~ April 7, 2009, and on or before the 9159
same date of each year thereafter, the coalition shall submit to 9160
the speaker of the house of representatives and the president of 9161
the senate a report, including recommendations for legislative 9162
action, the activities of the coalition, and the barriers 9163
affecting the successful reentry of ex-offenders into the 9164
community. The report shall analyze the effects of those barriers 9165
on ex-offenders and on their children and other family members in 9166
various areas, including but not limited to, the following: 9167

9168

(1) Admission to public and other housing; 9169

(2) Child support obligations and procedures; 9170

(3) Parental incarceration and family reunification; 9171

(4) Social security benefits, veterans' benefits, food 9172
stamps, and other forms of public assistance; 9173

(5) Employment; 9174

(6) Education programs and financial assistance; 9175

(7) Substance abuse, mental health, and sex offender 9176

treatment programs and financial assistance; 9177

(8) Civic and political participation; 9178

(9) Other collateral consequences under the Revised Code or 9179
the Ohio administrative code law that may result from a criminal 9180
conviction. 9181

Sec. 5120.10. (A)(1) The director of rehabilitation and 9182
correction, by rule, shall promulgate minimum standards for jails 9183
in Ohio, including minimum security jails dedicated under section 9184
341.34 or 753.21 of the Revised Code. Whenever the director files 9185
a rule or an amendment to a rule in final form with both the 9186
secretary of state and the director of the legislative service 9187
commission pursuant to section 111.15 of the Revised Code, the 9188
director of rehabilitation and correction promptly shall send a 9189
copy of the rule or amendment, if the rule or amendment pertains 9190
to minimum jail standards, by ordinary mail to the political 9191
subdivisions or affiliations of political subdivisions that 9192
operate jails to which the standards apply. 9193

(2) The rules promulgated in accordance with division (A)(1) 9194
of this section shall serve as criteria for the investigative and 9195
supervisory powers and duties vested by division (D) of this 9196
section in the division of parole and community services of the 9197
department of rehabilitation and correction or in another division 9198
of the department to which those powers and duties are assigned. 9199

(B) The director may initiate an action in the court of 9200
common pleas of the county in which a facility that is subject to 9201
the rules promulgated under division (A)(1) of this section is 9202
situated to enjoin compliance with the minimum standards for jails 9203
or with the minimum standards and minimum renovation, 9204
modification, and construction criteria for minimum security 9205
jails. 9206

(C) Upon the request of an administrator of a jail facility, 9207
the chief executive of a municipal corporation, or a board of 9208
county commissioners, the director of rehabilitation and 9209
correction or the director's designee shall grant a variance from 9210
the minimum standards for jails in Ohio for a facility that is 9211
subject to one of those minimum standards when the director 9212
determines that strict compliance with the minimum standards would 9213
cause unusual, practical difficulties or financial hardship, that 9214
existing or alternative practices meet the intent of the minimum 9215
standards, and that granting a variance would not seriously affect 9216
the security of the facility, the supervision of the inmates, or 9217
the safe, healthful operation of the facility. If the director or 9218
the director's designee denies a variance, the applicant may 9219
appeal the denial pursuant to section 119.12 of the Revised Code. 9220

(D) The following powers and duties shall be exercised by the 9221
division of parole and community services unless assigned to 9222
another division by the director: 9223

(1) The investigation and supervision of county and municipal 9224
jails, workhouses, minimum security jails, and other correctional 9225
institutions and agencies; 9226

(2) The review and approval of plans submitted to the 9227
department of rehabilitation and correction pursuant to division 9228
(E) of this section; 9229

(3) The management and supervision of the adult parole 9230
authority created by section 5149.02 of the Revised Code; 9231

(4) The review and approval of proposals for community-based 9232
correctional facilities and programs and district community-based 9233
correctional facilities and programs that are submitted pursuant 9234
to division (B) of section 2301.51 of the Revised Code; 9235

(5) The distribution of funds made available to the division 9236
for purposes of assisting in the renovation, maintenance, and 9237

operation of community-based correctional facilities and programs 9238
and district community-based correctional facilities and programs 9239
in accordance with section 5120.112 of the Revised Code; 9240

