

As Introduced

129th General Assembly
Regular Session
2011-2012

H. B. No. 533

Representatives Blessing, Heard

—

A BILL

To amend sections 307.932, 2152.12, 2152.121, 1
2152.52, 2152.56, 2152.59, 2301.27, 2301.271, 2
2921.331, 2925.03, 2925.04, 2929.01, 2929.14, 3
2929.19, 2929.26, 2929.41, 2951.022, 2953.08, 4
2961.22, 2967.03, 2967.05, 2967.14, 2967.19, 5
2967.191, 2967.193, 2967.26, 2967.28, 4511.091, 6
5120.036, 5120.66, and 5149.311 of the Revised 7
Code, to amend Section 5 of Am. Sub. H.B. 86 of 8
the 129th General Assembly, and to repeal section 9
2950.17 of the Revised Code to increase the time 10
limit for a prosecutor to file a motion in 11
juvenile court that objects to the imposition of a 12
serious youthful offender dispositional sentence; 13
to prohibit competency attainment reports and 14
juvenile bindover evaluation reports from 15
including details of the alleged offense as 16
reported by the child; to require juvenile 17
bindover evaluation reports to be completed within 18
forty-five days unless an extension is granted; to 19
require the Department of Youth Services to 20
develop minimum standards for training of juvenile 21
offender probation officers; to extend the 22
deadline for the Ohio Interagency Task Force on 23
Mental Health and Juvenile Justice to issue a 24

report of its findings and recommendations; to 25
revise the penalties for certain fifth degree 26
felony drug offenses to generally favor not 27
imposing a prison term; to remove the prohibition 28
for a convicted sex offender to possess a 29
photograph of the offender's victim while the 30
offender is serving a term of confinement for that 31
offense; to remove the prohibition for a 32
child-victim offender to possess a photograph of 33
any minor child while the child-victim offender is 34
serving a term of confinement for that offense; to 35
permit the judges of the various courts of the 36
state that supervise a concurrent supervision 37
offender to authorize the chief probation officer 38
to manage concurrent supervision offenders; to 39
remove the prohibition on the arrest, charging, or 40
conviction of a person for speeding based on a 41
peace officer's unaided visual estimation of the 42
speed of the vehicle; to expand the availability 43
of the probation improvement and incentive grants 44
to municipal and county courts; to specify that 45
the Department of Rehabilitation and Correction 46
and Adult Parole Authority shall not be held 47
civilly liable for any claims arising out of a 48
certificate of achievement and employability; to 49
transfer control of the transitional control 50
program from the Adult Parole Authority to the 51
Division of Parole and Community Services; to 52
require courts and agencies to expunge the record 53
of a juvenile's conviction in adult court if the 54
case is transferred back to juvenile court; to 55
modify the definition of stated prison term 56
relative to a risk reduction sentence; to increase 57

the percentage of the amount appropriated to the 58
Department of Rehabilitation and Correction that 59
may be used for nonresidential services; to amend 60
the penalty for failure to comply with an order or 61
signal of a police officer; to eliminate the 62
requirement that a court sentencing a felony 63
offender provide notice of possible eligibility 64
for earning days of credit; revises the procedures 65
under the mechanism for the possible release of 66
certain Department of Rehabilitation and 67
Correction prisoners who serve 80% of their stated 68
prison term; and to require a sentencing court to 69
determine the days of credit an offender receives 70
for time served in relation to the offense and 71
provide for the correction of errors in the 72
determination. 73

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

Section 1. That sections 307.932, 2152.12, 2152.121, 2152.52, 74
2152.56, 2152.59, 2301.27, 2301.271, 2921.331, 2925.03, 2925.04, 75
2929.01, 2929.14, 2929.19, 2929.26, 2929.41, 2951.022, 2953.08, 76
2961.22, 2967.03, 2967.05, 2967.14, 2967.19, 2967.191, 2967.193, 77
2967.26, 2967.28, 4511.091, 5120.036, 5120.66, and 5149.311 be 78
amended to read as follows: 79

Sec. 307.932. (A) As used in this section: 80

(1) "Division of parole and community services" means the 81
division of parole and community services of the department of 82
rehabilitation and correction. 83

(2) "Eligible offender" means, in relation to a particular 84
community alternative sentencing center or district community 85

alternative sentencing center established and operated under 86
division (E) of this section, an offender who has been convicted 87
of or pleaded guilty to a qualifying misdemeanor offense, for whom 88
no provision of the Revised Code or ordinance of a municipal 89
corporation other than section 4511.19 of the Revised Code, both 90
section 4510.14 and 4511.19 of the Revised Code, or an ordinance 91
or ordinances of a municipal corporation that provide the 92
penalties for a municipal OVI offense or for both a municipal OVI 93
ordinance and a municipal DUS ordinance of the municipal 94
corporation requires the imposition of a mandatory jail term for 95
that qualifying misdemeanor offense, and who is eligible to be 96
sentenced directly to that center and admitted to it under rules 97
adopted under division (G) of this section by the board of county 98
commissioners or affiliated group of boards of county 99
commissioners that established and operates that center. 100

(3) "Municipal OVI offense" has the same meaning as in 101
section 4511.181 of the Revised Code. 102

(4) "OVI term of confinement" means a term of confinement 103
imposed for a violation of section 4511.19 of the Revised Code or 104
for a municipal OVI offense, including any mandatory jail term or 105
mandatory term of local incarceration imposed for that violation 106
or offense. 107

(5) "Community residential sanction" means a community 108
residential sanction imposed under section 2929.26 of the Revised 109
Code for a misdemeanor violation of a section of the Revised Code 110
or a term of confinement imposed for a misdemeanor violation of a 111
municipal ordinance that is not a jail term. 112

(6) "Qualifying misdemeanor offense" means a violation of any 113
section of the Revised Code that is a misdemeanor or a violation 114
of any ordinance of a municipal corporation located in the county 115
that is a misdemeanor. 116

(7) "Municipal DUS offense" means a violation of a municipal ordinance that is substantially equivalent to section 4510.14 of the Revised Code.

(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 sixty 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.

(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 sixty 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.

(C) Each proposal for a community alternative sentencing center or a district community alternative sentencing center that

is formulated under division (B)(1) or (2) of this section shall 149
include proposals for operation of the center and for criteria to 150
define which offenders are eligible to be sentenced directly to 151
the center and admitted to it. At a minimum, the proposed criteria 152
that define which offenders are eligible to be sentenced directly 153
to the center and admitted to it shall provide all of the 154
following: 155

(1) That an offender is eligible to be sentenced directly to 156
the center and admitted to it if the offender has been convicted 157
of or pleaded guilty to a qualifying misdemeanor offense and is 158
sentenced directly to the center for the qualifying misdemeanor 159
offense pursuant to a community residential sanction of not more 160
than thirty days or pursuant to an OVI term of confinement of not 161
more than sixty days by a court that is located in the county or 162
one of the counties served by the board of county commissioners or 163
by any of the affiliated group of boards of county commissioners 164
that submits the proposal; 165

(2) That, except as otherwise provided in this division, no 166
offender is eligible to be sentenced directly to the center or 167
admitted to it if, in addition to the community residential 168
sanction or OVI term of confinement described in division (C)(1) 169
of this section, the offender is serving or has been sentenced to 170
serve any other jail term, prison term, or community residential 171
sanction. A mandatory jail term or electronic monitoring imposed 172
in lieu of a mandatory jail term for a violation of section 173
4511.19 of the Revised Code, for a municipal OVI offense, or for 174
either such offense and a similar offense that exceeds sixty days 175
of confinement shall not disqualify the offender from serving 176
sixty days of the mandatory jail term at the center. 177

(D) If a proposal for a community alternative sentencing 178
center or a district community alternative sentencing center that 179
is formulated under division (B)(1) or (2) of this section 180

contemplates the use of an existing facility, or a part of an 181
existing facility, as the center, nothing in this section limits, 182
restricts, or precludes the use of the facility, the part of the 183
facility, or any other part of the facility for any purpose other 184
than as a community alternative sentencing center or district 185
community alternative sentencing center. 186

(E) The establishment and operation of a community 187
alternative sentencing center or district community alternative 188
sentencing center may be done by subcontracting with a nonprofit 189
organization for the operation of the center. 190

If a board of county commissioners or an affiliated group of 191
boards of county commissioners establishes and operates a 192
community alternative sentencing center or district community 193
alternative sentencing center under this division, except as 194
otherwise provided in this division, the center is not a minimum 195
security jail under section 341.14, section 753.21, or any other 196
provision of the Revised Code, is not a jail or alternative 197
residential facility as defined in section 2929.01 of the Revised 198
Code, is not required to satisfy or comply with minimum standards 199
for minimum security jails or other jails that are promulgated 200
under division (A) of section 5120.10 of the Revised Code, is not 201
a local detention facility as defined in section 2929.36 of the 202
Revised Code, and is not a residential unit as defined in section 203
2950.01 of the Revised Code. The center is a detention facility as 204
defined in sections 2921.01 and 2923.124 of the Revised Code, and 205
an eligible offender confined in the center is under detention as 206
defined in section 2921.01 of the Revised Code. Regarding persons 207
sentenced directly to the center under an OVI term of confinement 208
or under both an OVI term of confinement and confinement for a 209
violation of section 4510.14 of the Revised Code or a municipal 210
DUS offense, the center shall be considered a "jail" or "local 211
correctional facility" for purposes of any provision in section 212

4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation that requires a mandatory jail term or mandatory term of local incarceration for the violation of section 4511.19 of the Revised Code, the violation of both section 4510.14 and 4511.19 of the Revised Code, the municipal OVI offense, or the municipal OVI offense and the municipal DUS offense, and a direct sentence of a person to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense shall be considered to be a sentence to a "jail" or "local correctional facility" for purposes of any such provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation.

(F)(1) If the board of county commissioners of a county that is being served by a community alternative sentencing center established pursuant to division (E) of this section determines that it no longer wants to be served by the center, the board may dissolve the center by adopting a resolution evidencing the determination to dissolve the center.

(2) If the boards of county commissioners of all of the counties served by any district community alternative sentencing center established pursuant to division (E) of this section determine that they no longer want to be served by the center, the boards may dissolve the center by adopting in each county a resolution evidencing the determination to dissolve the center.

(3) If at least one, but not all, of the boards of county commissioners of the counties being served by any district community alternative sentencing center established pursuant to division (E) of this section determines that it no longer wants to be served by the center, the board may terminate its involvement with the center by adopting a resolution evidencing the determination to terminate its involvement with the center. If at

least one, but not all, of the boards of county commissioners of 245
the counties being served by any community alternative sentencing 246
center terminates its involvement with the center in accordance 247
with this division, the other boards of county commissioners of 248
the counties being served by the center may continue to be served 249
by the center. 250

(G) Prior to establishing or operating a community 251
alternative sentencing center or a district community alternative 252
sentencing center, the board of county commissioners or the 253
affiliated group of boards of county commissioners that formulated 254
the proposal shall adopt rules for the operation of the center. 255
The rules shall include criteria that define which offenders are 256
eligible to be sentenced directly to the center and admitted to 257
it. 258

(H) If a board of county commissioners establishes and 259
operates a community alternative sentencing center under division 260
(E) of this section, or an affiliated group of boards of county 261
commissioners establishes and operates a district community 262
alternative sentencing center under that division, all of the 263
following apply: 264

(1) Any court located within the county served by the board 265
that establishes and operates a community ~~correctional~~ alternative 266
sentencing center may directly sentence eligible offenders to the 267
center pursuant to a community residential sanction of not more 268
than thirty days or pursuant to an OVI term of confinement, a 269
combination of an OVI term of confinement and confinement for a 270
violation of section 4510.14 of the Revised Code, or confinement 271
for a municipal DUS offense of not more than sixty days. Any court 272
located within a county served by any of the boards that 273
establishes and operates a district community ~~correctional~~ 274
alternative sentencing center may directly sentence eligible 275
offenders to the center pursuant to a community residential 276

sanction of not more than thirty days or pursuant to an OVI term 277
of confinement, a combination of an OVI term of confinement and 278
confinement for a violation of section 4510.14 of the Revised 279
Code, or confinement for a municipal DUS offense of not more than 280
thirty sixty days. 281

(2) Each eligible offender who is sentenced to the center as 282
described in division (H)(1) of this section and admitted to it 283
shall be offered during the eligible offender's confinement at the 284
center educational and vocational services and reentry planning 285
and may be offered any other treatment and rehabilitative services 286
that are available and that the court that sentenced the 287
particular eligible offender to the center and the administrator 288
of the center determine are appropriate based upon the offense for 289
which the eligible offender was sentenced to the community 290
residential sanction and the length of the sanction. 291

(3) Before accepting an eligible offender sentenced to the 292
center by a court, the board or the affiliated group of boards 293
shall enter into an agreement with a political subdivision that 294
operates that court that addresses the cost and payment of medical 295
treatment or services received by eligible offenders sentenced by 296
that court while they are confined in the center. The agreement 297
may provide for the payment of the costs by the particular 298
eligible offender who receives the treatment or services, as 299
described in division (I) of this section. 300

(4) If a court sentences an eligible offender to a center 301
under authority of division (H)(1) of this section, immediately 302
after the sentence is imposed, the eligible offender shall be 303
taken to the probation department that serves the court. The 304
department shall handle any preliminary matters regarding the 305
admission of the eligible offender to the center, including a 306
determination as to whether the eligible offender may be admitted 307
to the center under the criteria included in the rules adopted 308

under division (G) of this section that define which offenders are 309
eligible to be sentenced and admitted to the center. If the 310
eligible offender is accepted for admission to the center, the 311
department shall schedule the eligible offender for the admission 312
and shall provide for the transportation of the offender to the 313
center. If an eligible offender who is sentenced to the center 314
under a community residential sanction is not accepted for 315
admission to the center for any reason, the nonacceptance shall be 316
considered a violation of a condition of the community residential 317
sanction, the eligible offender shall be taken before the court 318
that imposed the sentence, and the court may proceed as specified 319
in division (C)(2) of section 2929.25 of the Revised Code based on 320
the violation or as provided by ordinance of the municipal 321
corporation based on the violation, whichever is applicable. If an 322
eligible offender who is sentenced to the center under an OVI term 323
of confinement is not accepted for admission to the center for any 324
reason, the eligible offender shall be taken before the court that 325
imposed the sentence, and the court shall determine the place at 326
which the offender is to serve the term of confinement. If the 327
eligible offender is admitted to the center, all of the following 328
apply: 329

(a) The admission shall be under the terms and conditions 330
established by the court and the administrator of the center, and 331
the court and the administrator of the center shall provide for 332
the confinement of the eligible offender and supervise the 333
eligible offender as provided in divisions (H)(4)(b) to (f) of 334
this section. 335

(b) The eligible offender shall be confined in the center 336
during any period of time that the eligible offender is not 337
actually working at the eligible offender's approved work release 338
described in division (H)(4)(c) of this section, engaged in 339
community service activities described in division (H)(4)(d) of 340

this section, engaged in authorized vocational training or another 341
authorized educational program, engaged in another program 342
designated by the administrator of the center, or engaged in other 343
activities approved by the court and the administrator of the 344
center. 345

(c) If the court and the administrator of the center 346
determine that work release is appropriate based upon the offense 347
for which the eligible offender was sentenced to the community 348
residential sanction or OVI term of confinement and the length of 349
the sanction or term, the eligible offender may be offered work 350
release from confinement at the center and be released from 351
confinement while engaged in the work release. 352

(d) If the administrator of the center determines that 353
community service is appropriate and if the eligible offender will 354
be confined for more than ten days at the center, the eligible 355
offender may be required to participate in community service 356
activities approved by the political subdivision served by the 357
court. Community service activities that may be required under 358
this division may take place in facilities of the political 359
subdivision that operates the court, in the community, or in both 360
such locales. The eligible offender shall be released from 361
confinement while engaged in the community service activities. 362
Community service activities required under this division shall be 363
supervised by the court or an official designated by the board of 364
county commissioners or affiliated group of boards of county 365
commissioners that established and is operating the center. 366
Community service activities required under this division shall 367
not exceed in duration the period for which the eligible offender 368
will be confined at the center under the community residential 369
sanction or the OVI term of confinement. 370

(e) The confinement of the eligible offender in the center 371
shall be considered for purposes of this division and division 372

(H)(4)(f) of this section as including any period of time 373
described in division (H)(4)(b) of this section when the eligible 374
offender may be outside of the center and shall continue until the 375
expiration of the community residential sanction, the OVI term of 376
confinement, or the combination of the OVI term of confinement and 377
the confinement for the violation of section 4510.14 of the 378
Revised Code or the municipal DUS ordinance that the eligible 379
offender is serving upon admission to the center. 380

(f) After the admission and until the expiration of the 381
community residential sanction or OVI term of confinement that the 382
eligible offender is serving upon admission to the center, the 383
eligible offender shall be considered for purposes of any 384
provision in Title XXIX of the Revised Code to be serving the 385
community residential sanction or OVI term of confinement. 386

(5) The administrator of the center, or the administrator's 387
designee, shall post a sign as described in division (A)(4) of 388
section 2923.1212 of the Revised Code in a conspicuous location at 389
the center. 390

(I) The board of county commissioners that establishes and 391
operates a community alternative sentencing center under division 392
(E) of this section, or the affiliated group of boards of county 393
commissioners that establishes and operates a district community 394
alternative sentencing center under that division, may require an 395
eligible offender who is sentenced directly to the center and 396
admitted to it to pay to the county served by the board or the 397
counties served by the affiliated group of boards or the entity 398
operating the center the reasonable expenses incurred by the 399
county or counties, whichever is applicable, in supervising or 400
confining the eligible offender after being sentenced to the 401
center and admitted. Inability to pay those reasonable expenses 402
shall not be grounds for refusing to admit an otherwise eligible 403
offender to the center. 404

(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 community alternative sentencing center or district community alternative sentencing center and admitted to the center violates any rule established under this section by the board of county commissioners or the affiliated group of boards of county commissioners that establishes and operates the center, violates any condition of the community residential sanction, the OVI term of confinement, or the combination of the OVI term of confinement and the confinement for the violation of section 4510.14 of the Revised Code or the municipal OVI ordinance imposed by the sentencing court, or otherwise does not successfully complete the service of the community residential sanction or OVI term of confinement in the center, the administrator of the center shall report the violation or failure to successfully complete the sanction or term directly to the court or to the probation department or probation officer with general control and supervision over the eligible offender. A failure to successfully complete the service of the community residential sanction, the OVI term of confinement, or the combination of the OVI term of confinement and the confinement for the violation of section 4510.14 of the Revised Code or the municipal OVI ordinance in the center shall be considered a violation of a condition of the community residential sanction or the OVI term of confinement. If the administrator reports the violation to the probation department or probation officer, the department or officer shall

report the violation to the court. Upon its receipt under this 438
division of a report of a violation or failure to complete the 439
sanction by a person sentenced to the center under a community 440
residential sanction, the court may proceed as specified in 441
division (C)(2) of section 2929.25 of the Revised Code based on 442
the violation or as provided by ordinance of the municipal 443
corporation based on the violation, whichever is applicable. Upon 444
its receipt under this division of a report of a violation or 445
failure to complete the term by a person sentenced to the center 446
under an OVI term of confinement, the court shall determine the 447
place at which the offender is to serve the remainder of the term 448
of confinement. The eligible offender shall receive credit towards 449
completing the eligible offender's sentence for the time spent in 450
the center after admission to it. 451

Sec. 2152.12. (A)(1)(a) After a complaint has been filed 452
alleging that a child is a delinquent child for committing an act 453
that would be aggravated murder, murder, attempted aggravated 454
murder, or attempted murder if committed by an adult, the juvenile 455
court at a hearing shall transfer the case if either of the 456
following applies: 457

(i) The child was sixteen or seventeen years of age at the 458
time of the act charged and there is probable cause to believe 459
that the child committed the act charged. 460

(ii) The child was fourteen or fifteen years of age at the 461
time of the act charged, section 2152.10 of the Revised Code 462
provides that the child is eligible for mandatory transfer, and 463
there is probable cause to believe that the child committed the 464
act charged. 465

(b) After a complaint has been filed alleging that a child is 466
a delinquent child by reason of committing a category two offense, 467
the juvenile court at a hearing shall transfer the case if the 468

child was sixteen or seventeen years of age at the time of the act 469
charged and either of the following applies: 470

(i) Division (A)(2)(a) of section 2152.10 of the Revised Code 471
requires the mandatory transfer of the case, and there is probable 472
cause to believe that the child committed the act charged. 473

(ii) Division (A)(2)(b) of section 2152.10 of the Revised 474
Code requires the mandatory transfer of the case, and there is 475
probable cause to believe that the child committed the act 476
charged. 477

(2) The juvenile court also shall transfer a case in the 478
circumstances described in division (C)(5) of section 2152.02 of 479
the Revised Code or if either of the following applies: 480

(a) A complaint is filed against a child who is eligible for 481
a discretionary transfer under section 2152.10 of the Revised Code 482
and who previously was convicted of or pleaded guilty to a felony 483
in a case that was transferred to a criminal court. 484

(b) A complaint is filed against a child who is domiciled in 485
another state alleging that the child is a delinquent child for 486
committing an act that would be a felony if committed by an adult, 487
and, if the act charged had been committed in that other state, 488
the child would be subject to criminal prosecution as an adult 489
under the law of that other state without the need for a transfer 490
of jurisdiction from a juvenile, family, or similar noncriminal 491
court to a criminal court. 492

(3) If a complaint is filed against a child alleging that the 493
child is a delinquent child and the case is transferred pursuant 494
to division (A)(1)(a)(i) or (A)(1)(b)(ii) of this section and if 495
the child subsequently is convicted of or pleads guilty to an 496
offense in that case, the sentence to be imposed or disposition to 497
be made of the child shall be determined in accordance with 498
section 2152.121 of the Revised Code. 499

(B) Except as provided in division (A) of this section, after a complaint has been filed alleging that a child is a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court at a hearing may transfer the case if the court finds all of the following:

(1) The child was fourteen years of age or older at the time of the act charged.