(6) The performance of the duty imposed upon the department 9241
of rehabilitation and correction in section 5149.31 of the Revised 9242
Code to establish and administer a program of subsidies to 9243
eligible municipal corporations, counties, and groups of 9244
contiguous counties for the development, implementation, and 9245
operation of community-based corrections programs; 9246

(7) Licensing halfway houses and community residential 9247
centers for the care and treatment of adult offenders in 9248
accordance with section 2967.14 of the Revised Code; 9249

(8) Contracting with a public or private agency or a 9250
department or political subdivision of the state that operates a 9251
licensed halfway house or community residential center for the 9252
provision of housing, supervision, and other services to parolees, 9253
releasees, persons placed under a residential sanction, persons 9254
under transitional control, and other eligible offenders in 9255
accordance with section 2967.14 of the Revised Code. 9256

Other powers and duties may be assigned by the director of 9257
rehabilitation and correction to the division of parole and 9258
community services. This section does not apply to the department 9259
of youth services or its institutions or employees. 9260

(E) No plan for any new jail, workhouse, or lockup, and no 9261
plan for a substantial addition or alteration to an existing jail, 9262
workhouse, or lockup, shall be adopted unless the officials 9263
responsible for adopting the plan have submitted the plan to the 9264
department of rehabilitation and correction for approval, and the 9265
department has approved the plan as provided in division (D)(2) of 9266
this section. 9267

(F) The division of parole and community services shall 9268

review, approve, and certify proposals for community alternative 9269
sentencing centers and district community alternative sentencing 9270
centers that are submitted pursuant to section 307.932 of the 9271
Revised Code. 9272

Sec. 5120.111. With respect to community-based correctional 9273
facilities and programs and district community-based correctional 9274
facilities and programs authorized under section 2301.51 of the 9275
Revised Code and to community alternative sentencing centers and 9276
district community alternative sentencing centers authorized under 9277
section 307.932 of the Revised Code, the department of 9278
rehabilitation and correction shall do all of the following: 9279

(A) Adopt rules, under Chapter 119. of the Revised Code, that 9280
serve as criteria for the operation of community-based 9281
correctional facilities and programs and district community-based 9282
correctional facilities and programs approved in accordance with 9283
sections 2301.51 and 5120.10 of the Revised Code; 9284

(B) Adopt rules, under Chapter 119. of the Revised Code, 9285
governing the procedures for the submission of proposals for the 9286
establishment of community-based correctional facilities and 9287
programs and district community-based correctional facilities and 9288
programs to the division of parole and community services under 9289
division (B) of section 2301.51 of the Revised Code or for the 9290
establishment and operation of community alternative sentencing 9291
centers and district community alternative sentencing centers 9292
under section 307.932 of the Revised Code and adopt rules under 9293
Chapter 119. of the Revised Code that establish certification 9294
guidelines for community alternative sentencing centers and 9295
district community alternative sentencing centers under section 9296
307.932 of the Revised Code; 9297

(C) Prescribe forms that are to be used by facility governing 9298
boards of community-based correctional facilities and programs and 9299

district community-based correctional facilities and programs in 9300
making application for state financial assistance under section 9301
2301.56 of the Revised Code; 9302

(D) Adopt rules, under Chapter 119. of the Revised Code, that 9303
prescribe the standards of operation for the facilities and 9304
programs that must be satisfied for ~~the~~ community-based 9305
correctional facilities and programs and district community-based 9306
correctional facilities and programs to be eligible for state 9307
financial assistance; 9308

(E) Through the division of parole and community services, 9309
accept and review proposals for the establishment of ~~the~~ 9310
community-based correctional facilities and programs and district 9311
community-based correctional facilities and programs and approve 9312
those proposals that satisfy the minimum requirements contained in 9313
section 2301.52 of the Revised Code; and administer the program 9314
for state financial assistance to the facilities and programs in 9315
accordance with section 5120.112 of the Revised Code; 9316

(F) Accept, through the division of parole and community 9317
services, and review proposals for the establishment and operation 9318
of community alternative sentencing centers and district community 9319
alternative sentencing centers and approve and certify those 9320
proposals that satisfy the requirements contained in section 9321
307.932 of the Revised Code. 9322

Sec. 5120.113. (A) For each inmate committed to the 9323
department of rehabilitation and correction, except as provided in 9324
division (B) of this section, the department shall prepare a 9325
written reentry plan for the inmate to help guide the inmate's 9326
rehabilitation program during imprisonment, to assist in the 9327
inmate's reentry into the community, and to assess the inmate's 9328
needs upon release. 9329

(B) Division (A) of this section does not apply to an inmate 9330

who has been sentenced to life imprisonment without parole or who 9331
has been sentenced to death. Division (A) of this section does not 9332
apply to any inmate who is expected to be imprisoned for thirty 9333
days or less, but the department may prepare a written reentry 9334
plan of the type described in that division if the department 9335
determines that the plan is needed. 9336

(C) The department may collect, if available, any social and 9337
other information that will aid in the preparation of reentry 9338
plans under this section. 9339

(D) In the event the department does not prepare a written 9340
reentry plan as specified in division (A) of this section, or 9341
makes a decision to not prepare a written reentry plan under 9342
division (B) of this section or to not collect information under 9343
division (C) of this section, that fact does not give rise to a 9344
claim for damages against the state, the department, the director 9345
of the department, or any employee of the department. 9346

Sec. 5120.59. Before a prisoner is released from a state 9347
correctional institution, the department of rehabilitation and 9348
correction shall attempt to verify the prisoner's identification 9349
and social security number. If the department is not able to 9350
verify the prisoner's identification and social security number, 9351
if the prisoner has no other documentary evidence required by the 9352
registrar of motor vehicles for the issuance of an identification 9353
card under section 4507.50 of the Revised Code, and if the 9354
department determines that the prisoner is legally living in the 9355
United States, the department shall issue to the prisoner upon the 9356
prisoner's release an identification card that the prisoner may 9357
present to the registrar or a deputy registrar of motor vehicles 9358
~~to obtain an identification card under section 4507.50 of the~~ 9359
~~Revised Code. The director of rehabilitation and correction may~~ 9360
~~adopt rules for the implementation of this section.~~ 9361

9362

Sec. 5120.60. (A) There is hereby created in the division of 9363
parole and community services the office of ~~victims'~~ victim 9364
services. 9365

(B) The office shall provide assistance to victims of crime, 9366
victims' representatives designated under section 2930.02 of the 9367
Revised Code, and members of the victim's family. The assistance 9368
shall include, but not be limited to, providing information about 9369
the policies and procedures of the department of rehabilitation 9370
and correction and the status of offenders under the department's 9371
jurisdiction. 9372

(C) The office shall also make available publications that 9373
will assist victims in contacting staff of the department about 9374
problems with offenders under the supervision of the adult parole 9375
authority or confined in state correctional institutions under the 9376
department's jurisdiction. 9377

(D) The office shall employ a ~~victims~~ victim coordinator who 9378
shall administer the office's functions. The ~~victims~~ victim 9379
coordinator shall be in the unclassified civil service and report 9380
directly to the chief of the division. 9381

(E) The office shall also employ at least three persons in 9382
the unclassified civil service whose primary duties shall be to 9383
help parole board hearing officers identify victims' issues and to 9384
make recommendations to the parole board in accordance with rules 9385
adopted by the department. ~~The member of the parole board~~ 9386
~~appointed pursuant to division (B) of section 5149.10 of the~~ 9387
~~Revised Code shall approve the hiring of the employees of the~~ 9388
~~office.~~ 9389

(F) The office shall coordinate its activities with the 9390
member of the parole board appointed pursuant to division (B) of 9391

section 5149.10 of the Revised Code. The ~~victims~~ victim 9392
coordinator and other employees of the office shall have full 9393
access to records of prisoners under the department's 9394
jurisdiction. 9395

(G) Information provided to the office of victim services by 9396
victims of crime or a victim representative designated under 9397
section 2930.02 of the Revised Code for the purpose of program 9398
participation, of receiving services, or to communicate acts of an 9399
inmate or person under the supervision of the adult parole 9400
authority that threaten the safety and security of the victim 9401
shall be confidential and is not a public record under section 9402
149.43 of the Revised Code. 9403

(H)(1) If a person who was convicted of or pleaded guilty to 9404
an offense of violence that is a felony escapes from a 9405
correctional institution under the control of the department of 9406
rehabilitation and correction or otherwise escapes from the 9407
custody of the department, the office of victim services shall 9408
notify each victim of the offense or offenses committed by that 9409
person of that person's escape and, if applicable, of that 9410
person's subsequent apprehension. The office shall give this 9411
notice as soon as practicable after the escape and the office 9412
identifies and locates the victim. The office shall give this 9413
notice to each victim of the escaped person, regardless of whether 9414
the victim is registered for notification with the office, unless 9415
the victim has specifically notified the office that the victim 9416
does not wish to be notified regarding the person. 9417