(2) There is probable cause to believe that the child committed the act charged.

(3) The child is not amenable to care or rehabilitation within the juvenile system, and the safety of the community may require that the child be subject to adult sanctions. In making its decision under this division, the court shall consider whether the applicable factors under division (D) of this section indicating that the case should be transferred outweigh the applicable factors under division (E) of this section indicating that the case should not be transferred. The record shall indicate the specific factors that were applicable and that the court weighed.

(C) Before considering a transfer under division (B) of this section, the juvenile court shall order an investigation into the child's social history, education, family situation, and any other factor bearing on whether the child is amenable to juvenile rehabilitation, including a mental examination of the child by a public or private agency or a person qualified to make the examination. The investigation shall be completed and a report on the investigation shall be submitted to the court as soon as possible but not more than forty-five calendar days after the court orders the investigation. The court may grant one or more extensions for a reasonable length of time. The child may waive the examination required by this division if the court finds that the waiver is competently and intelligently made. Refusal to

submit to a mental examination by the child constitutes a waiver 532
of the examination. 533

(D) In considering whether to transfer a child under division 534
(B) of this section, the juvenile court shall consider the 535
following relevant factors, and any other relevant factors, in 536
favor of a transfer under that division: 537

(1) The victim of the act charged suffered physical or 538
psychological harm, or serious economic harm, as a result of the 539
alleged act. 540

(2) The physical or psychological harm suffered by the victim 541
due to the alleged act of the child was exacerbated because of the 542
physical or psychological vulnerability or the age of the victim. 543

(3) The child's relationship with the victim facilitated the 544
act charged. 545

(4) The child allegedly committed the act charged for hire or 546
as a part of a gang or other organized criminal activity. 547

(5) The child had a firearm on or about the child's person or 548
under the child's control at the time of the act charged, the act 549
charged is not a violation of section 2923.12 of the Revised Code, 550
and the child, during the commission of the act charged, allegedly 551
used or displayed the firearm, brandished the firearm, or 552
indicated that the child possessed a firearm. 553

(6) At the time of the act charged, the child was awaiting 554
adjudication or disposition as a delinquent child, was under a 555
community control sanction, or was on parole for a prior 556
delinquent child adjudication or conviction. 557

(7) The results of any previous juvenile sanctions and 558
programs indicate that rehabilitation of the child will not occur 559
in the juvenile system. 560

(8) The child is emotionally, physically, or psychologically 561

mature enough for the transfer. 562

(9) There is not sufficient time to rehabilitate the child 563
within the juvenile system. 564

(E) In considering whether to transfer a child under division 565
(B) of this section, the juvenile court shall consider the 566
following relevant factors, and any other relevant factors, 567
against a transfer under that division: 568

(1) The victim induced or facilitated the act charged. 569

(2) The child acted under provocation in allegedly committing 570
the act charged. 571

(3) The child was not the principal actor in the act charged, 572
or, at the time of the act charged, the child was under the 573
negative influence or coercion of another person. 574

(4) The child did not cause physical harm to any person or 575
property, or have reasonable cause to believe that harm of that 576
nature would occur, in allegedly committing the act charged. 577

(5) The child previously has not been adjudicated a 578
delinquent child. 579

(6) The child is not emotionally, physically, or 580
psychologically mature enough for the transfer. 581

(7) The child has a mental illness or is a mentally retarded 582
person. 583

(8) There is sufficient time to rehabilitate the child within 584
the juvenile system and the level of security available in the 585
juvenile system provides a reasonable assurance of public safety. 586

(F) If one or more complaints are filed alleging that a child 587
is a delinquent child for committing two or more acts that would 588
be offenses if committed by an adult, if a motion is made alleging 589
that division (A) of this section applies and requires that the 590
case or cases involving one or more of the acts charged be 591

transferred for, and if a motion also is made requesting that the 592
case or cases involving one or more of the acts charged be 593
transferred pursuant to division (B) of this section, the juvenile 594
court, in deciding the motions, shall proceed in the following 595
manner: 596

(1) Initially, the court shall decide the motion alleging 597
that division (A) of this section applies and requires that the 598
case or cases involving one or more of the acts charged be 599
transferred. 600

(2) If the court determines that division (A) of this section 601
applies and requires that the case or cases involving one or more 602
of the acts charged be transferred, the court shall transfer the 603
case or cases in accordance with that division. After the transfer 604
pursuant to division (A) of this section, the court shall decide, 605
in accordance with division (B) of this section, whether to grant 606
the motion requesting that the case or cases involving one or more 607
of the acts charged be transferred pursuant to that division. 608
Notwithstanding division (B) of this section, prior to 609
transferring a case pursuant to division (A) of this section, the 610
court is not required to consider any factor specified in division 611
(D) or (E) of this section or to conduct an investigation under 612
division (C) of this section. 613

(3) If the court determines that division (A) of this section 614
does not require that the case or cases involving one or more of 615
the acts charged be transferred, the court shall decide in 616
accordance with division (B) of this section whether to grant the 617
motion requesting that the case or cases involving one or more of 618
the acts charged be transferred pursuant to that division. 619

(4) No report on an investigation conducted pursuant to 620
division (C) of this section shall include details of the alleged 621
offense as reported by the child. 622

(G) The court shall give notice in writing of the time, 623
place, and purpose of any hearing held pursuant to division (A) or 624
(B) of this section to the child's parents, guardian, or other 625
custodian and to the child's counsel at least three days prior to 626
the hearing. 627

(H) No person, either before or after reaching eighteen years 628
of age, shall be prosecuted as an adult for an offense committed 629
prior to becoming eighteen years of age, unless the person has 630
been transferred as provided in division (A) or (B) of this 631
section or unless division (J) of this section applies. Any 632
prosecution that is had in a criminal court on the mistaken belief 633
that the person who is the subject of the case was eighteen years 634
of age or older at the time of the commission of the offense shall 635
be deemed a nullity, and the person shall not be considered to 636
have been in jeopardy on the offense. 637

(I) Upon the transfer of a case under division (A) or (B) of 638
this section, the juvenile court shall state the reasons for the 639
transfer on the record, and shall order the child to enter into a 640
recognizance with good and sufficient surety for the child's 641
appearance before the appropriate court for any disposition that 642
the court is authorized to make for a similar act committed by an 643
adult. The transfer abates the jurisdiction of the juvenile court 644
with respect to the delinquent acts alleged in the complaint, and, 645
upon the transfer, all further proceedings pertaining to the act 646
charged shall be discontinued in the juvenile court, and the case 647
then shall be within the jurisdiction of the court to which it is 648
transferred as described in division (H) of section 2151.23 of the 649
Revised Code. 650

(J) If a person under eighteen years of age allegedly commits 651
an act that would be a felony if committed by an adult and if the 652
person is not taken into custody or apprehended for that act until 653
after the person attains twenty-one years of age, the juvenile 654

court does not have jurisdiction to hear or determine any portion 655
of the case charging the person with committing that act. In those 656
circumstances, divisions (A) and (B) of this section do not apply 657
regarding the act, and the case charging the person with 658
committing the act shall be a criminal prosecution commenced and 659
heard in the appropriate court having jurisdiction of the offense 660
as if the person had been eighteen years of age or older when the 661
person committed the act. All proceedings pertaining to the act 662
shall be within the jurisdiction of the court having jurisdiction 663
of the offense, and that court has all the authority and duties in 664
the case as it has in other criminal cases in that court. 665

Sec. 2152.121. (A) If a complaint is filed against a child 666
alleging that the child is a delinquent child and the case is 667
transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of 668
section 2152.12 of the Revised Code, the juvenile court that 669
transferred the case shall retain jurisdiction for purposes of 670
making disposition of the child when required under division (B) 671
of this section. 672

(B) If a complaint is filed against a child alleging that the 673
child is a delinquent child, if the case is transferred pursuant 674
to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of 675
the Revised Code, and if the child subsequently is convicted of or 676
pleads guilty to an offense in that case, the sentence to be 677
imposed or disposition to be made of the child shall be determined 678
as follows: 679

(1) The court in which the child is convicted of or pleads 680
guilty to the offense shall determine whether, had a complaint 681
been filed in juvenile court alleging that the child was a 682
delinquent child for committing an act that would be that offense 683
if committed by an adult, division (A) of section 2152.12 of the 684
Revised Code would have required mandatory transfer of the case or 685

division (B) of that section would have allowed discretionary 686
transfer of the case. The court shall not consider the factor 687
specified in division (B)(3) of section 2152.12 of the Revised 688
Code in making its determination under this division. 689

(2) If the court in which the child is convicted of or pleads 690
guilty to the offense determines under division (B)(1) of this 691
section that, had a complaint been filed in juvenile court 692
alleging that the child was a delinquent child for committing an 693
act that would be that offense if committed by an adult, division 694
(A) of section 2152.12 of the Revised Code would not have required 695
mandatory transfer of the case, and division (B) of that section 696
would not have allowed discretionary transfer of the case, the 697
court shall transfer jurisdiction of the case back to the juvenile 698
court that initially transferred the case, the court and all other 699
agencies that have any record of the conviction of the child or 700
the child's guilty plea shall expunge the conviction or guilty 701
plea and all records of it, the conviction or guilty plea shall be 702
considered and treated for all purposes other than as provided in 703
this section to have never occurred, and the juvenile court shall 704
impose one or more traditional juvenile dispositions upon the 705
child under sections 2152.19 and 2152.20 of the Revised Code. 706

(3) If the court in which the child is convicted of or pleads 707
guilty to the offense determines under division (B)(1) of this 708
section that, had a complaint been filed in juvenile court 709
alleging that the child was a delinquent child for committing an 710
act that would be that offense if committed by an adult, division 711
(A) of section 2152.12 of the Revised Code would not have required 712
mandatory transfer of the case but division (B) of that section 713
would have allowed discretionary transfer of the case, the court 714
shall determine the sentence it believes should be imposed upon 715
the child under Chapter 2929. of the Revised Code, shall impose 716
that sentence upon the child, and shall stay that sentence pending 717

completion of the procedures specified in this division. Upon 718
imposition and staying of the sentence, the court shall transfer 719
jurisdiction of the case back to the juvenile court that initially 720
transferred the case and the juvenile court shall proceed in 721
accordance with this division. In no case may the child waive a 722
right to a hearing of the type described in division (B)(3)(b) of 723
this section, regarding a motion filed as described in that 724
division by the prosecuting attorney in the case. Upon transfer of 725
jurisdiction of the case back to the juvenile court, both of the 726
following apply: 727

(a) Except as otherwise provided in division (B)(3)(b) of 728
this section, the juvenile court shall impose a serious youthful 729
offender dispositional sentence upon the child under division 730
(D)(1) of section 2152.13 of the Revised Code. In imposing the 731
adult portion of that sentence, the juvenile court shall consider 732
and give preference to the sentence imposed upon the child by the 733
court in which the child was convicted of or pleaded guilty to the 734
offense. Upon imposing a serious youthful offender dispositional 735
sentence upon the child as described in this division, the 736
juvenile court shall notify the court in which the child was 737
convicted of or pleaded guilty to the offense, the sentence 738
imposed upon the child by that court shall terminate, the court 739
and all other agencies that have any record of the conviction of 740
the child or the child's guilty plea shall expunge the conviction 741
or guilty plea and all records of it, the conviction or guilty 742
plea shall be considered and treated for all purposes other than 743
as provided in this section to have never occurred, and the 744
conviction or guilty plea shall be considered and treated for all 745
purposes other than as provided in this section to have been a 746
delinquent child adjudication of the child. 747

(b) ~~Upon the~~ Within fourteen days after the filing of the 748
journal entry regarding the transfer, the prosecuting attorney in 749

the case may file a motion in the juvenile court that objects to 750
the imposition of a serious youthful offender dispositional 751
sentence upon the child and requests that the sentence imposed 752
upon the child by the court in which the child was convicted of or 753
pleaded guilty to the offense be invoked. Upon the filing of a 754
motion under this division, the juvenile court shall hold a 755
hearing to determine whether the child is not amenable to care or 756
rehabilitation within the juvenile system and whether the safety 757
of the community may require that the child be subject solely to 758
adult sanctions. If the juvenile court at the hearing finds that 759
the child is not amenable to care or rehabilitation within the 760
juvenile system or that the safety of the community may require 761
that the child be subject solely to adult sanctions, the court 762
shall grant the motion. Absent such a finding, the juvenile court 763
shall deny the motion. In making its decision under this division, 764
the juvenile court shall consider the factors listed in division 765
(D) of section 2152.12 of the Revised Code as factors indicating 766
that the motion should be granted, shall consider the factors 767
listed in division (E) of that section as factors indicating that 768
the motion should not be granted, and shall consider whether the 769
applicable factors listed in division (D) of that section outweigh 770
the applicable factors listed in division (E) of that section. 771

If the juvenile court grants the motion of the prosecuting 772
attorney under this division, the juvenile court shall transfer 773
jurisdiction of the case back to the court in which the child was 774
convicted of or pleaded guilty to the offense, and the sentence 775
imposed by that court shall be invoked. If the juvenile court 776
denies the motion of the prosecuting attorney under this section, 777
the juvenile court shall impose a serious youthful offender 778
dispositional sentence upon the child in accordance with division 779
(B)(3)(a) of this section. 780

(4) If the court in which the child is convicted of or pleads 781

guilty to the offense determines under division (B)(1) of this 782
section that, had a complaint been filed in juvenile court 783
alleging that the child was a delinquent child for committing an 784
act that would be that offense if committed by an adult, division 785
(A) of section 2152.12 of the Revised Code would have required 786
mandatory transfer of the case, the court shall impose sentence 787
upon the child under Chapter 2929. of the Revised Code. 788

Sec. 2152.52. (A)(1) In any proceeding under this chapter 789
other than a proceeding alleging that a child is an unruly child 790
or a juvenile traffic offender, any party or the court may move 791
for a determination regarding the child's competency to 792
participate in the proceeding. 793

(2) In any proceeding under this chapter other than a 794
proceeding alleging that a child is an unruly child or a juvenile 795
traffic offender, if the child who is the subject of the 796
proceeding is fourteen years of age or older and if the child is 797
not otherwise found to be mentally ill, intellectually disabled, 798
or developmentally disabled, it is rebuttably presumed that the 799
child does not have a lack of mental capacity. This presumption 800
applies only in making a determination as to whether the child has 801
a lack of mental capacity and shall not be used or applicable for 802
any other purpose. 803

(B) The court may find a child incompetent to proceed without 804
ordering an evaluation of the child's competency or holding a 805
hearing to determine the child's competency if either of the 806
following applies: 807

(1) The prosecuting attorney, the child's attorney, and at 808
least one of the child's parents, guardians, or custodians agree 809
to the determination. 810

(2) The court relies on a prior court determination that the 811
child was incompetent and could not attain competency even if the 812

child were to participate in competency attainment services. 813

Sec. 2152.56. (A) Upon completing an evaluation ordered 814
pursuant to section 2152.53 of the Revised Code, an evaluator 815
shall submit to the court a written competency assessment report. 816
The report shall include the evaluator's opinion as to whether the 817
child, due to mental illness, intellectual disability, or 818
developmental disability, or otherwise due to a lack of mental 819
capacity, is ~~presently~~ currently incapable of understanding the 820
nature and objective of the proceedings against the child or of 821
assisting in the child's defense. The report shall not include any 822
opinion as to the child's sanity at the time of the alleged 823
offense, details of the alleged offense as reported by the child, 824
or an opinion as to whether the child actually committed the 825
offense or could have been culpable for committing the offense. 826

(B) A competency assessment report shall address the child's 827
capacity to do all of the following: 828

(1) Comprehend and appreciate the charges or allegations 829
against the child; 830

(2) Understand the adversarial nature of the proceedings, 831
including the role of the judge, defense counsel, prosecuting 832
attorney, guardian ad litem or court-appointed special assistant, 833
and witnesses; 834

(3) Assist in the child's defense and communicate with 835
counsel; 836

(4) Comprehend and appreciate the consequences that may be 837
imposed or result from the proceedings. 838

(C) A competency assessment report shall include the 839
evaluator's opinion regarding the extent to which the child's 840
competency may be impaired by the child's failure to meet one or 841
more of the criteria listed in division (B) of this section. If 842

the evaluator concludes that the child's competency is impaired 843
but that the child may be enabled to understand the nature and 844
objectives of the proceeding against the child and to assist in 845
the child's defense with reasonable accommodations, the report 846
shall include recommendations for those reasonable accommodations 847
that the court might make. If the evaluator concludes that the 848
child's competency is so impaired that the child would not be able 849
to understand the nature and objectives of the proceeding against 850
the child ~~and~~ or to assist in the child's defense, the report 851
shall include an opinion as to the likelihood that the child could 852
attain competency within the periods set forth in division (D)(2) 853
of section 2152.59 of the Revised Code. 854

(D) If the evaluator concludes that the child could likely 855
attain competency within the periods set forth in division (D)(2) 856
of section 2152.59 of the Revised Code, the competency assessment 857
report shall include both of the following: 858

(1) A recommendation as to the least restrictive setting for 859
child competency attainment services that is consistent with the 860
child's ability to attain competency and the safety of both the 861
child and the community; 862

(2) A list of the providers of child competency attainment 863
services known to the evaluator that are located most closely to 864
the child's current residence. 865

(E) If the evaluator is unable, within the maximum allowable 866
time for submission of a competency assessment report under 867
division (A) of section 2152.57 of the Revised Code, to form an 868
opinion regarding the extent to which the child's competency may 869
be impaired by the child's failure to meet one or more of the 870
criteria listed in division (B) of this section, the evaluator 871
shall so state in the report. The evaluator shall also include 872
recommendations for services to support the safety of the child or 873
the community. 874

Sec. 2152.59. (A) If after a hearing held pursuant to section 875
2152.58 of the Revised Code the court determines that a child is 876
competent, the court shall proceed with the delinquent child's 877
proceeding as provided by law. No statement that a child makes 878
during an evaluation or hearing conducted under sections 2152.51 879
through 2152.59 of the Revised Code shall be used against the 880
child on the issue of responsibility or guilt in any child or 881
adult proceeding. 882