The office may give the notice required by this division by 9418
telephone, in person, or by e-mail or other electronic means. If 9419
the office cannot locate a victim to whom notice is to be provided 9420
under this division, the office shall send the notice in writing 9421
to the last known address of that victim. 9422

(2) If a person escapes as described in division (H)(1) of 9423

this section, the office of victim services may request assistance 9424
from the prosecuting attorney of the county in which the person 9425
was convicted of or pleaded guilty to the offense in identifying 9426
and locating the victim of the offense. 9427

(I) Any reference in any Revised Code section other than this 9428
section to the "office of victims' services" of the division of 9429
parole and community services or of the department of 9430
rehabilitation and correction shall be construed as being a 9431
reference to, and meaning, the office of victim services created 9432
by division (A) of this section. 9433

(J) As used in this section, "crime," "member of the victim's 9434
family," and "victim" have the meanings given in section 2930.01 9435
of the Revised Code. 9436

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 9437
but not before January 1, 2006, the department of rehabilitation 9438
and correction shall establish and operate on the internet a 9439
database that contains all of the following: 9440

(1) For each inmate in the custody of the department under a 9441
sentence imposed for a conviction of or plea of guilty to any 9442
offense, all of the following information: 9443

(a) The inmate's name; 9444

(b) For each offense for which the inmate was sentenced to a 9445
prison term or term of imprisonment and is in the department's 9446
custody, the name of the offense, the Revised Code section of 9447
which the offense is a violation, the gender of each victim of the 9448
offense if those facts are known, whether each victim of the 9449
offense was an adult or child if those facts are known, the range 9450
of the possible prison terms or term of imprisonment that could 9451
have been imposed for the offense, the actual prison term or term 9452
of imprisonment imposed for the offense, the county in which the 9453

offense was committed, the date on which the inmate began serving 9454
the prison term or term of imprisonment imposed for the offense, 9455
and either the date on which the inmate will be eligible for 9456
parole relative to the offense if the prison term or term of 9457
imprisonment is an indefinite term or life term or the date on 9458
which the term ends if the prison term is a definite term; 9459

(c) All of the following information that is applicable 9460
regarding the inmate: 9461

(i) If known to the department prior to the conduct of any 9462
hearing for judicial release of the defendant pursuant to section 9463
2929.20 of the Revised Code in relation to any prison term or term 9464
of imprisonment the inmate is serving for any offense or any 9465
hearing for release of the defendant pursuant to section 2967.19 9466
of the Revised Code in relation to any such term, notice of the 9467
fact that the inmate will be having a hearing regarding a possible 9468
grant of judicial release or release, the date of the hearing, and 9469
the right of any person pursuant to division (J) of ~~that~~ section 9470
2929.20 or division (G) of section 2967.19 of the Revised Code, 9471
whichever is applicable, to submit to the court a written 9472
statement regarding the possible judicial release or release. The 9473
department also shall post notice of the filing of any petition 9474
for release of the inmate pursuant to section 2967.19 of the 9475
Revised Code, as required by division (D) of that section. 9476

(ii) If the inmate is serving a prison term pursuant to 9477
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 9478
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 9479
Code, prior to the conduct of any hearing pursuant to section 9480
2971.05 of the Revised Code to determine whether to modify the 9481
requirement that the inmate serve the entire prison term in a 9482
state correctional facility in accordance with division (C) of 9483
that section, whether to continue, revise, or revoke any existing 9484
modification of that requirement, or whether to terminate the 9485

prison term in accordance with division (D) of that section, 9486
notice of the fact that the inmate will be having a hearing 9487
regarding those determinations and of the date of the hearing; 9488

(iii) At least three weeks before the adult parole authority 9489
recommends a pardon or commutation of sentence for the inmate or 9490
at least three weeks prior to a hearing before the adult parole 9491
authority regarding a grant of parole to the inmate in relation to 9492
any prison term or term of imprisonment the inmate is serving for 9493
any offense, notice of the fact that the inmate might be under 9494
consideration for a pardon or commutation of sentence or will be 9495
having a hearing regarding a possible grant of parole, of the date 9496
of any hearing regarding a possible grant of parole, and of the 9497
right of any person to submit a written statement regarding the 9498
pending action; 9499