(B) If after a hearing held pursuant to section 2152.58 of 883
the Revised Code the court determines that the child is not 884
competent and cannot attain competency within the period of time 885
applicable under division (D)(2) of this section, the court shall 886
dismiss the charges without prejudice, except that the court may 887
delay dismissal for up to ninety calendar days and do either of 888
the following: 889

(1) Refer the matter to a public children services agency and 890
request that agency determine whether to file an action in 891
accordance with section 2151.27 of the Revised Code alleging that 892
the child is a dependent, neglected, or abused child; 893

(2) Assign court staff to refer the child or the child's 894
family to the local family and children first council or an agency 895
funded by the department of mental health or department of 896
developmental disabilities or otherwise secure services to reduce 897
the potential that the child would engage in behavior that could 898
result in delinquent child or other criminal charges. 899

(C) If after a hearing held pursuant to section 2152.58 of 900
the Revised Code the court determines that a child is not 901
competent but could likely attain competency by participating in 902
services specifically designed to help the child develop 903
competency, the court may order the child to participate in 904
services specifically designed to help the child develop 905

competency at county expense. The court shall name a reliable 906
provider to deliver the competency attainment services and shall 907
order the child's parent, guardian, or custodian to contact that 908
provider by a specified date to arrange for services. 909

(D) The competency attainment services provided to a child 910
shall be based on a competency attainment plan described in 911
division (E)(2) of this section and approved by the court. 912
Services are subject to the following conditions and time periods 913
measured from the date the court approves the plan: 914

(1) Services shall be provided in the least restrictive 915
setting that is consistent with the child's ability to attain 916
competency and the safety of both the child and the community. If 917
the child has been released on temporary or interim orders and 918
refuses or fails to cooperate with the service provider, the court 919
may reassess the orders and amend them to require a more 920
appropriate setting. 921

(2) No child shall be required to participate in competency 922
attainment services for longer than is required for the child to 923
attain competency. The following maximum periods of participation 924
apply: 925

(a) If a child is ordered to participate in competency 926
attainment services that are provided outside of a residential 927
setting, the child shall not participate in those services for a 928
period exceeding three months if the child is charged with an act 929
that would be a misdemeanor if committed by an adult, six months 930
if the child is charged with an act that would be a felony of the 931
third, fourth, or fifth degree if committed by an adult, or one 932
year if the child is charged with an act that would be a felony of 933
the first or second degree, aggravated murder, or murder if 934
committed by an adult. 935

(b) If a child is ordered to receive competency attainment 936

services that are provided in a residential setting that is 937
operated solely or in part for the purpose of providing competency 938
attainment services, the child shall not participate in those 939
services for a period exceeding forty-five calendar days if the 940
child is charged with an act that would be a misdemeanor if 941
committed by an adult, three months if the child is charged with 942
an act that would be a felony of the third, fourth, or fifth 943
degree if committed by an adult, six months if the child is 944
charged with an act that would be a felony of the first or second 945
degree if committed by an adult, or one year if the child is 946
charged with an act that would be aggravated murder or murder if 947
committed by an adult. 948

(c) If a child is ordered into a residential, detention, or 949
other secured setting for reasons other than to participate in 950
competency attainment services and is also ordered to participate 951
in competency attainment services concurrently, the child shall 952
participate in the competency attainment services for not longer 953
than the relevant period set forth in division (D)(2)(a) of this 954
section. 955

(d) If a child is ordered to participate in competency 956
attainment services that require the child to live for some but 957
not all of the duration of the services in a residential setting 958
that is operated solely or in part for the purpose of providing 959
competency attainment services, the child shall participate in the 960
competency attainment services for not longer than the relevant 961
period set forth in division (D)(2)(b) of this section. For the 962
purpose of calculating a time period under division (D)(2)(d) of 963
this section, two days of participation in a nonresidential 964
setting shall equal one day of participation in a residential 965
setting. 966

(3) A child who receives competency attainment services in a 967
residential setting that is operated solely or partly for the 968

purpose of providing competency attainment services is in 969
detention for purposes of section 2921.34 and division (B) of 970
section 2152.18 of the Revised Code during the time that the child 971
resides in the residential setting. 972

(E)(1) Within ten business days after the court names the 973
provider responsible for the child's competency attainment 974
services under division (D) of this section, the court shall 975
deliver to that provider a copy of each competency assessment 976
report it has received for review. The provider shall return the 977
copies of the reports to the court upon the termination of the 978
services. 979

(2) Not later than thirty calendar days after the child 980
contacts the competency attainment services provider under 981
division (C) of this section, the provider shall submit to the 982
court a plan for the child to attain competency. The court shall 983
provide copies of the plan to the prosecuting attorney, the 984
child's attorney, the child's guardian ad litem, if any, and the 985
child's parents, guardian, or custodian. 986

(F) The provider that provides the child's competency 987
attainment services pursuant to the competency attainment plan 988
shall submit reports to the court on the following schedule: 989

(1) A report on the child's progress every thirty calendar 990
days and on the termination of services~~+~~. The report shall not 991
include any details of the alleged offense as reported by the 992
child. 993

(2) If the provider determines that the child is not 994
cooperating to a degree that would allow the services to be 995
effective to help the child attain competency, a report informing 996
the court of the determination within three business days after 997
making the determination; 998

(3) If the provider determines that the current setting is no 999

longer the least restrictive setting that is consistent with the 1000
child's ability to attain competency and the safety of both the 1001
child and the community, a report informing the court of the 1002
determination within three business days after making the 1003
determination; 1004

(4) If the provider determines that the child has achieved 1005
the goals of the plan and would be able to understand the nature 1006
and objectives of the proceeding against the child and to assist 1007
in the child's defense, with or without reasonable accommodations 1008
to meet the criteria set forth in division (B) of section 2152.56 1009
of the Revised Code, a report informing the court of that 1010
determination within three business days after making the 1011
determination. If the provider believes that accommodations would 1012
be necessary or desirable, the report shall include 1013
recommendations for accommodations. 1014

(5) If the provider determines that the child will not 1015
achieve the goals of the plan within the applicable period of time 1016
under division (D)(2) of this section, a report informing the 1017
court of the determination within three business days after making 1018
the determination. The report shall include recommendations for 1019
services for the child that would support the safety of the child 1020
or the community. 1021

(G) The court shall provide copies of any report made under 1022
division (F) of this section to the prosecuting attorney, the 1023
child's attorney, and the child's guardian ad litem, if any. The 1024
court shall provide copies of any report made under division (F) 1025
of this section to the child's parents, guardian, or custodian 1026
unless the court finds that doing so is not in the best interest 1027
of the child. 1028

(H)(1) Within fifteen business days after receiving a report 1029
under division (F) of this section, the court may hold a hearing 1030
to determine if a new order is necessary. To assist in making a 1031

determination under division (H) of this section, the court may 1032
order a new competency evaluation in accordance with section 1033
2152.53 of the Revised Code. Until a new order is issued or the 1034
required period of participation expires, the child shall continue 1035
to participate in competency attainment services. 1036

(2) If after a hearing held under division (H)(1) of this 1037
section the court determines that the child is not making progress 1038
toward competency or is so uncooperative that attainment services 1039
cannot be effective, the court may order a change in setting or 1040
services that would help the child attain competency within the 1041
relevant period of time under division (D)(2) of this section. 1042

(3) If after a hearing held under division (H)(1) of this 1043
section the court determines that the child has not or will not 1044
attain competency within the relevant period of time under 1045
division (D)(2) of this section, the court shall dismiss the 1046
delinquency complaint without prejudice, except that the court may 1047
delay dismissal for up to ninety calendar days and do either of 1048
the following: 1049

(a) Refer the matter to a public children services agency and 1050
request that agency determine whether to file an action in 1051
accordance with section 2151.27 of the Revised Code alleging that 1052
the child is a dependent, neglected, or abused child; 1053

(b) Assign court staff to refer the child or the child's 1054
family to the local family and children first council or an agency 1055
funded by the department of mental health or department of 1056
developmental disabilities or otherwise secure services to reduce 1057
the potential that the child would engage in behavior that could 1058
result in delinquency or other criminal charges. 1059

(4) A dismissal under division (H)(3) of this section does 1060
not preclude a future delinquent child proceeding or criminal 1061
prosecution as provided under section 2151.23 of the Revised Code 1062

if the child eventually attains competency. 1063

(5) If after a hearing held under division (H)(1) of this 1064
section the court determines that the child has attained 1065
competency, the court shall proceed with the delinquent child's 1066
proceeding in accordance with division (A) of this section. 1067

(6) A dismissal under this section does not bar a civil 1068
action based on the acts or omissions that formed the basis of the 1069
complaint. 1070

Sec. 2301.27. (A)(1)(a) The court of common pleas may 1071
establish a county department of probation. The establishment of 1072
the department shall be entered upon the journal of the court, and 1073
the clerk of the court of common pleas shall certify a copy of the 1074
journal entry establishing the department to each elective officer 1075
and board of the county. The department shall consist of a chief 1076
probation officer and the number of other probation officers and 1077
employees, clerks, and stenographers that is fixed from time to 1078
time by the court. The court shall appoint those individuals, fix 1079
their salaries, and supervise their work. 1080

(b) When appointing a chief probation officer, the court 1081
shall do all of the following: 1082

(i) Publicly advertise the position on the court's web site, 1083
including, but not limited to, the job description, qualifications 1084
for the position, and the application requirements; 1085

(ii) Conduct a competitive hiring process that adheres to 1086
state and federal equal employment opportunity laws; 1087

(iii) Review applicants who meet the posted qualifications 1088
and comply with the application requirements. 1089

(c) The court shall not appoint as a probation officer any 1090
person who does not possess the training, experience, and other 1091
qualifications prescribed by the adult parole authority created by 1092

section 5149.02 of the Revised Code or the department of youth 1093
services, as applicable. Probation officers have all the powers of 1094
regular police officers and shall perform any duties that are 1095
designated by the judge or judges of the court. All positions 1096
within the department of probation, except positions held by 1097
probation officers in the juvenile division of a court of common 1098
pleas, shall be in the classified service of the civil service of 1099
the county. 1100

(2) If two or more counties desire to jointly establish a 1101
probation department for those counties, the judges of the courts 1102
of common pleas of those counties may establish a probation 1103
department for those counties. If a probation department is 1104
established pursuant to division (A)(2) of this section to serve 1105
more than one county, the judges of the courts of common pleas 1106
that established the department shall designate the county 1107
treasurer of one of the counties served by the department as the 1108
treasurer to whom probation fees paid under section 2951.021 of 1109
the Revised Code are to be appropriated and transferred under 1110
division (A)(2) of section 321.44 of the Revised Code for deposit 1111
into the multicounty probation services fund established under 1112
division (B) of section 321.44 of the Revised Code. 1113

The cost of the administration and operation of a probation 1114
department established for two or more counties shall be prorated 1115
to the respective counties on the basis of population. 1116

(3) Probation officers shall receive, in addition to their 1117
respective salaries, their necessary and reasonable travel and 1118
other expenses incurred in the performance of their duties. Their 1119
salaries and expenses shall be paid monthly from the county 1120
treasury in the manner provided for the payment of the 1121
compensation of other appointees of the court. 1122

(4) Probation officers shall be trained in accordance with a 1123
set of minimum standards that are established by the adult parole 1124

authority of the department of rehabilitation and correction. 1125
Probation officers in the juvenile division of a court of common 1126
pleas shall be trained by the department of youth services. 1127

(B)(1)(a) In lieu of establishing a county department of 1128
probation under division (A) of this section and in lieu of 1129
entering into an agreement with the adult parole authority as 1130
described in division (B) of section 2301.32 of the Revised Code, 1131
the court of common pleas may request the board of county 1132
commissioners to contract with, and upon that request the board 1133
may contract with, any nonprofit, public or private agency, 1134
association, or organization for the provision of probation 1135
services and supervisory services for persons placed under 1136
community control sanctions. The contract shall specify that each 1137
individual providing the probation services and supervisory 1138
services shall possess the training, experience, and other 1139
qualifications prescribed by the adult parole authority or the 1140
department of youth services, as applicable. The individuals who 1141
provide the probation services and supervisory services shall not 1142
be included in the classified or unclassified civil service of the 1143
county. 1144

(b) A court of common pleas that has established a county 1145
probation department or has entered into an agreement with the 1146
adult parole authority as described in division (A) or (B) of 1147
section 2301.32 of the Revised Code may request the board of 1148
county commissioners to contract with, and upon that request the 1149
board may contract with, any nonprofit, public or private agency, 1150
association, or organization for the provision of probation 1151
services and supervisory services, including the preparation of 1152
presentence investigation reports to supplement the probation 1153
services and supervisory services provided by the county probation 1154
department or adult parole authority, as applicable. The contract 1155
shall specify that each individual providing the probation 1156

services and supervisory services shall possess the training, 1157
experience, and other qualifications prescribed by the adult 1158
parole authority. The individuals who provide the probation 1159
services and supervisory services shall not be included in the 1160
classified or unclassified civil service of the county. A 1161
nonprofit, public or private agency, association, or organization 1162
providing probation services or supervisory services under this 1163
division is hereby designated a criminal justice agency in the 1164
provision of those services, and as such is authorized by this 1165
state to apply for access to the computerized databases 1166
administered by the national crime information center or the law 1167
enforcement automated data system in Ohio and to other 1168
computerized databases administered for the purpose of making 1169
criminal justice information accessible to state criminal justice 1170
agencies. 1171

(2)(a) In lieu of establishing a county department of 1172
probation under division (A) of this section and in lieu of 1173
entering into an agreement with the adult parole authority as 1174
described in division (B) of section 2301.32 of the Revised Code, 1175
the courts of common pleas of two or more adjoining counties 1176
jointly may request the boards of county commissioners of those 1177
counties to contract with, and upon that request the boards of 1178
county commissioners of two or more adjoining counties jointly may 1179
contract with, any nonprofit, public or private agency, 1180
association, or organization for the provision of probation 1181
services and supervisory services for persons placed under 1182
community control sanctions for those counties. The contract shall 1183
specify that each individual providing the probation services and 1184
supervisory services shall possess the training, experience, and 1185
other qualifications prescribed by the adult parole authority or 1186
the department of youth services, as applicable. The individuals 1187
who provide the probation services and supervisory services shall 1188
not be included in the classified or unclassified civil service of 1189

any of those counties. 1190

(b) The courts of common pleas of two or more adjoining 1191
counties that have jointly established a probation department for 1192
those counties or have entered into an agreement with the adult 1193
parole authority as described in division (A) or (B) of section 1194
2301.32 of the Revised Code may jointly request the board of 1195
county commissioners of each county to contract with, and upon 1196
that request the board may contract with, any nonprofit, public or 1197
private agency, association, or organization for the provision of 1198
probation services and supervisory services, including the 1199
preparation of presentence investigation reports to supplement the 1200
probation services and supervisory services provided by the 1201
probation department or adult parole authority, as applicable. The 1202
contract shall specify that each individual providing the 1203
probation services and supervisory services shall possess the 1204
training, experience, and other qualifications prescribed by the 1205
adult parole authority. The individuals who provide the probation 1206
services and supervisory services shall not be included in the 1207
classified or unclassified civil service of the county. A 1208
nonprofit, public or private agency, association, or organization 1209
providing probation services or supervisory services under this 1210
division is hereby designated a criminal justice agency in the 1211
provision of those services, and as such is authorized by this 1212
state to apply for access to the computerized databases 1213
administered by the national crime information center or the law 1214
enforcement automated data system in Ohio and to other 1215
computerized databases administered for the purpose of making 1216
criminal justice information accessible to state criminal justice 1217
agencies. 1218

(C) The chief probation officer may grant permission to a 1219
probation officer to carry firearms when required in the discharge 1220
of official duties if the probation officer has successfully 1221

completed a basic firearm training program that is approved by the 1222
executive director of the Ohio peace officer training commission. 1223
A probation officer who has been granted permission to carry a 1224
firearm in the discharge of official duties, annually shall 1225
successfully complete a firearms requalification program in 1226
accordance with section 109.801 of the Revised Code. 1227

(D) As used in this section and sections 2301.28 to 2301.32 1228
of the Revised Code, "community control sanction" has the same 1229
meaning as in section 2929.01 of the Revised Code. 1230

Sec. 2301.271. (A) The adult parole authority of the 1231
department of rehabilitation and correction shall develop minimum 1232
standards for the training of probation officers as provided by 1233
section 2301.27 of the Revised Code. The adult parole authority 1234
shall consult and collaborate with the supreme court in developing 1235
the standards. The department of youth services shall develop 1236
minimum standards for the training of probation officers who 1237
supervise juvenile offenders. The department of youth services may 1238
consult with the adult parole authority of the department of 1239
rehabilitation and correction in developing the standards. 1240

(B) Within six months after ~~the effective date of this~~ 1241
~~section~~ September 30, 2011, the department of rehabilitation and 1242
correction and, within six months after the effective date of this 1243
amendment, the department of youth services shall make available a 1244
copy of the minimum standards developed by the authority or 1245
department, as applicable, to the following entities: 1246

(1) Every municipal court, county court, and court of common 1247
pleas; 1248

(2) Every probation department. 1249

Sec. 2921.331. (A) No person shall fail to comply with any 1250
lawful order or direction of any police officer invested with 1251

authority to direct, control, or regulate traffic. 1252

(B) No person shall operate a motor vehicle so as willfully 1253
to elude or flee a police officer after receiving a visible or 1254
audible signal from a police officer to bring the person's motor 1255
vehicle to a stop. 1256

(C)(1) Whoever violates this section is guilty of failure to 1257
comply with an order or signal of a police officer. 1258

(2) A violation of division (A) of this section is a 1259
misdemeanor of the first degree. 1260

(3) Except as provided in divisions (C)(4) and (5) of this 1261
section, a violation of division (B) of this section is a 1262
misdemeanor of the first degree. 1263

(4) Except as provided in division (C)(5) of this section, a 1264
violation of division (B) of this section is a felony of the 1265
fourth degree if the jury or judge as trier of fact finds by proof 1266
beyond a reasonable doubt that, in committing the offense, the 1267
offender was fleeing immediately after the commission of a felony. 1268

(5)(a) A violation of division (B) of this section is a 1269
felony of the third degree if the jury or judge as trier of fact 1270
finds any of the following by proof beyond a reasonable doubt: 1271

(i) The operation of the motor vehicle by the offender was a 1272
proximate cause of serious physical harm to persons or property. 1273

(ii) The operation of the motor vehicle by the offender 1274
caused a substantial risk of serious physical harm to persons or 1275
property. 1276

(b) If a police officer pursues an offender who is violating 1277
division (B) of this section and division (C)(5)(a) of this 1278
section applies, the sentencing court, in determining the 1279
seriousness of an offender's conduct for purposes of sentencing 1280
the offender for a violation of division (B) of this section, 1281

shall consider, along with the factors set forth in sections 1282
2929.12 and 2929.13 of the Revised Code that are required to be 1283
considered, all of the following: 1284

(i) The duration of the pursuit; 1285

(ii) The distance of the pursuit; 1286

(iii) The rate of speed at which the offender operated the 1287
motor vehicle during the pursuit; 1288

(iv) Whether the offender failed to stop for traffic lights 1289
or stop signs during the pursuit; 1290

(v) The number of traffic lights or stop signs for which the 1291
offender failed to stop during the pursuit; 1292

(vi) Whether the offender operated the motor vehicle during 1293
the pursuit without lighted lights during a time when lighted 1294
lights are required; 1295

(vii) Whether the offender committed a moving violation 1296
during the pursuit; 1297

(viii) The number of moving violations the offender committed 1298
during the pursuit; 1299

(ix) Any other relevant factors indicating that the 1300
offender's conduct is more serious than conduct normally 1301
constituting the offense. 1302

(D) If an offender is sentenced pursuant to division (C)(4) 1303
or (5) of this section for a violation of division (B) of this 1304
section, and if the offender is sentenced to a prison term for 1305
that violation, the offender shall serve the prison term 1306
consecutively to any other prison term or mandatory prison term 1307
imposed upon the offender. 1308

(E) In addition to any other sanction imposed for a felony 1309
violation of division (B) of this section, the court shall impose 1310
a class two suspension from the range specified in division (A)(2) 1311

of section 4510.02 of the Revised Code. In addition to any other 1312
sanction imposed for a violation of division (A) of this section 1313
or a misdemeanor violation of division (B) of this section, the 1314
court shall impose a class five suspension from the range 1315
specified in division (A)(5) of section 4510.02 of the Revised 1316
Code. If the offender previously has been found guilty of an 1317
offense under this section, in addition to any other sanction 1318
imposed for the offense, the court shall impose a class one 1319
suspension as described in division (A)(1) of that section. The 1320
court shall not grant limited driving privileges to the offender 1321
on a suspension imposed for a felony violation of this section. 1322
The court may grant limited driving privileges to the offender on 1323
a suspension imposed for a misdemeanor violation of this section 1324
as set forth in section 4510.021 of the Revised Code. No judge 1325
shall suspend the first three years of suspension under a class 1326
two suspension of an offender's license, permit, or privilege 1327
required by this division on any portion of the suspension under a 1328
class one suspension of an offender's license, permit, or 1329
privilege required by this division. 1330

(F) As used in this section: 1331

(1) "Moving violation" has the same meaning as in section 1332
2743.70 of the Revised Code. 1333

(2) "Police officer" has the same meaning as in section 1334
4511.01 of the Revised Code. 1335

Sec. 2925.03. (A) No person shall knowingly do any of the 1336
following: 1337

(1) Sell or offer to sell a controlled substance; 1338

(2) Prepare for shipment, ship, transport, deliver, prepare 1339
for distribution, or distribute a controlled substance, when the 1340
offender knows or has reasonable cause to believe that the 1341

controlled substance is intended for sale or resale by the 1342
offender or another person. 1343

(B) This section does not apply to any of the following: 1344

(1) Manufacturers, licensed health professionals authorized 1345
to prescribe drugs, pharmacists, owners of pharmacies, and other 1346
persons whose conduct is in accordance with Chapters 3719., 4715., 1347
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1348

(2) If the offense involves an anabolic steroid, any person 1349
who is conducting or participating in a research project involving 1350
the use of an anabolic steroid if the project has been approved by 1351
the United States food and drug administration; 1352

(3) Any person who sells, offers for sale, prescribes, 1353
dispenses, or administers for livestock or other nonhuman species 1354
an anabolic steroid that is expressly intended for administration 1355
through implants to livestock or other nonhuman species and 1356
approved for that purpose under the "Federal Food, Drug, and 1357
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 1358
and is sold, offered for sale, prescribed, dispensed, or 1359
administered for that purpose in accordance with that act. 1360

(C) Whoever violates division (A) of this section is guilty 1361
of one of the following: 1362

(1) If the drug involved in the violation is any compound, 1363
mixture, preparation, or substance included in schedule I or 1364
schedule II, with the exception of marihuana, 1365
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1366
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1367
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1368
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1369
cocaine, L.S.D., heroin, and hashish, whoever violates division 1370
(A) of this section is guilty of aggravated trafficking in drugs. 1371
The penalty for the offense shall be determined as follows: 1372

(a) Except as otherwise provided in division (C)(1)(b), (c), 1373
(d), (e), or (f) of this section, aggravated trafficking in drugs 1374
is a felony of the fourth degree, and division (C) of section 1375
2929.13 of the Revised Code applies in determining whether to 1376
impose a prison term on the offender. 1377

(b) Except as otherwise provided in division (C)(1)(c), (d), 1378
(e), or (f) of this section, if the offense was committed in the 1379
vicinity of a school or in the vicinity of a juvenile, aggravated 1380
trafficking in drugs is a felony of the third degree, and division 1381
(C) of section 2929.13 of the Revised Code applies in determining 1382
whether to impose a prison term on the offender. 1383

(c) Except as otherwise provided in this division, if the 1384
amount of the drug involved equals or exceeds the bulk amount but 1385
is less than five times the bulk amount, aggravated trafficking in 1386
drugs is a felony of the third degree, and, except as otherwise 1387
provided in this division, there is a presumption for a prison 1388
term for the offense. If aggravated trafficking in drugs is a 1389
felony of the third degree under this division and if the offender 1390
two or more times previously has been convicted of or pleaded 1391
guilty to a felony drug abuse offense, the court shall impose as a 1392
mandatory prison term one of the prison terms prescribed for a 1393
felony of the third degree. If the amount of the drug involved is 1394
within that range and if the offense was committed in the vicinity 1395
of a school or in the vicinity of a juvenile, aggravated 1396
trafficking in drugs is a felony of the second degree, and the 1397
court shall impose as a mandatory prison term one of the prison 1398
terms prescribed for a felony of the second degree. 1399

(d) Except as otherwise provided in this division, if the 1400
amount of the drug involved equals or exceeds five times the bulk 1401
amount but is less than fifty times the bulk amount, aggravated 1402
trafficking in drugs is a felony of the second degree, and the 1403
court shall impose as a mandatory prison term one of the prison 1404

terms prescribed for a felony of the second degree. If the amount 1405
of the drug involved is within that range and if the offense was 1406
committed in the vicinity of a school or in the vicinity of a 1407
juvenile, aggravated trafficking in drugs is a felony of the first 1408
degree, and the court shall impose as a mandatory prison term one 1409
of the prison terms prescribed for a felony of the first degree. 1410

(e) If the amount of the drug involved equals or exceeds 1411
fifty times the bulk amount but is less than one hundred times the 1412
bulk amount and regardless of whether the offense was committed in 1413
the vicinity of a school or in the vicinity of a juvenile, 1414
aggravated trafficking in drugs is a felony of the first degree, 1415
and the court shall impose as a mandatory prison term one of the 1416
prison terms prescribed for a felony of the first degree. 1417

(f) If the amount of the drug involved equals or exceeds one 1418
hundred times the bulk amount and regardless of whether the 1419
offense was committed in the vicinity of a school or in the 1420
vicinity of a juvenile, aggravated trafficking in drugs is a 1421
felony of the first degree, the offender is a major drug offender, 1422
and the court shall impose as a mandatory prison term the maximum 1423
prison term prescribed for a felony of the first degree. 1424

(2) If the drug involved in the violation is any compound, 1425
mixture, preparation, or substance included in schedule III, IV, 1426
or V, whoever violates division (A) of this section is guilty of 1427
trafficking in drugs. The penalty for the offense shall be 1428
determined as follows: 1429

(a) Except as otherwise provided in division (C)(2)(b), (c), 1430
(d), or (e) of this section, trafficking in drugs is a felony of 1431
the fifth degree, and division ~~(C)~~(B) of section 2929.13 of the 1432
Revised Code applies in determining whether to impose a prison 1433
term on the offender. 1434

(b) Except as otherwise provided in division (C)(2)(c), (d), 1435

or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs 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) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term 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 drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term 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 drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs 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. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a

felony of the first degree, and the court shall impose as a 1468
mandatory prison term one of the prison terms prescribed for a 1469
felony of the first degree. 1470

(3) If the drug involved in the violation is marihuana or a 1471
compound, mixture, preparation, or substance containing marihuana 1472
other than hashish, whoever violates division (A) of this section 1473
is guilty of trafficking in marihuana. The penalty for the offense 1474
shall be determined as follows: 1475

(a) Except as otherwise provided in division (C)(3)(b), (c), 1476
(d), (e), (f), (g), or (h) of this section, trafficking in 1477
marihuana is a felony of the fifth degree, and division (B) of 1478
section 2929.13 of the Revised Code applies in determining whether 1479
to impose a prison term on the offender. 1480

(b) Except as otherwise provided in division (C)(3)(c), (d), 1481
(e), (f), (g), or (h) of this section, if the offense was 1482
committed in the vicinity of a school or in the vicinity of a 1483
juvenile, trafficking in marihuana is a felony of the fourth 1484
degree, and division (B) of section 2929.13 of the Revised Code 1485
applies in determining whether to impose a prison term on the 1486
offender. 1487

(c) Except as otherwise provided in this division, if the 1488
amount of the drug involved equals or exceeds two hundred grams 1489
but is less than one thousand grams, trafficking in marihuana is a 1490
felony of the fourth degree, and division (B) of section 2929.13 1491
of the Revised Code applies in determining whether to impose a 1492
prison term on the offender. If the amount of the drug involved is 1493
within that range and if the offense was committed in the vicinity 1494
of a school or in the vicinity of a juvenile, trafficking in 1495
marihuana is a felony of the third degree, and division (C) of 1496
section 2929.13 of the Revised Code applies in determining whether 1497
to impose a prison term on the offender. 1498

(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 1531
grams, trafficking in marihuana is a felony of the second degree, 1532
and the court shall impose as a mandatory prison term the maximum 1533
prison term prescribed for a felony of the second degree. If the 1534
amount of the drug involved equals or exceeds forty thousand grams 1535
and if the offense was committed in the vicinity of a school or in 1536
the vicinity of a juvenile, trafficking in marihuana is a felony 1537
of the first degree, and the court shall impose as a mandatory 1538
prison term the maximum prison term prescribed for a felony of the 1539
first degree. 1540

(h) Except as otherwise provided in this division, if the 1541
offense involves a gift of twenty grams or less of marihuana, 1542
trafficking in marihuana is a minor misdemeanor upon a first 1543
offense and a misdemeanor of the third degree upon a subsequent 1544
offense. If the offense involves a gift of twenty grams or less of 1545
marihuana and if the offense was committed in the vicinity of a 1546
school or in the vicinity of a juvenile, trafficking in marihuana 1547
is a misdemeanor of the third degree. 1548

(4) If the drug involved in the violation is cocaine or a 1549
compound, mixture, preparation, or substance containing cocaine, 1550
whoever violates division (A) of this section is guilty of 1551
trafficking in cocaine. The penalty for the offense shall be 1552
determined as follows: 1553

(a) Except as otherwise provided in division (C)(4)(b), (c), 1554
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 1555
felony of the fifth degree, and division ~~(C)~~(B) of section 2929.13 1556
of the Revised Code applies in determining whether to impose a 1557
prison term on the offender. 1558

(b) Except as otherwise provided in division (C)(4)(c), (d), 1559
(e), (f), or (g) of this section, if the offense was committed in 1560
the vicinity of a school or in the vicinity of a juvenile, 1561
trafficking in cocaine is a felony of the fourth degree, and 1562

division (C) of section 2929.13 of the Revised Code applies in 1563
determining whether to impose a prison term on the offender. 1564

(c) Except as otherwise provided in this division, if the 1565
amount of the drug involved equals or exceeds five grams but is 1566
less than ten grams of cocaine, trafficking in cocaine is a felony 1567
of the fourth degree, and division (B) of section 2929.13 of the 1568
Revised Code applies in determining whether to impose a prison 1569
term for the offense. If the amount of the drug involved is within 1570
that range and if the offense was committed in the vicinity of a 1571
school or in the vicinity of a juvenile, trafficking in cocaine is 1572
a felony of the third degree, and there is a presumption for a 1573
prison term for the offense. 1574

(d) Except as otherwise provided in this division, if the 1575
amount of the drug involved equals or exceeds ten grams but is 1576
less than twenty grams of cocaine, trafficking in cocaine is a 1577
felony of the third degree, and, except as otherwise provided in 1578
this division, there is a presumption for a prison term for the 1579
offense. If trafficking in cocaine is a felony of the third degree 1580
under this division and if the offender two or more times 1581
previously has been convicted of or pleaded guilty to a felony 1582
drug abuse offense, the court shall impose as a mandatory prison 1583
term one of the prison terms prescribed for a felony of the third 1584
degree. If the amount of the drug involved is within that range 1585
and if the offense was committed in the vicinity of a school or in 1586
the vicinity of a juvenile, trafficking in cocaine is a felony of 1587
the second degree, and the court shall impose as a mandatory 1588
prison term one of the prison terms prescribed for a felony of the 1589
second degree. 1590

(e) Except as otherwise provided in this division, if the 1591
amount of the drug involved equals or exceeds twenty grams but is 1592
less than twenty-seven grams of cocaine, trafficking in cocaine is 1593
a felony of the second degree, and the court shall impose as a 1594

mandatory prison term one of the prison terms prescribed for a 1595
felony of the second degree. If the amount of the drug involved is 1596
within that range and if the offense was committed in the vicinity 1597
of a school or in the vicinity of a juvenile, trafficking in 1598
cocaine is a felony of the first degree, and the court shall 1599
impose as a mandatory prison term one of the prison terms 1600
prescribed for a felony of the first degree. 1601

(f) If the amount of the drug involved equals or exceeds 1602
twenty-seven grams but is less than one hundred grams of cocaine 1603
and regardless of whether the offense was committed in the 1604
vicinity of a school or in the vicinity of a juvenile, trafficking 1605
in cocaine is a felony of the first degree, and the court shall 1606
impose as a mandatory prison term one of the prison terms 1607
prescribed for a felony of the first degree. 1608

(g) If the amount of the drug involved equals or exceeds one 1609
hundred grams of cocaine and regardless of whether the offense was 1610
committed in the vicinity of a school or in the vicinity of a 1611
juvenile, trafficking in cocaine is a felony of the first degree, 1612
the offender is a major drug offender, and the court shall impose 1613
as a mandatory prison term the maximum prison term prescribed for 1614
a felony of the first degree. 1615

(5) If the drug involved in the violation is L.S.D. or a 1616
compound, mixture, preparation, or substance containing L.S.D., 1617
whoever violates division (A) of this section is guilty of 1618
trafficking in L.S.D. The penalty for the offense shall be 1619
determined as follows: 1620

(a) Except as otherwise provided in division (C)(5)(b), (c), 1621
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 1622
felony of the fifth degree, and division ~~(C)~~(B) of section 2929.13 1623
of the Revised Code applies in determining whether to impose a 1624
prison term on the offender. 1625

(b) Except as otherwise provided in division (C)(5)(c), (d), 1626
(e), (f), or (g) of this section, if the offense was committed in 1627
the vicinity of a school or in the vicinity of a juvenile, 1628
trafficking in L.S.D. is a felony of the fourth degree, and 1629
division (C) of section 2929.13 of the Revised Code applies in 1630
determining whether to impose a prison term on the offender. 1631

(c) Except as otherwise provided in this division, if the 1632
amount of the drug involved equals or exceeds ten unit doses but 1633
is less than fifty unit doses of L.S.D. in a solid form or equals 1634
or exceeds one gram but is less than five grams of L.S.D. in a 1635
liquid concentrate, liquid extract, or liquid distillate form, 1636
trafficking in L.S.D. is a felony of the fourth degree, and 1637
division (B) of section 2929.13 of the Revised Code applies in 1638
determining whether to impose a prison term for the offense. If 1639
the amount of the drug involved is within that range and if the 1640
offense was committed in the vicinity of a school or in the 1641
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1642
third degree, and there is a presumption for a prison term for the 1643
offense. 1644

(d) Except as otherwise provided in this division, if the 1645
amount of the drug involved equals or exceeds fifty unit doses but 1646
is less than two hundred fifty unit doses of L.S.D. in a solid 1647
form or equals or exceeds five grams but is less than twenty-five 1648
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 1649
distillate form, trafficking in L.S.D. is a felony of the third 1650
degree, and, except as otherwise provided in this division, there 1651
is a presumption for a prison term for the offense. If trafficking 1652
in L.S.D. is a felony of the third degree under this division and 1653
if the offender two or more times previously has been convicted of 1654
or pleaded guilty to a felony drug abuse offense, the court shall 1655
impose as a mandatory prison term one of the prison terms 1656
prescribed for a felony of the third degree. If the amount of the 1657

drug involved is within that range and if the offense was 1658
committed in the vicinity of a school or in the vicinity of a 1659
juvenile, trafficking in L.S.D. is a felony of the second degree, 1660
and the court shall impose as a mandatory prison term one of the 1661
prison terms prescribed for a felony of the second degree. 1662

(e) Except as otherwise provided in this division, if the 1663
amount of the drug involved equals or exceeds two hundred fifty 1664
unit doses but is less than one thousand unit doses of L.S.D. in a 1665
solid form or equals or exceeds twenty-five grams but is less than 1666
one hundred grams of L.S.D. in a liquid concentrate, liquid 1667
extract, or liquid distillate form, trafficking in L.S.D. is a 1668
felony of the second degree, and the court shall impose as a 1669
mandatory prison term one of the prison terms prescribed for a 1670
felony of the second degree. If the amount of the drug involved is 1671
within that range and if the offense was committed in the vicinity 1672
of a school or in the vicinity of a juvenile, trafficking in 1673
L.S.D. is a felony of the first degree, and the court shall impose 1674
as a mandatory prison term one of the prison terms prescribed for 1675
a felony of the first degree. 1676

(f) If the amount of the drug involved equals or exceeds one 1677
thousand unit doses but is less than five thousand unit doses of 1678
L.S.D. in a solid form or equals or exceeds one hundred grams but 1679
is less than five hundred grams of L.S.D. in a liquid concentrate, 1680
liquid extract, or liquid distillate form and regardless of 1681
whether the offense was committed in the vicinity of a school or 1682
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1683
of the first degree, and the court shall impose as a mandatory 1684
prison term one of the prison terms prescribed for a felony of the 1685
first degree. 1686

(g) If the amount of the drug involved equals or exceeds five 1687
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1688
five hundred grams of L.S.D. in a liquid concentrate, liquid 1689

extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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.

(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 trafficking in heroin. The penalty for the offense shall be determined as follows:

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

(b) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in 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 prison term on the offender.