(iv) At least three weeks before the inmate is transferred to 9500
transitional control under section 2967.26 of the Revised Code in 9501
relation to any prison term or term of imprisonment the inmate is 9502
serving for any offense, notice of the pendency of the transfer, 9503
of the date of the possible transfer, and of the right of any 9504
person to submit a statement regarding the possible transfer; 9505

9506

(v) Prompt notice of the inmate's escape from any facility in 9507
which the inmate was incarcerated and of the capture of the inmate 9508
after an escape; 9509

(vi) Notice of the inmate's death while in confinement; 9510

(vii) Prior to the release of the inmate from confinement, 9511
notice of the fact that the inmate will be released, of the date 9512
of the release, and, if applicable, of the standard terms and 9513
conditions of the release; 9514

(viii) Notice of the inmate's judicial release pursuant to 9515
section 2929.20 of the Revised Code or release pursuant to section 9516

<u>2967.19 of the Revised Code.</u>	9517
(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section.	9518 9519 9520
(B)(1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current.	9521 9522 9523
(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department.	9524 9525 9526 9527 9528 9529
(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division.	9530 9531 9532 9533
(4) No information included on the database required under division (A) of this section shall identify or enable the identification of any victim of any offense committed by an inmate.	9534 9535 9536 9537
(C) The failure of the department to comply with the requirements of division (A) or (B) of this section does not give any rights or any grounds for appeal or post-conviction relief to any inmate.	9538 9539 9540 9541
(D) This section, and the related provisions of sections 2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted in the act in which this section was enacted, shall be known as "Laura's Law."	9542 9543 9544 9545
Sec. 5149.01. As used in Chapter 5149. of the Revised Code:	9546

(A) "Authority" means the adult parole authority created by section 5149.02 of the Revised Code.

(B) "State correctional institution," "pardon," "commutation," "reprieve," "parole," "head of a state correctional institution," "convict," "prisoner," "parolee," "final release," and "parole violator" have the same meanings as in section 2967.01 of the Revised Code.

(C) "Full board hearing" means a parole board hearing conducted by a ~~minimum~~ majority of ~~seven~~ parole board members as described in section 5149.101 of the Revised Code.

Sec. 5149.10. (A)(1) The parole board shall consist of up to twelve members, one of whom shall be designated as chairperson by the director of the department of rehabilitation and correction and who shall continue as chairperson until a successor is designated, and any other personnel that are necessary for the orderly performance of the duties of the board. In addition to the rules authorized by section 5149.02 of the Revised Code, the chief of the adult parole authority, subject to the approval of the chief of the division of parole and community services and subject to this section, shall adopt rules governing the proceedings of the parole board. The rules shall provide for the convening of full board hearings, the procedures to be followed in full board hearings, and general procedures to be followed in other hearings of the board and by the board's hearing officers. The rules also shall require agreement by a majority of all the board members to any recommendation of clemency transmitted to the governor.

(2) When the board members sit as a full board, the chairperson shall preside. The chairperson shall also allocate the work of the parole board among the board members. The full board shall meet at least once each month. In the case of a tie vote on the full board, the chief of the adult parole authority shall cast

the deciding vote. The chairperson may designate a person to serve 9578
in the chairperson's place. 9579

(3)(a) Except for the chairperson, except for the member 9580
appointed under division (B) of this section, and except as 9581
otherwise provided in division (A)(3)(b) of this section, a member 9582
appointed to the parole board shall be appointed to a six-year 9583
term. A member shall hold office from the date of appointment 9584
until the end of the term for which the member was appointed. A 9585
member is eligible for reappointment for another six-year term 9586
that may or may not be consecutive to the first six-year term. A 9587
member is not eligible for reappointment after serving two 9588
six-year terms whether or not served consecutively. Vacancies 9589
shall be filled in the same manner provided for original 9590
appointments. Any member appointed under this division to fill a 9591
vacancy occurring prior to the expiration date of the term for 9592
which the member's predecessor was appointed shall begin that 9593
member's first six-year term upon appointment, regardless of the 9594
time remaining in the term of the member's predecessor. A member 9595
appointed under this division shall continue in office subsequent 9596
to the expiration date of the member's term until the member's 9597
successor takes office or until a period of sixty days has 9598
elapsed, whichever occurs first. 9599