(c) Except as otherwise provided in this division, 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, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term 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 heroin is a felony of the third degree, and there is a presumption for a

prison term for the offense. 1722

(d) Except as otherwise provided in this division, if the 1723
amount of the drug involved equals or exceeds fifty unit doses but 1724
is less than one hundred unit doses or equals or exceeds five 1725
grams but is less than ten grams, trafficking in heroin is a 1726
felony of the third degree, and there is a presumption for a 1727
prison term for the offense. If the amount of the drug involved is 1728
within that range and if the offense was committed in the vicinity 1729
of a school or in the vicinity of a juvenile, trafficking in 1730
heroin is a felony of the second degree, and there is a 1731
presumption for a prison term for the offense. 1732

(e) Except as otherwise provided in this division, if the 1733
amount of the drug involved equals or exceeds one hundred unit 1734
doses but is less than five hundred unit doses or equals or 1735
exceeds ten grams but is less than fifty grams, trafficking in 1736
heroin is a felony of the second degree, and the court shall 1737
impose as a mandatory prison term one of the prison terms 1738
prescribed for a felony of the second degree. If the amount of the 1739
drug involved is within that range and if the offense was 1740
committed in the vicinity of a school or in the vicinity of a 1741
juvenile, trafficking in heroin is a felony of the first degree, 1742
and the court shall impose as a mandatory prison term one of the 1743
prison terms prescribed for a felony of the first degree. 1744

(f) If the amount of the drug involved equals or exceeds five 1745
hundred unit doses but is less than two thousand five hundred unit 1746
doses or equals or exceeds fifty grams but is less than two 1747
hundred fifty grams and regardless of whether the offense was 1748
committed in the vicinity of a school or in the vicinity of a 1749
juvenile, trafficking in heroin is a felony of the first degree, 1750
and the court shall impose as a mandatory prison term one of the 1751
prison terms prescribed for a felony of the first degree. 1752

(g) If the amount of the drug involved equals or exceeds two 1753

thousand five hundred unit doses or equals or exceeds two hundred 1754
fifty grams and regardless of whether the offense was committed in 1755
the vicinity of a school or in the vicinity of a juvenile, 1756
trafficking in heroin is a felony of the first degree, the 1757
offender is a major drug offender, and the court shall impose as a 1758
mandatory prison term the maximum prison term prescribed for a 1759
felony of the first degree. 1760

(7) If the drug involved in the violation is hashish or a 1761
compound, mixture, preparation, or substance containing hashish, 1762
whoever violates division (A) of this section is guilty of 1763
trafficking in hashish. The penalty for the offense shall be 1764
determined as follows: 1765

(a) Except as otherwise provided in division (C)(7)(b), (c), 1766
(d), (e), (f), or (g) of this section, trafficking in hashish is a 1767
felony of the fifth degree, and division (B) of section 2929.13 of 1768
the Revised Code applies in determining whether to impose a prison 1769
term on the offender. 1770

(b) Except as otherwise provided in division (C)(7)(c), (d), 1771
(e), (f), or (g) of this section, if the offense was committed in 1772
the vicinity of a school or in the vicinity of a juvenile, 1773
trafficking in hashish is a felony of the fourth degree, and 1774
division (B) of section 2929.13 of the Revised Code applies in 1775
determining whether to impose a prison term on the offender. 1776

(c) Except as otherwise provided in this division, if the 1777
amount of the drug involved equals or exceeds ten grams but is 1778
less than fifty grams of hashish in a solid form or equals or 1779
exceeds two grams but is less than ten grams of hashish in a 1780
liquid concentrate, liquid extract, or liquid distillate form, 1781
trafficking in hashish is a felony of the fourth degree, and 1782
division (B) of section 2929.13 of the Revised Code applies in 1783
determining whether to impose a prison term on the offender. If 1784
the amount of the drug involved is within that range and if the 1785

offense was committed in the vicinity of a school or in the 1786
vicinity of a juvenile, trafficking in hashish is a felony of the 1787
third degree, and division (C) of section 2929.13 of the Revised 1788
Code applies in determining whether to impose a prison term on the 1789
offender. 1790

(d) Except as otherwise provided in this division, if the 1791
amount of the drug involved equals or exceeds fifty grams but is 1792
less than two hundred fifty grams of hashish in a solid form or 1793
equals or exceeds ten grams but is less than fifty grams of 1794
hashish in a liquid concentrate, liquid extract, or liquid 1795
distillate form, trafficking in hashish is a felony of the third 1796
degree, and division (C) of section 2929.13 of the Revised Code 1797
applies in determining whether to impose a prison term on the 1798
offender. If the amount of the drug involved is within that range 1799
and if the offense was committed in the vicinity of a school or in 1800
the vicinity of a juvenile, trafficking in hashish is a felony of 1801
the second degree, and there is a presumption that a prison term 1802
shall be imposed for the offense. 1803

(e) Except as otherwise provided in this division, if the 1804
amount of the drug involved equals or exceeds two hundred fifty 1805
grams but is less than one thousand grams of hashish in a solid 1806
form or equals or exceeds fifty grams but is less than two hundred 1807
grams of hashish in a liquid concentrate, liquid extract, or 1808
liquid distillate form, trafficking in hashish is a felony of the 1809
third degree, and there is a presumption that a prison term shall 1810
be imposed for the offense. If the amount of the drug involved is 1811
within that range and if the offense was committed in the vicinity 1812
of a school or in the vicinity of a juvenile, trafficking in 1813
hashish is a felony of the second degree, and there is a 1814
presumption that a prison term shall be imposed for the offense. 1815

(f) Except as otherwise provided in this division, if the 1816
amount of the drug involved equals or exceeds one thousand grams 1817

but is less than two thousand grams of hashish in a solid form or 1818
equals or exceeds two hundred grams but is less than four hundred 1819
grams of hashish in a liquid concentrate, liquid extract, or 1820
liquid distillate form, trafficking in hashish is a felony of the 1821
second degree, and the court shall impose a mandatory prison term 1822
of five, six, seven, or eight years. If the amount of the drug 1823
involved is within that range and if the offense was committed in 1824
the vicinity of a school or in the vicinity of a juvenile, 1825
trafficking in hashish is a felony of the first degree, and the 1826
court shall impose as a mandatory prison term the maximum prison 1827
term prescribed for a felony of the first degree. 1828

(g) Except as otherwise provided in this division, if the 1829
amount of the drug involved equals or exceeds two thousand grams 1830
of hashish in a solid form or equals or exceeds four hundred grams 1831
of hashish in a liquid concentrate, liquid extract, or liquid 1832
distillate form, trafficking in hashish is a felony of the second 1833
degree, and the court shall impose as a mandatory prison term the 1834
maximum prison term prescribed for a felony of the second degree. 1835
If the amount of the drug involved equals or exceeds two thousand 1836
grams of hashish in a solid form or equals or exceeds four hundred 1837
grams of hashish in a liquid concentrate, liquid extract, or 1838
liquid distillate form and if the offense was committed in the 1839
vicinity of a school or in the vicinity of a juvenile, trafficking 1840
in hashish is a felony of the first degree, and the court shall 1841
impose as a mandatory prison term the maximum prison term 1842
prescribed for a felony of the first degree. 1843

(8) If the drug involved in the violation is 1844
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1845
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1846
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1847
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or a 1848
compound, mixture, preparation, or substance containing 1849

1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1850
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1851
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1852
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1853
whoever violates division (A) of this section is guilty of 1854
trafficking in spice. The penalty for the offense shall be 1855
determined as follows: 1856

(a) Except as otherwise provided in division (C)(8)(b) of 1857
this section, trafficking in spice is a felony of the fifth 1858
degree, and division (C) of section 2929.13 of the Revised Code 1859
applies in determining whether to impose a prison term on the 1860
offender. 1861

(b) If the offense was committed in the vicinity of a school 1862
or in the vicinity of a juvenile, trafficking in spice is a felony 1863
of the fourth degree, and division (C) of section 2929.13 of the 1864
Revised Code applies in determining whether to impose a prison 1865
term on the offender. 1866

(D) In addition to any prison term authorized or required by 1867
division (C) of this section and sections 2929.13 and 2929.14 of 1868
the Revised Code, and in addition to any other sanction imposed 1869
for the offense under this section or sections 2929.11 to 2929.18 1870
of the Revised Code, the court that sentences an offender who is 1871
convicted of or pleads guilty to a violation of division (A) of 1872
this section shall do all of the following that are applicable 1873
regarding the offender: 1874

(1) If the violation of division (A) of this section is a 1875
felony of the first, second, or third degree, the court shall 1876
impose upon the offender the mandatory fine specified for the 1877
offense under division (B)(1) of section 2929.18 of the Revised 1878
Code unless, as specified in that division, the court determines 1879
that the offender is indigent. Except as otherwise provided in 1880
division (H)(1) of this section, a mandatory fine or any other 1881

fine imposed for a violation of this section is subject to 1882
division (F) of this section. If a person is charged with a 1883
violation of this section that is a felony of the first, second, 1884
or third degree, posts bail, and forfeits the bail, the clerk of 1885
the court shall pay the forfeited bail pursuant to divisions 1886
(D)(1) and (F) of this section, as if the forfeited bail was a 1887
fine imposed for a violation of this section. If any amount of the 1888
forfeited bail remains after that payment and if a fine is imposed 1889
under division (H)(1) of this section, the clerk of the court 1890
shall pay the remaining amount of the forfeited bail pursuant to 1891
divisions (H)(2) and (3) of this section, as if that remaining 1892
amount was a fine imposed under division (H)(1) of this section. 1893

(2) The court shall suspend the driver's or commercial 1894
driver's license or permit of the offender in accordance with 1895
division (G) of this section. 1896

(3) If the offender is a professionally licensed person, the 1897
court immediately shall comply with section 2925.38 of the Revised 1898
Code. 1899

(E) When a person is charged with the sale of or offer to 1900
sell a bulk amount or a multiple of a bulk amount of a controlled 1901
substance, the jury, or the court trying the accused, shall 1902
determine the amount of the controlled substance involved at the 1903
time of the offense and, if a guilty verdict is returned, shall 1904
return the findings as part of the verdict. In any such case, it 1905
is unnecessary to find and return the exact amount of the 1906
controlled substance involved, and it is sufficient if the finding 1907
and return is to the effect that the amount of the controlled 1908
substance involved is the requisite amount, or that the amount of 1909
the controlled substance involved is less than the requisite 1910
amount. 1911

(F)(1) Notwithstanding any contrary provision of section 1912
3719.21 of the Revised Code and except as provided in division (H) 1913

of this section, the clerk of the court shall pay any mandatory 1914
fine imposed pursuant to division (D)(1) of this section and any 1915
fine other than a mandatory fine that is imposed for a violation 1916
of this section pursuant to division (A) or (B)(5) of section 1917
2929.18 of the Revised Code to the county, township, municipal 1918
corporation, park district, as created pursuant to section 511.18 1919
or 1545.04 of the Revised Code, or state law enforcement agencies 1920
in this state that primarily were responsible for or involved in 1921
making the arrest of, and in prosecuting, the offender. However, 1922
the clerk shall not pay a mandatory fine so imposed to a law 1923
enforcement agency unless the agency has adopted a written 1924
internal control policy under division (F)(2) of this section that 1925
addresses the use of the fine moneys that it receives. Each agency 1926
shall use the mandatory fines so paid to subsidize the agency's 1927
law enforcement efforts that pertain to drug offenses, in 1928
accordance with the written internal control policy adopted by the 1929
recipient agency under division (F)(2) of this section. 1930

(2)(a) Prior to receiving any fine moneys under division 1931
(F)(1) of this section or division (B) of section 2925.42 of the 1932
Revised Code, a law enforcement agency shall adopt a written 1933
internal control policy that addresses the agency's use and 1934
disposition of all fine moneys so received and that provides for 1935
the keeping of detailed financial records of the receipts of those 1936
fine moneys, the general types of expenditures made out of those 1937
fine moneys, and the specific amount of each general type of 1938
expenditure. The policy shall not provide for or permit the 1939
identification of any specific expenditure that is made in an 1940
ongoing investigation. All financial records of the receipts of 1941
those fine moneys, the general types of expenditures made out of 1942
those fine moneys, and the specific amount of each general type of 1943
expenditure by an agency are public records open for inspection 1944
under section 149.43 of the Revised Code. Additionally, a written 1945
internal control policy adopted under this division is such a 1946

public record, and the agency that adopted it shall comply with 1947
it. 1948

(b) Each law enforcement agency that receives in any calendar 1949
year any fine moneys under division (F)(1) of this section or 1950
division (B) of section 2925.42 of the Revised Code shall prepare 1951
a report covering the calendar year that cumulates all of the 1952
information contained in all of the public financial records kept 1953
by the agency pursuant to division (F)(2)(a) of this section for 1954
that calendar year, and shall send a copy of the cumulative 1955
report, no later than the first day of March in the calendar year 1956
following the calendar year covered by the report, to the attorney 1957
general. Each report received by the attorney general is a public 1958
record open for inspection under section 149.43 of the Revised 1959
Code. Not later than the fifteenth day of April in the calendar 1960
year in which the reports are received, the attorney general shall 1961
send to the president of the senate and the speaker of the house 1962
of representatives a written notification that does all of the 1963
following: 1964

(i) Indicates that the attorney general has received from law 1965
enforcement agencies reports of the type described in this 1966
division that cover the previous calendar year and indicates that 1967
the reports were received under this division; 1968

(ii) Indicates that the reports are open for inspection under 1969
section 149.43 of the Revised Code; 1970

(iii) Indicates that the attorney general will provide a copy 1971
of any or all of the reports to the president of the senate or the 1972
speaker of the house of representatives upon request. 1973

(3) As used in division (F) of this section: 1974

(a) "Law enforcement agencies" includes, but is not limited 1975
to, the state board of pharmacy and the office of a prosecutor. 1976

(b) "Prosecutor" has the same meaning as in section 2935.01 1977

of the Revised Code. 1978

(G) When required under division (D)(2) of this section or 1979
any other provision of this chapter, the court shall suspend for 1980
not less than six months or more than five years the driver's or 1981
commercial driver's license or permit of any person who is 1982
convicted of or pleads guilty to any violation of this section or 1983
any other specified provision of this chapter. If an offender's 1984
driver's or commercial driver's license or permit is suspended 1985
pursuant to this division, the offender, at any time after the 1986
expiration of two years from the day on which the offender's 1987
sentence was imposed or from the day on which the offender finally 1988
was released from a prison term under the sentence, whichever is 1989
later, may file a motion with the sentencing court requesting 1990
termination of the suspension; upon the filing of such a motion 1991
and the court's finding of good cause for the termination, the 1992
court may terminate the suspension. 1993

(H)(1) In addition to any prison term authorized or required 1994
by division (C) of this section and sections 2929.13 and 2929.14 1995
of the Revised Code, in addition to any other penalty or sanction 1996
imposed for the offense under this section or sections 2929.11 to 1997
2929.18 of the Revised Code, and in addition to the forfeiture of 1998
property in connection with the offense as prescribed in Chapter 1999
2981. of the Revised Code, the court that sentences an offender 2000
who is convicted of or pleads guilty to a violation of division 2001
(A) of this section may impose upon the offender an additional 2002
fine specified for the offense in division (B)(4) of section 2003
2929.18 of the Revised Code. A fine imposed under division (H)(1) 2004
of this section is not subject to division (F) of this section and 2005
shall be used solely for the support of one or more eligible 2006
alcohol and drug addiction programs in accordance with divisions 2007
(H)(2) and (3) of this section. 2008

(2) The court that imposes a fine under division (H)(1) of 2009

this section shall specify in the judgment that imposes the fine 2010
one or more eligible alcohol and drug addiction programs for the 2011
support of which the fine money is to be used. No alcohol and drug 2012
addiction program shall receive or use money paid or collected in 2013
satisfaction of a fine imposed under division (H)(1) of this 2014
section unless the program is specified in the judgment that 2015
imposes the fine. No alcohol and drug addiction program shall be 2016
specified in the judgment unless the program is an eligible 2017
alcohol and drug addiction program and, except as otherwise 2018
provided in division (H)(2) of this section, unless the program is 2019
located in the county in which the court that imposes the fine is 2020
located or in a county that is immediately contiguous to the 2021
county in which that court is located. If no eligible alcohol and 2022
drug addiction program is located in any of those counties, the 2023
judgment may specify an eligible alcohol and drug addiction 2024
program that is located anywhere within this state. 2025

(3) Notwithstanding any contrary provision of section 3719.21 2026
of the Revised Code, the clerk of the court shall pay any fine 2027
imposed under division (H)(1) of this section to the eligible 2028
alcohol and drug addiction program specified pursuant to division 2029
(H)(2) of this section in the judgment. The eligible alcohol and 2030
drug addiction program that receives the fine moneys shall use the 2031
moneys only for the alcohol and drug addiction services identified 2032
in the application for certification under section 3793.06 of the 2033
Revised Code or in the application for a license under section 2034
3793.11 of the Revised Code filed with the department of alcohol 2035
and drug addiction services by the alcohol and drug addiction 2036
program specified in the judgment. 2037

(4) Each alcohol and drug addiction program that receives in 2038
a calendar year any fine moneys under division (H)(3) of this 2039
section shall file an annual report covering that calendar year 2040
with the court of common pleas and the board of county 2041

commissioners of the county in which the program is located, with 2042
the court of common pleas and the board of county commissioners of 2043
each county from which the program received the moneys if that 2044
county is different from the county in which the program is 2045
located, and with the attorney general. The alcohol and drug 2046
addiction program shall file the report no later than the first 2047
day of March in the calendar year following the calendar year in 2048
which the program received the fine moneys. The report shall 2049
include statistics on the number of persons served by the alcohol 2050
and drug addiction program, identify the types of alcohol and drug 2051
addiction services provided to those persons, and include a 2052
specific accounting of the purposes for which the fine moneys 2053
received were used. No information contained in the report shall 2054
identify, or enable a person to determine the identity of, any 2055
person served by the alcohol and drug addiction program. Each 2056
report received by a court of common pleas, a board of county 2057
commissioners, or the attorney general is a public record open for 2058
inspection under section 149.43 of the Revised Code. 2059

(5) As used in divisions (H)(1) to (5) of this section: 2060

(a) "Alcohol and drug addiction program" and "alcohol and 2061
drug addiction services" have the same meanings as in section 2062
3793.01 of the Revised Code. 2063

(b) "Eligible alcohol and drug addiction program" means an 2064
alcohol and drug addiction program that is certified under section 2065
3793.06 of the Revised Code or licensed under section 3793.11 of 2066
the Revised Code by the department of alcohol and drug addiction 2067
services. 2068

(I) As used in this section, "drug" includes any substance 2069
that is represented to be a drug. 2070

Sec. 2925.04. (A) No person shall knowingly cultivate 2071
marihuana or knowingly manufacture or otherwise engage in any part 2072

of the production of a controlled substance. 2073

(B) This section does not apply to any person listed in 2074
division (B)(1), (2), or (3) of section 2925.03 of the Revised 2075
Code to the extent and under the circumstances described in those 2076
divisions. 2077

(C)(1) Whoever commits a violation of division (A) of this 2078
section that involves any drug other than marihuana is guilty of 2079
illegal manufacture of drugs, and whoever commits a violation of 2080
division (A) of this section that involves marihuana is guilty of 2081
illegal cultivation of marihuana. 2082

(2) Except as otherwise provided in this division, if the 2083
drug involved in the violation of division (A) of this section is 2084
any compound, mixture, preparation, or substance included in 2085
schedule I or II, with the exception of methamphetamine or 2086
marihuana, illegal manufacture of drugs is a felony of the second 2087
degree, and, subject to division (E) of this section, the court 2088
shall impose as a mandatory prison term one of the prison terms 2089
prescribed for a felony of the second degree. 2090

If the drug involved in the violation is any compound, 2091
mixture, preparation, or substance included in schedule I or II, 2092
with the exception of methamphetamine or marihuana, and if the 2093
offense was committed in the vicinity of a juvenile or in the 2094
vicinity of a school, illegal manufacture of drugs is a felony of 2095
the first degree, and, subject to division (E) of this section, 2096
the court shall impose as a mandatory prison term one of the 2097
prison terms prescribed for a felony of the first degree. 2098

(3) If the drug involved in the violation of division (A) of 2099
this section is methamphetamine, the penalty for the violation 2100
shall be determined as follows: 2101

(a) Except as otherwise provided in division (C)(3)(b) of 2102
this section, if the drug involved in the violation is 2103

methamphetamine, illegal manufacture of drugs is a felony of the 2104
second degree, and, subject to division (E) of this section, the 2105
court shall impose a mandatory prison term on the offender 2106
determined in accordance with this division. Except as otherwise 2107
provided in this division, the court shall impose as a mandatory 2108
prison term one of the prison terms prescribed for a felony of the 2109
second degree that is not less than three years. If the offender 2110
previously has been convicted of or pleaded guilty to a violation 2111
of division (A) of this section, a violation of division (B)(6) of 2112
section 2919.22 of the Revised Code, or a violation of division 2113
(A) of section 2925.041 of the Revised Code, the court shall 2114
impose as a mandatory prison term one of the prison terms 2115
prescribed for a felony of the second degree that is not less than 2116
five years. 2117

(b) If the drug involved in the violation is methamphetamine 2118
and if the offense was committed in the vicinity of a juvenile, in 2119
the vicinity of a school, or on public premises, illegal 2120
manufacture of drugs is a felony of the first degree, and, subject 2121
to division (E) of this section, the court shall impose a 2122
mandatory prison term on the offender determined in accordance 2123
with this division. Except as otherwise provided in this division, 2124
the court shall impose as a mandatory prison term one of the 2125
prison terms prescribed for a felony of the first degree that is 2126
not less than four years. If the offender previously has been 2127
convicted of or pleaded guilty to a violation of division (A) of 2128
this section, a violation of division (B)(6) of section 2919.22 of 2129
the Revised Code, or a violation of division (A) of section 2130
2925.041 of the Revised Code, the court shall impose as a 2131
mandatory prison term one of the prison terms prescribed for a 2132
felony of the first degree that is not less than five years. 2133

(4) If the drug involved in the violation of division (A) of 2134
this section is any compound, mixture, preparation, or substance 2135

included in schedule III, IV, or V, illegal manufacture of drugs 2136
is a felony of the third degree or, if the offense was committed 2137
in the vicinity of a school or in the vicinity of a juvenile, a 2138
felony of the second degree, and there is a presumption for a 2139
prison term for the offense. 2140

(5) If the drug involved in the violation is marihuana, the 2141
penalty for the offense shall be determined as follows: 2142

(a) Except as otherwise provided in division (C)(5)(b), (c), 2143
(d), (e), or (f) of this section, illegal cultivation of marihuana 2144
is a minor misdemeanor or, if the offense was committed in the 2145
vicinity of a school or in the vicinity of a juvenile, a 2146
misdemeanor of the fourth degree. 2147

(b) If the amount of marihuana involved equals or exceeds one 2148
hundred grams but is less than two hundred grams, illegal 2149
cultivation of marihuana is a misdemeanor of the fourth degree or, 2150
if the offense was committed in the vicinity of a school or in the 2151
vicinity of a juvenile, a misdemeanor of the third degree. 2152

(c) If the amount of marihuana involved equals or exceeds two 2153
hundred grams but is less than one thousand grams, illegal 2154
cultivation of marihuana is a felony of the fifth degree or, if 2155
the offense was committed in the vicinity of a school or in the 2156
vicinity of a juvenile, a felony of the fourth degree, and 2157
division (B) of section 2929.13 of the Revised Code applies in 2158
determining whether to impose a prison term on the offender. 2159

(d) If the amount of marihuana involved equals or exceeds one 2160
thousand grams but is less than five thousand grams, illegal 2161
cultivation of marihuana is a felony of the third degree or, if 2162
the offense was committed in the vicinity of a school or in the 2163
vicinity of a juvenile, a felony of the second degree, and 2164
division (C) of section 2929.13 of the Revised Code applies in 2165
determining whether to impose a prison term on the offender. 2166

(e) If the amount of marihuana involved equals or exceeds 2167
five thousand grams but is less than twenty thousand grams, 2168
illegal cultivation of marihuana is a felony of the third degree 2169
or, if the offense was committed in the vicinity of a school or in 2170
the vicinity of a juvenile, a felony of the second degree, and 2171
there is a presumption for a prison term for the offense. 2172

(f) Except as otherwise provided in this division, if the 2173
amount of marihuana involved equals or exceeds twenty thousand 2174
grams, illegal cultivation of marihuana is a felony of the second 2175
degree, and the court shall impose as a mandatory prison term the 2176
maximum prison term prescribed for a felony of the second degree. 2177
If the amount of the drug involved equals or exceeds twenty 2178
thousand grams and if the offense was committed in the vicinity of 2179
a school or in the vicinity of a juvenile, illegal cultivation of 2180
marihuana is a felony of the first degree, and the court shall 2181
impose as a mandatory prison term the maximum prison term 2182
prescribed for a felony of the first degree. 2183

(D) In addition to any prison term authorized or required by 2184
division (C) or (E) of this section and sections 2929.13 and 2185
2929.14 of the Revised Code and in addition to any other sanction 2186
imposed for the offense under this section or sections 2929.11 to 2187
2929.18 of the Revised Code, the court that sentences an offender 2188
who is convicted of or pleads guilty to a violation of division 2189
(A) of this section shall do all of the following that are 2190
applicable regarding the offender: 2191

(1) If the violation of division (A) of this section is a 2192
felony of the first, second, or third degree, the court shall 2193
impose upon the offender the mandatory fine specified for the 2194
offense under division (B)(1) of section 2929.18 of the Revised 2195
Code unless, as specified in that division, the court determines 2196
that the offender is indigent. The clerk of the court shall pay a 2197
mandatory fine or other fine imposed for a violation of this 2198

section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) The court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (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 (B)(3)~~(a)~~ of section 2929.14 of the Revised Code.

(F) It is an affirmative defense, as provided in section 2231
2901.05 of the Revised Code, to a charge under this section for a 2232
fifth degree felony violation of illegal cultivation of marihuana 2233
that the marihuana that gave rise to the charge is in an amount, 2234
is in a form, is prepared, compounded, or mixed with substances 2235
that are not controlled substances in a manner, or is possessed or 2236
cultivated under any other circumstances that indicate that the 2237
marihuana was solely for personal use. 2238

Notwithstanding any contrary provision of division (F) of 2239
this section, if, in accordance with section 2901.05 of the 2240
Revised Code, a person who is charged with a violation of illegal 2241
cultivation of marihuana that is a felony of the fifth degree 2242
sustains the burden of going forward with evidence of and 2243
establishes by a preponderance of the evidence the affirmative 2244
defense described in this division, the person may be prosecuted 2245
for and may be convicted of or plead guilty to a misdemeanor 2246
violation of illegal cultivation of marihuana. 2247

(G) Arrest or conviction for a minor misdemeanor violation of 2248
this section does not constitute a criminal record and need not be 2249
reported by the person so arrested or convicted in response to any 2250
inquiries about the person's criminal record, including any 2251
inquiries contained in an application for employment, a license, 2252
or any other right or privilege or made in connection with the 2253
person's appearance as a witness. 2254

Sec. 2929.01. As used in this chapter: 2255

(A)(1) "Alternative residential facility" means, subject to 2256
division (A)(2) of this section, any facility other than an 2257
offender's home or residence in which an offender is assigned to 2258
live and that satisfies all of the following criteria: 2259

(a) It provides programs through which the offender may seek 2260
or maintain employment or may receive education, training, 2261

treatment, or habilitation. 2262

(b) It has received the appropriate license or certificate 2263
for any specialized education, training, treatment, habilitation, 2264
or other service that it provides from the government agency that 2265
is responsible for licensing or certifying that type of education, 2266
training, treatment, habilitation, or service. 2267

(2) "Alternative residential facility" does not include a 2268
community-based correctional facility, jail, halfway house, or 2269
prison. 2270

(B) "Basic probation supervision" means a requirement that 2271
the offender maintain contact with a person appointed to supervise 2272
the offender in accordance with sanctions imposed by the court or 2273
imposed by the parole board pursuant to section 2967.28 of the 2274
Revised Code. "Basic probation supervision" includes basic parole 2275
supervision and basic post-release control supervision. 2276

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the 2277
same meanings as in section 2925.01 of the Revised Code. 2278

(D) "Community-based correctional facility" means a 2279
community-based correctional facility and program or district 2280
community-based correctional facility and program developed 2281
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2282

(E) "Community control sanction" means a sanction that is not 2283
a prison term and that is described in section 2929.15, 2929.16, 2284
2929.17, or 2929.18 of the Revised Code or a sanction that is not 2285
a jail term and that is described in section 2929.26, 2929.27, or 2286
2929.28 of the Revised Code. "Community control sanction" includes 2287
probation if the sentence involved was imposed for a felony that 2288
was committed prior to July 1, 1996, or if the sentence involved 2289
was imposed for a misdemeanor that was committed prior to January 2290
1, 2004. 2291

(F) "Controlled substance," "marihuana," "schedule I," and 2292

"schedule II" have the same meanings as in section 3719.01 of the Revised Code. 2293
2294

(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place. 2295
2296

(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center. 2297
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(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 2302
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(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs. 2304
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(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment. 2308
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(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages. 2316
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(M) "Education or training" includes study at, or in 2323

conjunction with a program offered by, a university, college, or 2324
technical college or vocational study and also includes the 2325
completion of primary school, secondary school, and literacy 2326
curricula or their equivalent. 2327

(N) "Firearm" has the same meaning as in section 2923.11 of 2328
the Revised Code. 2329

(O) "Halfway house" means a facility licensed by the division 2330
of parole and community services of the department of 2331
rehabilitation and correction pursuant to section 2967.14 of the 2332
Revised Code as a suitable facility for the care and treatment of 2333
adult offenders. 2334

(P) "House arrest" means a period of confinement of an 2335
offender that is in the offender's home or in other premises 2336
specified by the sentencing court or by the parole board pursuant 2337
to section 2967.28 of the Revised Code and during which all of the 2338
following apply: 2339

(1) The offender is required to remain in the offender's home 2340
or other specified premises for the specified period of 2341
confinement, except for periods of time during which the offender 2342
is at the offender's place of employment or at other premises as 2343
authorized by the sentencing court or by the parole board. 2344

(2) The offender is required to report periodically to a 2345
person designated by the court or parole board. 2346

(3) The offender is subject to any other restrictions and 2347
requirements that may be imposed by the sentencing court or by the 2348
parole board. 2349

(Q) "Intensive probation supervision" means a requirement 2350
that an offender maintain frequent contact with a person appointed 2351
by the court, or by the parole board pursuant to section 2967.28 2352
of the Revised Code, to supervise the offender while the offender 2353
is seeking or maintaining necessary employment and participating 2354

in training, education, and treatment programs as required in the 2355
court's or parole board's order. "Intensive probation supervision" 2356
includes intensive parole supervision and intensive post-release 2357
control supervision. 2358

(R) "Jail" means a jail, workhouse, minimum security jail, or 2359
other residential facility used for the confinement of alleged or 2360
convicted offenders that is operated by a political subdivision or 2361
a combination of political subdivisions of this state. 2362

(S) "Jail term" means the term in a jail that a sentencing 2363
court imposes or is authorized to impose pursuant to section 2364
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2365
provision of the Revised Code that authorizes a term in a jail for 2366
a misdemeanor conviction. 2367

(T) "Mandatory jail term" means the term in a jail that a 2368
sentencing court is required to impose pursuant to division (G) of 2369
section 1547.99 of the Revised Code, division (E) of section 2370
2903.06 or division (D) of section 2903.08 of the Revised Code, 2371
division (E) or (G) of section 2929.24 of the Revised Code, 2372
division (B) of section 4510.14 of the Revised Code, or division 2373
(G) of section 4511.19 of the Revised Code or pursuant to any 2374
other provision of the Revised Code that requires a term in a jail 2375
for a misdemeanor conviction. 2376

(U) "Delinquent child" has the same meaning as in section 2377
2152.02 of the Revised Code. 2378

(V) "License violation report" means a report that is made by 2379
a sentencing court, or by the parole board pursuant to section 2380
2967.28 of the Revised Code, to the regulatory or licensing board 2381
or agency that issued an offender a professional license or a 2382
license or permit to do business in this state and that specifies 2383
that the offender has been convicted of or pleaded guilty to an 2384
offense that may violate the conditions under which the offender's 2385

professional license or license or permit to do business in this 2386
state was granted or an offense for which the offender's 2387
professional license or license or permit to do business in this 2388
state may be revoked or suspended. 2389

(W) "Major drug offender" means an offender who is convicted 2390
of or pleads guilty to the possession of, sale of, or offer to 2391
sell any drug, compound, mixture, preparation, or substance that 2392
consists of or contains at least one thousand grams of hashish; at 2393
least one hundred grams of cocaine; at least two thousand five 2394
hundred unit doses or two hundred fifty grams of heroin; at least 2395
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 2396
in a liquid concentrate, liquid extract, or liquid distillate 2397
form; or at least one hundred times the amount of any other 2398
schedule I or II controlled substance other than marihuana that is 2399
necessary to commit a felony of the third degree pursuant to 2400
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code 2401
that is based on the possession of, sale of, or offer to sell the 2402
controlled substance. 2403

(X) "Mandatory prison term" means any of the following: 2404

(1) Subject to division (X)(2) of this section, the term in 2405
prison that must be imposed for the offenses or circumstances set 2406
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 2407
2929.13 and division (B) of section 2929.14 of the Revised Code. 2408
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 2409
and 2925.11 of the Revised Code, unless the maximum or another 2410
specific term is required under section 2929.14 or 2929.142 of the 2411
Revised Code, a mandatory prison term described in this division 2412
may be any prison term authorized for the level of offense. 2413

(2) The term of sixty or one hundred twenty days in prison 2414
that a sentencing court is required to impose for a third or 2415
fourth degree felony OVI offense pursuant to division (G)(2) of 2416
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 2417

of the Revised Code or the term of one, two, three, four, or five 2418
years in prison that a sentencing court is required to impose 2419
pursuant to division (G)(2) of section 2929.13 of the Revised 2420
Code. 2421

(3) The term in prison imposed pursuant to division (A) of 2422
section 2971.03 of the Revised Code for the offenses and in the 2423
circumstances described in division (F)(11) of section 2929.13 of 2424
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 2425
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2426
2971.03 of the Revised Code and that term as modified or 2427
terminated pursuant to section 2971.05 of the Revised Code. 2428

(Y) "Monitored time" means a period of time during which an 2429
offender continues to be under the control of the sentencing court 2430
or parole board, subject to no conditions other than leading a 2431
law-abiding life. 2432

(Z) "Offender" means a person who, in this state, is 2433
convicted of or pleads guilty to a felony or a misdemeanor. 2434

(AA) "Prison" means a residential facility used for the 2435
confinement of convicted felony offenders that is under the 2436
control of the department of rehabilitation and correction but 2437
does not include a violation sanction center operated under 2438
authority of section 2967.141 of the Revised Code. 2439

(BB) "Prison term" includes either of the following sanctions 2440
for an offender: 2441

(1) A stated prison term; 2442

(2) A term in a prison shortened by, or with the approval of, 2443
the sentencing court pursuant to section 2929.143, 2929.20, 2444
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2445

(CC) "Repeat violent offender" means a person about whom both 2446
of the following apply: 2447

(1) The person is being sentenced for committing or for 2448
complicity in committing any of the following: 2449

(a) Aggravated murder, murder, any felony of the first or 2450
second degree that is an offense of violence, or an attempt to 2451
commit any of these offenses if the attempt is a felony of the 2452
first or second degree; 2453

(b) An offense under an existing or former law of this state, 2454
another state, or the United States that is or was substantially 2455
equivalent to an offense described in division (CC)(1)(a) of this 2456
section. 2457

(2) The person previously was convicted of or pleaded guilty 2458
to an offense described in division (CC)(1)(a) or (b) of this 2459
section. 2460

(DD) "Sanction" means any penalty imposed upon an offender 2461
who is convicted of or pleads guilty to an offense, as punishment 2462
for the offense. "Sanction" includes any sanction imposed pursuant 2463
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2464
2929.28 of the Revised Code. 2465

(EE) "Sentence" means the sanction or combination of 2466
sanctions imposed by the sentencing court on an offender who is 2467
convicted of or pleads guilty to an offense. 2468

(FF) "Stated prison term" means the prison term, mandatory 2469
prison term, or combination of all prison terms and mandatory 2470
prison terms imposed by the sentencing court pursuant to section 2471
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2472
2919.25 of the Revised Code. "Stated prison term" includes any 2473
credit received by the offender for time spent in jail awaiting 2474
trial, sentencing, or transfer to prison for the offense and any 2475
time spent under house arrest or house arrest with electronic 2476
monitoring imposed after earning credits pursuant to section 2477
2967.193 of the Revised Code. If an offender is serving a prison 2478

term as a risk reduction sentence under sections 2929.143 and 2479
5120.036 of the Revised Code, "stated prison term" includes any 2480
period of time by which the prison term imposed upon the offender 2481
is shortened by the offender's successful completion of all 2482
assessment and treatment or programming pursuant to those 2483
sections. 2484

(GG) "Victim-offender mediation" means a reconciliation or 2485
mediation program that involves an offender and the victim of the 2486
offense committed by the offender and that includes a meeting in 2487
which the offender and the victim may discuss the offense, discuss 2488
restitution, and consider other sanctions for the offense. 2489

(HH) "Fourth degree felony OVI offense" means a violation of 2490
division (A) of section 4511.19 of the Revised Code that, under 2491
division (G) of that section, is a felony of the fourth degree. 2492

(II) "Mandatory term of local incarceration" means the term 2493
of sixty or one hundred twenty days in a jail, a community-based 2494
correctional facility, a halfway house, or an alternative 2495
residential facility that a sentencing court may impose upon a 2496
person who is convicted of or pleads guilty to a fourth degree 2497
felony OVI offense pursuant to division (G)(1) of section 2929.13 2498
of the Revised Code and division (G)(1)(d) or (e) of section 2499
4511.19 of the Revised Code. 2500

(JJ) "Designated homicide, assault, or kidnapping offense," 2501
"violent sex offense," "sexual motivation specification," 2502
"sexually violent offense," "sexually violent predator," and 2503
"sexually violent predator specification" have the same meanings 2504
as in section 2971.01 of the Revised Code. 2505

(KK) "Sexually oriented offense," "child-victim oriented 2506
offense," and "tier III sex offender/child-victim offender," have 2507
the same meanings as in section 2950.01 of the Revised Code. 2508

(LL) An offense is "committed in the vicinity of a child" if 2509

the offender commits the offense within thirty feet of or within 2510
the same residential unit as a child who is under eighteen years 2511
of age, regardless of whether the offender knows the age of the 2512
child or whether the offender knows the offense is being committed 2513
within thirty feet of or within the same residential unit as the 2514
child and regardless of whether the child actually views the 2515
commission of the offense. 2516

(MM) "Family or household member" has the same meaning as in 2517
section 2919.25 of the Revised Code. 2518

(NN) "Motor vehicle" and "manufactured home" have the same 2519
meanings as in section 4501.01 of the Revised Code. 2520

(OO) "Detention" and "detention facility" have the same 2521
meanings as in section 2921.01 of the Revised Code. 2522

(PP) "Third degree felony OVI offense" means a violation of 2523
division (A) of section 4511.19 of the Revised Code that, under 2524
division (G) of that section, is a felony of the third degree. 2525

(QQ) "Random drug testing" has the same meaning as in section 2526
5120.63 of the Revised Code. 2527

(RR) "Felony sex offense" has the same meaning as in section 2528
2967.28 of the Revised Code. 2529

(SS) "Body armor" has the same meaning as in section 2530
2941.1411 of the Revised Code. 2531

(TT) "Electronic monitoring" means monitoring through the use 2532
of an electronic monitoring device. 2533

(UU) "Electronic monitoring device" means any of the 2534
following: 2535

(1) Any device that can be operated by electrical or battery 2536
power and that conforms with all of the following: 2537

(a) The device has a transmitter that can be attached to a 2538
person, that will transmit a specified signal to a receiver of the 2539

type described in division (UU)(1)(b) of this section if the 2540
transmitter is removed from the person, turned off, or altered in 2541
any manner without prior court approval in relation to electronic 2542
monitoring or without prior approval of the department of 2543
rehabilitation and correction in relation to the use of an 2544
electronic monitoring device for an inmate on transitional control 2545
or otherwise is tampered with, that can transmit continuously and 2546
periodically a signal to that receiver when the person is within a 2547
specified distance from the receiver, and that can transmit an 2548
appropriate signal to that receiver if the person to whom it is 2549
attached travels a specified distance from that receiver. 2550

(b) The device has a receiver that can receive continuously 2551
the signals transmitted by a transmitter of the type described in 2552
division (UU)(1)(a) of this section, can transmit continuously 2553
those signals by a wireless or landline telephone connection to a 2554
central monitoring computer of the type described in division 2555
(UU)(1)(c) of this section, and can transmit continuously an 2556
appropriate signal to that central monitoring computer if the 2557
device has been turned off or altered without prior court approval 2558
or otherwise tampered with. The device is designed specifically 2559
for use in electronic monitoring, is not a converted wireless 2560
phone or another tracking device that is clearly not designed for 2561
electronic monitoring, and provides a means of text-based or voice 2562
communication with the person. 2563

(c) The device has a central monitoring computer that can 2564
receive continuously the signals transmitted by a wireless or 2565
landline telephone connection by a receiver of the type described 2566
in division (UU)(1)(b) of this section and can monitor 2567
continuously the person to whom an electronic monitoring device of 2568
the type described in division (UU)(1)(a) of this section is 2569
attached. 2570

(2) Any device that is not a device of the type described in 2571

division (UU)(1) of this section and that conforms with all of the 2572
following: 2573

(a) The device includes a transmitter and receiver that can 2574
monitor and determine the location of a subject person at any 2575
time, or at a designated point in time, through the use of a 2576
central monitoring computer or through other electronic means. 2577