(b) A member of the parole board on the effective date of 9600
this amendment who has served on the board less than six years 9601
shall have the time so served applied toward a six-year term and 9602
at the end of that six-year term shall be eligible for 9603
reappointment to an additional six-year term. A member of the 9604
parole board on the effective date of this amendment who has 9605
served on the board at least six years but less than twelve years 9606
shall have six of the years so served applied toward the first 9607
six-year term and the remaining time so served applied toward a 9608
second six-year term, shall serve the remainder of that second 9609

six-year term, and at the end of that second six-year term shall 9610
not be eligible for reappointment. A member of the parole board on 9611
the effective date of this amendment who has served on the board 9612
twelve years or longer shall serve until a successor member is 9613
appointed or a period of six months after the effective date of 9614
this amendment has elapsed, whichever occurs first, and after the 9615
end of that service shall be eligible for reappointment to an 9616
additional six-year term. 9617

(4) Except as otherwise provided in division (B) of this 9618
section, no person shall be appointed a member of the board who is 9619
not qualified by education or experience in correctional work, 9620
including law enforcement, prosecution of offenses, advocating for 9621
the rights of victims of crime, probation, or parole, in law, in 9622
social work, or in a combination of the three categories. 9623

(B) The director of rehabilitation and correction, in 9624
consultation with the governor, shall appoint one member of the 9625
board, who shall be a person who has been a victim of crime or who 9626
is a member of a victim's family or who represents an organization 9627
that advocates for the rights of victims of crime. After 9628
appointment, this member shall be an unclassified employee of the 9629
department of rehabilitation and correction. 9630

The initial appointment shall be for a term ending four years 9631
after July 1, 1996. Thereafter, the term of office of the member 9632
appointed under this division shall be for four years, with each 9633
term ending on the same day of the same month as did the term that 9634
it succeeds. The member shall hold office from the date of 9635
appointment until the end of the term for which the member was 9636
appointed and may be reappointed. Vacancies shall be filled in the 9637
manner provided for original appointments. Any member appointed 9638
under this division to fill a vacancy occurring prior to the 9639
expiration date of the term for which the member's predecessor was 9640
appointed shall hold office as a member for the remainder of that 9641

term. The member appointed under this division shall continue in 9642
office subsequent to the expiration date of the member's term 9643
until the member's successor takes office or until a period of 9644
sixty days has elapsed, whichever occurs first. 9645

The member appointed under this division shall be compensated 9646
in the same manner as other board members and shall be reimbursed 9647
for actual and necessary expenses incurred in the performance of 9648
the members' duties. The member may vote on all cases heard by the 9649
full board under section 5149.101 of the Revised Code, has such 9650
duties as are assigned by the chairperson of the board, and shall 9651
coordinate the member's activities with the office of victims' 9652
services created under section 5120.60 of the Revised Code. 9653

As used in this division, "crime," "member of the victim's 9654
family," and "victim" have the meanings given in section 2930.01 9655
of the Revised Code. 9656

(C) The chairperson shall submit all recommendations for or 9657
against clemency directly to the governor. 9658

(D) The chairperson shall transmit to the chief of the adult 9659
parole authority all determinations for or against parole made by 9660
the board. Parole determinations are final and are not subject to 9661
review or change by the chief. 9662

(E) In addition to its duties pertaining to parole and 9663
clemency, if an offender is sentenced to a prison term pursuant to 9664
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 9665
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 9666
Code, the parole board shall have control over the offender's 9667
service of the prison term during the entire term unless the board 9668
terminates its control in accordance with section 2971.04 of the 9669
Revised Code. The parole board may terminate its control over the 9670
offender's service of the prison term only in accordance with 9671
section 2971.04 of the Revised Code. 9672