(b) The device includes a transmitter and receiver that can 2578
determine at any time, or at a designated point in time, through 2579
the use of a central monitoring computer or other electronic means 2580
the fact that the transmitter is turned off or altered in any 2581
manner without prior approval of the court in relation to the 2582
electronic monitoring or without prior approval of the department 2583
of rehabilitation and correction in relation to the use of an 2584
electronic monitoring device for an inmate on transitional control 2585
or otherwise is tampered with. 2586

(3) Any type of technology that can adequately track or 2587
determine the location of a subject person at any time and that is 2588
approved by the director of rehabilitation and correction, 2589
including, but not limited to, any satellite technology, voice 2590
tracking system, or retinal scanning system that is so approved. 2591

(VV) "Non-economic loss" means nonpecuniary harm suffered by 2592
a victim of an offense as a result of or related to the commission 2593
of the offense, including, but not limited to, pain and suffering; 2594
loss of society, consortium, companionship, care, assistance, 2595
attention, protection, advice, guidance, counsel, instruction, 2596
training, or education; mental anguish; and any other intangible 2597
loss. 2598

(WW) "Prosecutor" has the same meaning as in section 2935.01 2599
of the Revised Code. 2600

(XX) "Continuous alcohol monitoring" means the ability to 2601
automatically test and periodically transmit alcohol consumption 2602

levels and tamper attempts at least every hour, regardless of the 2603
location of the person who is being monitored. 2604

(YY) A person is "adjudicated a sexually violent predator" if 2605
the person is convicted of or pleads guilty to a violent sex 2606
offense and also is convicted of or pleads guilty to a sexually 2607
violent predator specification that was included in the 2608
indictment, count in the indictment, or information charging that 2609
violent sex offense or if the person is convicted of or pleads 2610
guilty to a designated homicide, assault, or kidnapping offense 2611
and also is convicted of or pleads guilty to both a sexual 2612
motivation specification and a sexually violent predator 2613
specification that were included in the indictment, count in the 2614
indictment, or information charging that designated homicide, 2615
assault, or kidnapping offense. 2616

(ZZ) An offense is "committed in proximity to a school" if 2617
the offender commits the offense in a school safety zone or within 2618
five hundred feet of any school building or the boundaries of any 2619
school premises, regardless of whether the offender knows the 2620
offense is being committed in a school safety zone or within five 2621
hundred feet of any school building or the boundaries of any 2622
school premises. 2623

(AAA) "Human trafficking" means a scheme or plan to which all 2624
of the following apply: 2625

(1) Its object is to subject a victim or victims to 2626
involuntary servitude, as defined in section 2905.31 of the 2627
Revised Code, to compel a victim or victims to engage in sexual 2628
activity for hire, to engage in a performance that is obscene, 2629
sexually oriented, or nudity oriented, or to be a model or 2630
participant in the production of material that is obscene, 2631
sexually oriented, or nudity oriented. 2632

(2) It involves at least two felony offenses, whether or not 2633

there has been a prior conviction for any of the felony offenses, 2634
to which all of the following apply: 2635

(a) Each of the felony offenses is a violation of section 2636
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 2637
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 2638
(4), or (5) of section 2919.22 of the Revised Code or is a 2639
violation of a law of any state other than this state that is 2640
substantially similar to any of the sections or divisions of the 2641
Revised Code identified in this division. 2642

(b) At least one of the felony offenses was committed in this 2643
state. 2644

(c) The felony offenses are related to the same scheme or 2645
plan and are not isolated instances. 2646

(BBB) "Material," "nudity," "obscene," "performance," and 2647
"sexual activity" have the same meanings as in section 2907.01 of 2648
the Revised Code. 2649

(CCC) "Material that is obscene, sexually oriented, or nudity 2650
oriented" means any material that is obscene, that shows a person 2651
participating or engaging in sexual activity, masturbation, or 2652
bestiality, or that shows a person in a state of nudity. 2653

(DDD) "Performance that is obscene, sexually oriented, or 2654
nudity oriented" means any performance that is obscene, that shows 2655
a person participating or engaging in sexual activity, 2656
masturbation, or bestiality, or that shows a person in a state of 2657
nudity. 2658

Sec. 2929.14. (A) Except as provided in division (B)(1), 2659
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), (G), 2660
(H), or (J) of this section or in division (D)(6) of section 2661
2919.25 of the Revised Code and except in relation to an offense 2662
for which a sentence of death or life imprisonment is to be 2663

imposed, if the court imposing a sentence upon an offender for a
felony elects or is required to impose a prison term on the
offender pursuant to this chapter, the court shall impose a
definite prison term that shall be one of the following:

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

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

(3)(a) For a felony of the third degree that is a violation
of section 2903.06, 2903.08, 2907.03, 2907.04, or 2907.05 of the
Revised Code or that is a violation of section 2911.02 or 2911.12
of the Revised Code if the offender previously has been convicted
of or pleaded guilty in two or more separate proceedings to two or
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12
of the Revised Code, the prison term shall be twelve, eighteen,
twenty-four, thirty, thirty-six, forty-two, forty-eight,
fifty-four, or sixty months.

(b) For a felony of the third degree that is not an offense
for which division (A)(3)(a) of this section applies, the prison
term shall be nine, twelve, eighteen, twenty-four, thirty, or
thirty-six months.

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

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

(B)(1)(a) Except as provided in division (B)(1)(e) of this
section, if an offender who is convicted of or pleads guilty to a
felony also is convicted of or pleads guilty to a specification of
the type described in section 2941.141, 2941.144, or 2941.145 of

the Revised Code, the court shall impose on the offender one of 2695
the following prison terms: 2696

(i) A prison term of six years if the specification is of the 2697
type described in section 2941.144 of the Revised Code that 2698
charges the offender with having a firearm that is an automatic 2699
firearm or that was equipped with a firearm muffler or silencer on 2700
or about the offender's person or under the offender's control 2701
while committing the felony; 2702

(ii) A prison term of three years if the specification is of 2703
the type described in section 2941.145 of the Revised Code that 2704
charges the offender with having a firearm on or about the 2705
offender's person or under the offender's control while committing 2706
the offense and displaying the firearm, brandishing the firearm, 2707
indicating that the offender possessed the firearm, or using it to 2708
facilitate the offense; 2709

(iii) A prison term of one year if the specification is of 2710
the type described in section 2941.141 of the Revised Code that 2711
charges the offender with having a firearm on or about the 2712
offender's person or under the offender's control while committing 2713
the felony. 2714

(b) If a court imposes a prison term on an offender under 2715
division (B)(1)(a) of this section, the prison term shall not be 2716
reduced pursuant to section 2967.19, section 2929.20, section 2717
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2718
of the Revised Code. Except as provided in division (B)(1)(g) of 2719
this section, a court shall not impose more than one prison term 2720
on an offender under division (B)(1)(a) of this section for 2721
felonies committed as part of the same act or transaction. 2722

(c) Except as provided in division (B)(1)(e) of this section, 2723
if an offender who is convicted of or pleads guilty to a violation 2724
of section 2923.161 of the Revised Code or to a felony that 2725

includes, as an essential element, purposely or knowingly causing 2726
or attempting to cause the death of or physical harm to another, 2727
also is convicted of or pleads guilty to a specification of the 2728
type described in section 2941.146 of the Revised Code that 2729
charges the offender with committing the offense by discharging a 2730
firearm from a motor vehicle other than a manufactured home, the 2731
court, after imposing a prison term on the offender for the 2732
violation of section 2923.161 of the Revised Code or for the other 2733
felony offense under division (A), (B)(2), or (B)(3) of this 2734
section, shall impose an additional prison term of five years upon 2735
the offender that shall not be reduced pursuant to section 2736
2929.20, section 2967.19, section 2967.193, or any other provision 2737
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 2738
shall not impose more than one additional prison term on an 2739
offender under division (B)(1)(c) of this section for felonies 2740
committed as part of the same act or transaction. If a court 2741
imposes an additional prison term on an offender under division 2742
(B)(1)(c) of this section relative to an offense, the court also 2743
shall impose a prison term under division (B)(1)(a) of this 2744
section relative to the same offense, provided the criteria 2745
specified in that division for imposing an additional prison term 2746
are satisfied relative to the offender and the offense. 2747

(d) If an offender who is convicted of or pleads guilty to an 2748
offense of violence that is a felony also is convicted of or 2749
pleads guilty to a specification of the type described in section 2750
2941.1411 of the Revised Code that charges the offender with 2751
wearing or carrying body armor while committing the felony offense 2752
of violence, the court shall impose on the offender a prison term 2753
of two years. The prison term so imposed, subject to divisions (C) 2754
to (I) of section 2967.19 of the Revised Code, shall not be 2755
reduced pursuant to section 2929.20, section 2967.19, section 2756
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2757
of the Revised Code. A court shall not impose more than one prison 2758

term on an offender under division (B)(1)(d) of this section for 2759
felonies committed as part of the same act or transaction. If a 2760
court imposes an additional prison term under division (B)(1)(a) 2761
or (c) of this section, the court is not precluded from imposing 2762
an additional prison term under division (B)(1)(d) of this 2763
section. 2764

(e) The court shall not impose any of the prison terms 2765
described in division (B)(1)(a) of this section or any of the 2766
additional prison terms described in division (B)(1)(c) of this 2767
section upon an offender for a violation of section 2923.12 or 2768
2923.123 of the Revised Code. The court shall not impose any of 2769
the prison terms described in division (B)(1)(a) or (b) of this 2770
section upon an offender for a violation of section 2923.122 that 2771
involves a deadly weapon that is a firearm other than a dangerous 2772
ordnance, section 2923.16, or section 2923.121 of the Revised 2773
Code. The court shall not impose any of the prison terms described 2774
in division (B)(1)(a) of this section or any of the additional 2775
prison terms described in division (B)(1)(c) of this section upon 2776
an offender for a violation of section 2923.13 of the Revised Code 2777
unless all of the following apply: 2778

(i) The offender previously has been convicted of aggravated 2779
murder, murder, or any felony of the first or second degree. 2780

(ii) Less than five years have passed since the offender was 2781
released from prison or post-release control, whichever is later, 2782
for the prior offense. 2783

(f) If an offender is convicted of or pleads guilty to a 2784
felony that includes, as an essential element, causing or 2785
attempting to cause the death of or physical harm to another and 2786
also is convicted of or pleads guilty to a specification of the 2787
type described in section 2941.1412 of the Revised Code that 2788
charges the offender with committing the offense by discharging a 2789
firearm at a peace officer as defined in section 2935.01 of the 2790

Revised Code or a corrections officer, as defined in section 2791
2941.1412 of the Revised Code, the court, after imposing a prison 2792
term on the offender for the felony offense under division (A), 2793
(B)(2), or (B)(3) of this section, shall impose an additional 2794
prison term of seven years upon the offender that shall not be 2795
reduced pursuant to section 2929.20, section 2967.19, section 2796
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2797
of the Revised Code. If an offender is convicted of or pleads 2798
guilty to two or more felonies that include, as an essential 2799
element, causing or attempting to cause the death or physical harm 2800
to another and also is convicted of or pleads guilty to a 2801
specification of the type described under division (B)(1)(f) of 2802
this section in connection with two or more of the felonies of 2803
which the offender is convicted or to which the offender pleads 2804
guilty, the sentencing court shall impose on the offender the 2805
prison term specified under division (B)(1)(f) of this section for 2806
each of two of the specifications of which the offender is 2807
convicted or to which the offender pleads guilty and, in its 2808
discretion, also may impose on the offender the prison term 2809
specified under that division for any or all of the remaining 2810
specifications. If a court imposes an additional prison term on an 2811
offender under division (B)(1)(f) of this section relative to an 2812
offense, the court shall not impose a prison term under division 2813
(B)(1)(a) or (c) of this section relative to the same offense. 2814

(g) If an offender is convicted of or pleads guilty to two or 2815
more felonies, if one or more of those felonies are aggravated 2816
murder, murder, attempted aggravated murder, attempted murder, 2817
aggravated robbery, felonious assault, or rape, and if the 2818
offender is convicted of or pleads guilty to a specification of 2819
the type described under division (B)(1)(a) of this section in 2820
connection with two or more of the felonies, the sentencing court 2821
shall impose on the offender the prison term specified under 2822
division (B)(1)(a) of this section for each of the two most 2823

serious specifications of which the offender is convicted or to 2824
which the offender pleads guilty and, in its discretion, also may 2825
impose on the offender the prison term specified under that 2826
division for any or all of the remaining specifications. 2827

(2)(a) If division (B)(2)(b) of this section does not apply, 2828
the court may impose on an offender, in addition to the longest 2829
prison term authorized or required for the offense, an additional 2830
definite prison term of one, two, three, four, five, six, seven, 2831
eight, nine, or ten years if all of the following criteria are 2832
met: 2833

(i) The offender is convicted of or pleads guilty to a 2834
specification of the type described in section 2941.149 of the 2835
Revised Code that the offender is a repeat violent offender. 2836

(ii) The offense of which the offender currently is convicted 2837
or to which the offender currently pleads guilty is aggravated 2838
murder and the court does not impose a sentence of death or life 2839
imprisonment without parole, murder, terrorism and the court does 2840
not impose a sentence of life imprisonment without parole, any 2841
felony of the first degree that is an offense of violence and the 2842
court does not impose a sentence of life imprisonment without 2843
parole, or any felony of the second degree that is an offense of 2844
violence and the trier of fact finds that the offense involved an 2845
attempt to cause or a threat to cause serious physical harm to a 2846
person or resulted in serious physical harm to a person. 2847

(iii) The court imposes the longest prison term for the 2848
offense that is not life imprisonment without parole. 2849

(iv) The court finds that the prison terms imposed pursuant 2850
to division ~~(D)~~(B)(2)(a)(iii) of this section and, if applicable, 2851
division ~~(D)~~(B)(1) or (3) of this section are inadequate to punish 2852
the offender and protect the public from future crime, because the 2853
applicable factors under section 2929.12 of the Revised Code 2854

indicating a greater likelihood of recidivism outweigh the 2855
applicable factors under that section indicating a lesser 2856
likelihood of recidivism. 2857

(v) The court finds that the prison terms imposed pursuant to 2858
division ~~(D)~~(B)(2)(a)(iii) of this section and, if applicable, 2859
division ~~(D)~~(B)(1) or (3) of this section are demeaning to the 2860
seriousness of the offense, because one or more of the factors 2861
under section 2929.12 of the Revised Code indicating that the 2862
offender's conduct is more serious than conduct normally 2863
constituting the offense are present, and they outweigh the 2864
applicable factors under that section indicating that the 2865
offender's conduct is less serious than conduct normally 2866
constituting the offense. 2867

(b) The court shall impose on an offender the longest prison 2868
term authorized or required for the offense and shall impose on 2869
the offender an additional definite prison term of one, two, 2870
three, four, five, six, seven, eight, nine, or ten years if all of 2871
the following criteria are met: 2872

(i) The offender is convicted of or pleads guilty to a 2873
specification of the type described in section 2941.149 of the 2874
Revised Code that the offender is a repeat violent offender. 2875

(ii) The offender within the preceding twenty years has been 2876
convicted of or pleaded guilty to three or more offenses described 2877
in division (CC)(1) of section 2929.01 of the Revised Code, 2878
including all offenses described in that division of which the 2879
offender is convicted or to which the offender pleads guilty in 2880
the current prosecution and all offenses described in that 2881
division of which the offender previously has been convicted or to 2882
which the offender previously pleaded guilty, whether prosecuted 2883
together or separately. 2884

(iii) The offense or offenses of which the offender currently 2885

is convicted or to which the offender currently pleads guilty is 2886
aggravated murder and the court does not impose a sentence of 2887
death or life imprisonment without parole, murder, terrorism and 2888
the court does not impose a sentence of life imprisonment without 2889
parole, any felony of the first degree that is an offense of 2890
violence and the court does not impose a sentence of life 2891
imprisonment without parole, or any felony of the second degree 2892
that is an offense of violence and the trier of fact finds that 2893
the offense involved an attempt to cause or a threat to cause 2894
serious physical harm to a person or resulted in serious physical 2895
harm to a person. 2896

(c) For purposes of division (B)(2)(b) of this section, two 2897
or more offenses committed at the same time or as part of the same 2898
act or event shall be considered one offense, and that one offense 2899
shall be the offense with the greatest penalty. 2900

(d) A sentence imposed under division (B)(2)(a) or (b) of 2901
this section shall not be reduced pursuant to section 2929.20, 2902
section 2967.19, or section 2967.193, or any other provision of 2903
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2904
shall serve an additional prison term imposed under this section 2905
consecutively to and prior to the prison term imposed for the 2906
underlying offense. 2907

(e) When imposing a sentence pursuant to division (B)(2)(a) 2908
or (b) of this section, the court shall state its findings 2909
explaining the imposed sentence. 2910

(3) Except when an offender commits a violation of section 2911
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2912
the violation is life imprisonment or commits a violation of 2913
section 2903.02 of the Revised Code, if the offender commits a 2914
violation of section 2925.03 or 2925.11 of the Revised Code and 2915
that section classifies the offender as a major drug offender ~~and~~ 2916
~~requires the imposition of a ten-year prison term on the offender,~~ 2917

if the offender commits a felony violation of section 2925.02, 2918
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2919
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2920
division (C) of section 4729.51, or division (J) of section 2921
4729.54 of the Revised Code that includes the sale, offer to sell, 2922
or possession of a schedule I or II controlled substance, with the 2923
exception of marihuana, and the court imposing sentence upon the 2924
offender finds that the offender is guilty of a specification of 2925
the type described in section 2941.1410 of the Revised Code 2926
charging that the offender is a major drug offender, if the court 2927
imposing sentence upon an offender for a felony finds that the 2928
offender is guilty of corrupt activity with the most serious 2929
offense in the pattern of corrupt activity being a felony of the 2930
first degree, or if the offender is guilty of an attempted 2931
violation of section 2907.02 of the Revised Code and, had the 2932
offender completed the violation of section 2907.02 of the Revised 2933
Code that was attempted, the offender would have been subject to a 2934
sentence of life imprisonment or life imprisonment without parole 2935
for the violation of section 2907.02 of the Revised Code, the 2936
court shall impose upon the offender for the felony violation a 2937
~~ten-year~~ mandatory prison term of the maximum prison term 2938
prescribed for a felony of the first degree that, subject to 2939
divisions (C) to (I) of section 2967.19 of the Revised Code, 2940
cannot be reduced pursuant to section 2929.20, section 2967.19, or 2941
any other provision of Chapter 2967. or 5120. of the Revised Code. 2942

(4) If the offender is being sentenced for a third or fourth 2943
degree felony OVI offense under division (G)(2) of section 2929.13 2944
of the Revised Code, the sentencing court shall impose upon the 2945
offender a mandatory prison term in accordance with that division. 2946
In addition to the mandatory prison term, if the offender is being 2947
sentenced for a fourth degree felony OVI offense, the court, 2948
notwithstanding division (A)(4) of this section, may sentence the 2949
offender to a definite prison term of not less than six months and 2950

not more than thirty months, and if the offender is being 2951
sentenced for a third degree felony OVI offense, the sentencing 2952
court may sentence the offender to an additional prison term of 2953
any duration specified in division (A)(3) of this section. In 2954
either case, the additional prison term imposed shall be reduced 2955
by the sixty or one hundred twenty days imposed upon the offender 2956
as the mandatory prison term. The total of the additional prison 2957
term imposed under division ~~(D)~~(B)(4) of this section plus the 2958
sixty or one hundred twenty days imposed as the mandatory prison 2959
term shall equal a definite term in the range of six months to 2960
thirty months for a fourth degree felony OVI offense and shall 2961
equal one of the authorized prison terms specified in division 2962
(A)(3) of this section for a third degree felony OVI offense. If 2963
the court imposes an additional prison term under division (B)(4) 2964
of this section, the offender shall serve the additional prison 2965
term after the offender has served the mandatory prison term 2966
required for the offense. In addition to the mandatory prison term 2967
or mandatory and additional prison term imposed as described in 2968
division (B)(4) of this section, the court also may sentence the 2969
offender to a community control sanction under section 2929.16 or 2970
2929.17 of the Revised Code, but the offender shall serve all of 2971
the prison terms so imposed prior to serving the community control 2972
sanction. 2973