Sec. 5149.33. No municipal corporation, county, or group of 9673
counties receiving a subsidy under division (A) of section 5149.31 9674
of the Revised Code shall reduce, by the amount of the subsidy it 9675
receives or by a greater or lesser amount, the amount of local, 9676
nonfederal funds it expends for corrections, including, but not 9677
limited to, the amount of local, nonfederal funds it expends for 9678
the operation of the county, multicounty, municipal, 9679
municipal-county, or multicounty-municipal jail or workhouse, for 9680
any county or municipal probation department, or for any community 9681
corrections program. Each subsidy shall be used to make 9682
corrections expenditures in excess of those being made from local, 9683
nonfederal funds. No subsidy or portion of a subsidy shall be used 9684
to make capital improvements. If a recipient violates this 9685
section, the department of rehabilitation and correction ~~shall~~ may 9686
discontinue subsidy payments to the recipient. 9687

Sec. 5149.34. (A)(1) If a county desires to receive a subsidy 9688
from a subsidy program established under division (A) of section 9689
5149.31 of the Revised Code for community corrections programs as 9690
described in division (B) of that section, the board of county 9691
commissioners of the county shall establish, by a resolution as 9692
described in this division, and maintain a local corrections 9693
planning board that, except as provided in division (A)(2) of this 9694
section, shall include an administrator of a county, multicounty, 9695
municipal, municipal-county, or multicounty-municipal jail or 9696
workhouse located in the county_{7i} a county commissioner of that 9697
county_{7i} a judge of the court of common pleas of that county_{7i} a 9698
judge of a municipal court or county court of that county_{7i} an 9699
attorney whose practice of law primarily involves the 9700
representation of criminal defendants_{7i} the chief law enforcement 9701
officer of the largest municipal corporation located in the 9702
county_{7i} the county sheriff_{7i} one or more prosecutors, as defined 9703

in section 2935.01 of the Revised Code; the executive director of 9704
the board of alcohol, drug addiction, and mental health services 9705
serving that county or the executive director's designee, or the 9706
executive directors of both the community mental health board and 9707
the alcohol and drug addiction services board serving that county 9708
or their designees, whichever is applicable; the executive 9709
director of the county board of mental retardation and 9710
developmental disabilities of that county or the executive 9711
director's designee; an administrator of a halfway house serving 9712
that county, if any, or the administrator's designee; an 9713
administrator of a community-based correctional facility, if any, 9714
serving the court of common pleas of that county or the 9715
administrator's designee; an administrator of a community 9716
corrections act-funded program in that county, if any, or the 9717
administrator's designee; one or more representatives of the 9718
public, one of whom shall be a victim of crime; one or more 9719
additional representatives of the law enforcement community; one 9720
or more additional representatives of the judiciary; one or more 9721
additional representatives of the field of corrections; and 9722
officials from the largest municipal corporation located in the 9723
county. A majority of the members of the board shall be employed 9724
in the adult criminal justice field. At least two members of the 9725
board shall be members of the largest racial minority population, 9726
if any, in the county, and at least two other members of the board 9727
shall be women. The resolution shall state the number and nature 9728
of the members, the duration of their terms, the manner of filling 9729
vacancies on the board, and the compensation, if any, that members 9730
are to receive. The board of county commissioners also may 9731
specify, as part of the resolution, any other duties the local 9732
corrections planning board is to assume. 9733

(2) If, for good cause shown, including, but not limited to, 9734
the refusal of a specified individual to serve on a local 9735
corrections planning board, a particular county is not able to 9736

satisfy the requirements specified in division (A)(1) of this 9737
section for the composition of such a board, the director of 9738
rehabilitation and correction may waive the requirements to the 9739
extent necessary and approve a composition for the board that 9740
otherwise is consistent with the requirements. 9741

(B) Each local corrections planning board established 9742
pursuant to division (A) of this section shall adopt within 9743
eighteen months after its establishment, and from time to time 9744
shall revise, a comprehensive plan for the development, 9745
implementation, and operation of corrections services in the 9746
county. The plan shall be adopted and revised after consideration 9747
has been given to the impact that it will have or has had on the 9748
populations of state correctional institutions and county, 9749
multicounty, municipal, municipal-county, or multicounty-municipal 9750
jails or workhouses in the county, and shall be designed to unify 9751
or coordinate corrections services in the county and to reduce the 9752
number of persons committed, consistent with the standards adopted 9753
under division (B) of section 5149.31 of the Revised Code, from 9754
that county to state correctional institutions and to county, 9755
multicounty, municipal, municipal-county, or multicounty-municipal 9756
jails or workhouses. The plan and any revisions to the plan shall 9757
be submitted to the board of county commissioners of the county in 9758
which the local corrections planning board is located for 9759
approval. 9760

If a county has a community-based correctional facility and 9761
program established in accordance with sections 2301.51 to 2301.58 9762
of the Revised Code, the budgets of the facility and program shall 9763
not be subject to approval by the local corrections planning 9764
board, but instead shall continue to be determined in accordance 9765
with those sections. However, the local corrections planning board 9766
shall include the facility and program as part of the 9767
comprehensive plan adopted and revised pursuant to this division. 9768

(C) As used in this section, "halfway house" and 9769
"community-based correctional facility" have the same meanings as 9770
in section 2929.01 of the Revised Code. 9771

Section 2. That existing sections 109.42, 307.93, 309.18, 9772
926.99, 1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2909.05, 9773
2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 9774
2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 9775
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 9776
2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 2921.34, 9777
2921.41, 2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 9778
2929.13, 2929.14, 2929.20, 2929.26, 2929.34, 2930.16, 2930.17, 9779
2950.99, 2951.041, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 9780
4507.51, 5120.07, 5120.10, 5120.111, 5120.59, 5120.60, 5120.66, 9781
5149.01, 5149.10, 5149.33, and 5149.34 of the Revised Code are 9782
hereby repealed. 9783

Section 3. The amendment of section 5120.07 of the Revised 9784
Code by Sections 1 and 2 of this act is not intended to supersede 9785
the earlier repeal of that section, with the delayed effective 9786
date of December 31, 2011. 9787

Section 4. The amendments to sections 2925.01, 2925.03, 9788
2925.05, and 2925.11 of the Revised Code, and to division (W) of 9789
section 2929.01 of the Revised Code, that are made in this act 9790
apply to a person who commits an offense involving marihuana, 9791
cocaine, or hashish on or after the effective date of this act and 9792
to a person to whom division (B) of section 1.58 of the Revised 9793
Code makes the amendments applicable. 9794

The provisions of sections 2925.01, 2925.03, 2925.05, and 9795
2925.11 of the Revised Code, and of division (W) of section 9796
2929.01 of the Revised Code, in existence prior to the effective 9797
date of this act shall apply to a person upon whom a court imposed 9798

sentence prior to the effective date of this act for an offense 9799
involving marihuana, cocaine, or hashish. The amendments to 9800
sections 2925.01, 2925.03, 2925.05, and 2925.11 of the Revised 9801
Code, and to division (W) of section 2929.01 of the Revised Code, 9802
that are made in this act do not apply to a person upon whom a 9803
court imposed sentence prior to the effective date of this act for 9804
an offense involving marihuana, cocaine, or hashish. 9805

Section 5. The amendments to sections 926.99, 1333.99, 9806
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 9807
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 9808
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 9809
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 9810
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 9811
Code that are made in this act apply to a person who commits an 9812
offense specified or penalized under those sections on or after 9813
the effective date of this section and to a person to whom 9814
division (B) of section 1.58 of the Revised Code makes the 9815
amendment applicable. 9816

The provisions of sections 926.99, 1333.99, 1707.99, 1716.99, 9817
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 9818
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 9819
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 9820
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 9821
2921.41, 2923.31, and 2981.07 of the Revised Code in existence 9822
prior to the effective date of this section shall apply to a 9823
person upon whom a court imposed sentence prior to the effective 9824
date of this section for an offense specified or penalized under 9825
those sections. The amendments to sections 926.99, 1333.99, 9826
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 9827
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 9828
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 9829
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 9830

2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised Code that are made in this section do not apply to a person who upon whom a court imposed sentence prior to the effective date of this section for an offense specified or penalized under those sections.

Section 6. Section 1716.99 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 59 and Sub. S.B. 2 of the 123rd General Assembly. Section 2913.46 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the 121st General Assembly. Section 2917.21 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 565 and Sub. S.B. 215 of the 122nd General Assembly. Sections 2929.01, 2929.13, and 2929.14 of the Revised Code are presented in this act as composites of the sections as amended by both Am. Sub. H.B. 130 and Am. Sub. H.B. 280 of the 127th General Assembly. Section 2929.20 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 130 and Sub. S.B. 108 of the 127th General Assembly. Section 2967.193 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 269 and Am. Sub. H.B. 180 of the 121st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composites are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act.