If the offender is being sentenced for a fourth degree felony 2974
OVI offense under division (G)(1) of section 2929.13 of the 2975
Revised Code and the court imposes a mandatory term of local 2976
incarceration, the court may impose a prison term as described in 2977
division (A)(1) of that section. 2978

(5) If an offender is convicted of or pleads guilty to a 2979
violation of division (A)(1) or (2) of section 2903.06 of the 2980
Revised Code and also is convicted of or pleads guilty to a 2981
specification of the type described in section 2941.1414 of the 2982

Revised Code that charges that the victim of the offense is a 2983
peace officer, as defined in section 2935.01 of the Revised Code, 2984
or an investigator of the bureau of criminal identification and 2985
investigation, as defined in section 2903.11 of the Revised Code, 2986
the court shall impose on the offender a prison term of five 2987
years. If a court imposes a prison term on an offender under 2988
division (B)(5) of this section, the prison term, subject to 2989
divisions (C) to (I) of section 2967.19 of the Revised Code, shall 2990
not be reduced pursuant to section 2929.20, section 2967.19, 2991
section 2967.193, or any other provision of Chapter 2967. or 2992
Chapter 5120. of the Revised Code. A court shall not impose more 2993
than one prison term on an offender under division (B)(5) of this 2994
section for felonies committed as part of the same act. 2995

(6) If an offender is convicted of or pleads guilty to a 2996
violation of division (A)(1) or (2) of section 2903.06 of the 2997
Revised Code and also is convicted of or pleads guilty to a 2998
specification of the type described in section 2941.1415 of the 2999
Revised Code that charges that the offender previously has been 3000
convicted of or pleaded guilty to three or more violations of 3001
division (A) or (B) of section 4511.19 of the Revised Code or an 3002
equivalent offense, as defined in section 2941.1415 of the Revised 3003
Code, or three or more violations of any combination of those 3004
divisions and offenses, the court shall impose on the offender a 3005
prison term of three years. If a court imposes a prison term on an 3006
offender under division (B)(6) of this section, the prison term, 3007
subject to divisions (C) to (I) of section 2967.19 of the Revised 3008
Code, shall not be reduced pursuant to section 2929.20, section 3009
2967.19, section 2967.193, or any other provision of Chapter 2967. 3010
or Chapter 5120. of the Revised Code. A court shall not impose 3011
more than one prison term on an offender under division (B)(6) of 3012
this section for felonies committed as part of the same act. 3013

(7)(a) If an offender is convicted of or pleads guilty to a 3014

felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 3015
2923.32, division (A)(1) or (2) of section 2907.323, or division 3016
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 3017
Code and also is convicted of or pleads guilty to a specification 3018
of the type described in section 2941.1422 of the Revised Code 3019
that charges that the offender knowingly committed the offense in 3020
furtherance of human trafficking, the court shall impose on the 3021
offender a mandatory prison term that is one of the following: 3022

(i) If the offense is a felony of the first degree, a 3023
definite prison term of not less than five years and not greater 3024
than ten years; 3025

(ii) If the offense is a felony of the second or third 3026
degree, a definite prison term of not less than three years and 3027
not greater than the maximum prison term allowed for the offense 3028
by division (A) of section 2929.14 of the Revised Code; 3029

(iii) If the offense is a felony of the fourth or fifth 3030
degree, a definite prison term that is the maximum prison term 3031
allowed for the offense by division (A) of section 2929.14 of the 3032
Revised Code. 3033

(b) Subject to divisions (C) to (I) of section 2967.19 of the 3034
Revised Code, the prison term imposed under division (B)(7)(a) of 3035
this section shall not be reduced pursuant to section 2929.20, 3036
section 2967.19, section 2967.193, or any other provision of 3037
Chapter 2967. of the Revised Code. A court shall not impose more 3038
than one prison term on an offender under division (B)(7)(a) of 3039
this section for felonies committed as part of the same act, 3040
scheme, or plan. 3041

(8) If an offender is convicted of or pleads guilty to a 3042
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3043
Revised Code and also is convicted of or pleads guilty to a 3044
specification of the type described in section 2941.1423 of the 3045

Revised Code that charges that the victim of the violation was a 3046
woman whom the offender knew was pregnant at the time of the 3047
violation, notwithstanding the range of prison terms prescribed in 3048
division (A) of this section for felonies of the same degree as 3049
the violation, the court shall impose on the offender a mandatory 3050
prison term that is either a definite prison term of six months or 3051
one of the prison terms prescribed in section 2929.14 of the 3052
Revised Code for felonies of the same degree as the violation. 3053

(C)(1)(a) Subject to division (C)(1)(b) of this section, if a 3054
mandatory prison term is imposed upon an offender pursuant to 3055
division (B)(1)(a) of this section for having a firearm on or 3056
about the offender's person or under the offender's control while 3057
committing a felony, if a mandatory prison term is imposed upon an 3058
offender pursuant to division (B)(1)(c) of this section for 3059
committing a felony specified in that division by discharging a 3060
firearm from a motor vehicle, or if both types of mandatory prison 3061
terms are imposed, the offender shall serve any mandatory prison 3062
term imposed under either division consecutively to any other 3063
mandatory prison term imposed under either division or under 3064
division (B)(1)(d) of this section, consecutively to and prior to 3065
any prison term imposed for the underlying felony pursuant to 3066
division (A), (B)(2), or (B)(3) of this section or any other 3067
section of the Revised Code, and consecutively to any other prison 3068
term or mandatory prison term previously or subsequently imposed 3069
upon the offender. 3070

(b) If a mandatory prison term is imposed upon an offender 3071
pursuant to division (B)(1)(d) of this section for wearing or 3072
carrying body armor while committing an offense of violence that 3073
is a felony, the offender shall serve the mandatory term so 3074
imposed consecutively to any other mandatory prison term imposed 3075
under that division or under division (B)(1)(a) or (c) of this 3076
section, consecutively to and prior to any prison term imposed for 3077

the underlying felony under division (A), (B)(2), or (B)(3) of 3078
this section or any other section of the Revised Code, and 3079
consecutively to any other prison term or mandatory prison term 3080
previously or subsequently imposed upon the offender. 3081

(c) If a mandatory prison term is imposed upon an offender 3082
pursuant to division (B)(1)(f) of this section, the offender shall 3083
serve the mandatory prison term so imposed consecutively to and 3084
prior to any prison term imposed for the underlying felony under 3085
division (A), (B)(2), or (B)(3) of this section or any other 3086
section of the Revised Code, and consecutively to any other prison 3087
term or mandatory prison term previously or subsequently imposed 3088
upon the offender. 3089

(d) If a mandatory prison term is imposed upon an offender 3090
pursuant to division (B)(7) or (8) of this section, the offender 3091
shall serve the mandatory prison term so imposed consecutively to 3092
any other mandatory prison term imposed under that division or 3093
under any other provision of law and consecutively to any other 3094
prison term or mandatory prison term previously or subsequently 3095
imposed upon the offender. 3096

(2) If an offender who is an inmate in a jail, prison, or 3097
other residential detention facility violates section 2917.02, 3098
2917.03, or 2921.35 of the Revised Code or division (A)(1) or (2) 3099
of section 2921.34 of the Revised Code, if an offender who is 3100
under detention at a detention facility commits a felony violation 3101
of section 2923.131 of the Revised Code, or if an offender who is 3102
an inmate in a jail, prison, or other residential detention 3103
facility or is under detention at a detention facility commits 3104
another felony while the offender is an escapee in violation of 3105
division (A)(1) or (2) of section 2921.34 of the Revised Code, any 3106
prison term imposed upon the offender for one of those violations 3107
shall be served by the offender consecutively to the prison term 3108
or term of imprisonment the offender was serving when the offender 3109

committed that offense and to any other prison term previously or 3110
subsequently imposed upon the offender. 3111

(3) If a prison term is imposed for a violation of division 3112
(B) of section 2911.01 of the Revised Code, a violation of 3113
division (A) of section 2913.02 of the Revised Code in which the 3114
stolen property is a firearm or dangerous ordnance, or a felony 3115
violation of division (B) of section 2921.331 of the Revised Code, 3116
the offender shall serve that prison term consecutively to any 3117
other prison term or mandatory prison term previously or 3118
subsequently imposed upon the offender. 3119

(4) If multiple prison terms are imposed on an offender for 3120
convictions of multiple offenses, the court may require the 3121
offender to serve the prison terms consecutively if the court 3122
finds that the consecutive service is necessary to protect the 3123
public from future crime or to punish the offender and that 3124
consecutive sentences are not disproportionate to the seriousness 3125
of the offender's conduct and to the danger the offender poses to 3126
the public, and if the court also finds any of the following: 3127

(a) The offender committed one or more of the multiple 3128
offenses while the offender was awaiting trial or sentencing, was 3129
under a sanction imposed pursuant to section 2929.16, 2929.17, or 3130
2929.18 of the Revised Code, or was under post-release control for 3131
a prior offense. 3132

(b) At least two of the multiple offenses were committed as 3133
part of one or more courses of conduct, and the harm caused by two 3134
or more of the multiple offenses so committed was so great or 3135
unusual that no single prison term for any of the offenses 3136
committed as part of any of the courses of conduct adequately 3137
reflects the seriousness of the offender's conduct. 3138

(c) The offender's history of criminal conduct demonstrates 3139
that consecutive sentences are necessary to protect the public 3140

from future crime by the offender. 3141

(5) If a mandatory prison term is imposed upon an offender 3142
pursuant to division (B)(5) or (6) of this section, the offender 3143
shall serve the mandatory prison term consecutively to and prior 3144
to any prison term imposed for the underlying violation of 3145
division (A)(1) or (2) of section 2903.06 of the Revised Code 3146
pursuant to division (A) of this section or section 2929.142 of 3147
the Revised Code. If a mandatory prison term is imposed upon an 3148
offender pursuant to division (B)(5) of this section, and if a 3149
mandatory prison term also is imposed upon the offender pursuant 3150
to division (B)(6) of this section in relation to the same 3151
violation, the offender shall serve the mandatory prison term 3152
imposed pursuant to division (B)(5) of this section consecutively 3153
to and prior to the mandatory prison term imposed pursuant to 3154
division (B)(6) of this section and consecutively to and prior to 3155
any prison term imposed for the underlying violation of division 3156
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 3157
division (A) of this section or section 2929.142 of the Revised 3158
Code. 3159

(6) When consecutive prison terms are imposed pursuant to 3160
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2) 3161
of this section, the term to be served is the aggregate of all of 3162
the terms so imposed. 3163

(D)(1) If a court imposes a prison term for a felony of the 3164
first degree, for a felony of the second degree, for a felony sex 3165
offense, or for a felony of the third degree that is not a felony 3166
sex offense and in the commission of which the offender caused or 3167
threatened to cause physical harm to a person, it shall include in 3168
the sentence a requirement that the offender be subject to a 3169
period of post-release control after the offender's release from 3170
imprisonment, in accordance with that division. If a court imposes 3171
a sentence including a prison term of a type described in this 3172

division on or after July 11, 2006, the failure of a court to 3173
include a post-release control requirement in the sentence 3174
pursuant to this division does not negate, limit, or otherwise 3175
affect the mandatory period of post-release control that is 3176
required for the offender under division (B) of section 2967.28 of 3177
the Revised Code. Section 2929.191 of the Revised Code applies if, 3178
prior to July 11, 2006, a court imposed a sentence including a 3179
prison term of a type described in this division and failed to 3180
include in the sentence pursuant to this division a statement 3181
regarding post-release control. 3182

(2) If a court imposes a prison term for a felony of the 3183
third, fourth, or fifth degree that is not subject to division 3184
(D)(1) of this section, it shall include in the sentence a 3185
requirement that the offender be subject to a period of 3186
post-release control after the offender's release from 3187
imprisonment, in accordance with that division, if the parole 3188
board determines that a period of post-release control is 3189
necessary. Section 2929.191 of the Revised Code applies if, prior 3190
to July 11, 2006, a court imposed a sentence including a prison 3191
term of a type described in this division and failed to include in 3192
the sentence pursuant to this division a statement regarding 3193
post-release control. 3194

~~(3) If a court imposes a prison term on or after the 3195
effective date of this amendment for a felony, it shall include in 3196
the sentence a statement notifying the offender that the offender 3197
may be eligible to earn days of credit under the circumstances 3198
specified in section 2967.193 of the Revised Code. The statement 3199
also shall notify the offender that days of credit are not 3200
automatically awarded under that section, but that they must be 3201
earned in the manner specified in that section. If a court fails 3202
to include the statement in the sentence, the failure does not 3203
affect the eligibility of the offender under section 2967.193 of 3204~~

~~the Revised Code to earn any days of credit as a deduction from 3205
the offender's stated prison term or otherwise render any part of 3206
that section or any action taken under that section void or 3207
voidable. The failure of a court to include in a sentence the 3208
statement described in this division does not constitute grounds 3209
for setting aside the offender's conviction or sentence or for 3210
granting postconviction relief to the offender. 3211~~

(E) The court shall impose sentence upon the offender in 3212
accordance with section 2971.03 of the Revised Code, and Chapter 3213
2971. of the Revised Code applies regarding the prison term or 3214
term of life imprisonment without parole imposed upon the offender 3215
and the service of that term of imprisonment if any of the 3216
following apply: 3217

(1) A person is convicted of or pleads guilty to a violent 3218
sex offense or a designated homicide, assault, or kidnapping 3219
offense, and, in relation to that offense, the offender is 3220
adjudicated a sexually violent predator. 3221

(2) A person is convicted of or pleads guilty to a violation 3222
of division (A)(1)(b) of section 2907.02 of the Revised Code 3223
committed on or after January 2, 2007, and either the court does 3224
not impose a sentence of life without parole when authorized 3225
pursuant to division (B) of section 2907.02 of the Revised Code, 3226
or division (B) of section 2907.02 of the Revised Code provides 3227
that the court shall not sentence the offender pursuant to section 3228
2971.03 of the Revised Code. 3229

(3) A person is convicted of or pleads guilty to attempted 3230
rape committed on or after January 2, 2007, and a specification of 3231
the type described in section 2941.1418, 2941.1419, or 2941.1420 3232
of the Revised Code. 3233

(4) A person is convicted of or pleads guilty to a violation 3234
of section 2905.01 of the Revised Code committed on or after 3235

January 1, 2008, and that section requires the court to sentence 3236
the offender pursuant to section 2971.03 of the Revised Code. 3237

(5) A person is convicted of or pleads guilty to aggravated 3238
murder committed on or after January 1, 2008, and division 3239
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 3240
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 3241
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 3242
2929.06 of the Revised Code requires the court to sentence the 3243
offender pursuant to division (B)(3) of section 2971.03 of the 3244
Revised Code. 3245

(6) A person is convicted of or pleads guilty to murder 3246
committed on or after January 1, 2008, and division (B)(2) of 3247
section 2929.02 of the Revised Code requires the court to sentence 3248
the offender pursuant to section 2971.03 of the Revised Code. 3249

(F) If a person who has been convicted of or pleaded guilty 3250
to a felony is sentenced to a prison term or term of imprisonment 3251
under this section, sections 2929.02 to 2929.06 of the Revised 3252
Code, section 2929.142 of the Revised Code, section 2971.03 of the 3253
Revised Code, or any other provision of law, section 5120.163 of 3254
the Revised Code applies regarding the person while the person is 3255
confined in a state correctional institution. 3256

(G) If an offender who is convicted of or pleads guilty to a 3257
felony that is an offense of violence also is convicted of or 3258
pleads guilty to a specification of the type described in section 3259
2941.142 of the Revised Code that charges the offender with having 3260
committed the felony while participating in a criminal gang, the 3261
court shall impose upon the offender an additional prison term of 3262
one, two, or three years. 3263

(H)(1) If an offender who is convicted of or pleads guilty to 3264
aggravated murder, murder, or a felony of the first, second, or 3265
third degree that is an offense of violence also is convicted of 3266

or pleads guilty to a specification of the type described in 3267
section 2941.143 of the Revised Code that charges the offender 3268
with having committed the offense in a school safety zone or 3269
towards a person in a school safety zone, the court shall impose 3270
upon the offender an additional prison term of two years. The 3271
offender shall serve the additional two years consecutively to and 3272
prior to the prison term imposed for the underlying offense. 3273

(2)(a) If an offender is convicted of or pleads guilty to a 3274
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 3275
of the Revised Code and to a specification of the type described 3276
in section 2941.1421 of the Revised Code and if the court imposes 3277
a prison term on the offender for the felony violation, the court 3278
may impose upon the offender an additional prison term as follows: 3279

(i) Subject to division (H)(2)(a)(ii) of this section, an 3280
additional prison term of one, two, three, four, five, or six 3281
months; 3282

(ii) If the offender previously has been convicted of or 3283
pleaded guilty to one or more felony or misdemeanor violations of 3284
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 3285
Revised Code and also was convicted of or pleaded guilty to a 3286
specification of the type described in section 2941.1421 of the 3287
Revised Code regarding one or more of those violations, an 3288
additional prison term of one, two, three, four, five, six, seven, 3289
eight, nine, ten, eleven, or twelve months. 3290

(b) In lieu of imposing an additional prison term under 3291
division (H)(2)(a) of this section, the court may directly impose 3292
on the offender a sanction that requires the offender to wear a 3293
real-time processing, continual tracking electronic monitoring 3294
device during the period of time specified by the court. The 3295
period of time specified by the court shall equal the duration of 3296
an additional prison term that the court could have imposed upon 3297
the offender under division (H)(2)(a) of this section. A sanction 3298

imposed under this division shall commence on the date specified 3299
by the court, provided that the sanction shall not commence until 3300
after the offender has served the prison term imposed for the 3301
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 3302
of the Revised Code and any residential sanction imposed for the 3303
violation under section 2929.16 of the Revised Code. A sanction 3304
imposed under this division shall be considered to be a community 3305
control sanction for purposes of section 2929.15 of the Revised 3306
Code, and all provisions of the Revised Code that pertain to 3307
community control sanctions shall apply to a sanction imposed 3308
under this division, except to the extent that they would by their 3309
nature be clearly inapplicable. The offender shall pay all costs 3310
associated with a sanction imposed under this division, including 3311
the cost of the use of the monitoring device. 3312

(I)~~(1)~~ At the time of sentencing, the court may recommend the 3313
offender for placement in a program of shock incarceration under 3314
section 5120.031 of the Revised Code or for placement in an 3315
intensive program prison under section 5120.032 of the Revised 3316
Code, disapprove placement of the offender in a program of shock 3317
incarceration or an intensive program prison of that nature, or 3318
make no recommendation on placement of the offender. In no case 3319
shall the department of rehabilitation and correction place the 3320
offender in a program or prison of that nature unless the 3321
department determines as specified in section 5120.031 or 5120.032 3322
of the Revised Code, whichever is applicable, that the offender is 3323
eligible for the placement. 3324

If the court disapproves placement of the offender in a 3325
program or prison of that nature, the department of rehabilitation 3326
and correction shall not place the offender in any program of 3327
shock incarceration or intensive program prison. 3328

If the court recommends placement of the offender in a 3329
program of shock incarceration or in an intensive program prison, 3330

and if the offender is subsequently placed in the recommended 3331
program or prison, the department shall notify the court of the 3332
placement and shall include with the notice a brief description of 3333
the placement. 3334

If the court recommends placement of the offender in a 3335
program of shock incarceration or in an intensive program prison 3336
and the department does not subsequently place the offender in the 3337
recommended program or prison, the department shall send a notice 3338
to the court indicating why the offender was not placed in the 3339
recommended program or prison. 3340

If the court does not make a recommendation under this 3341
division with respect to an offender and if the department 3342
determines as specified in section 5120.031 or 5120.032 of the 3343
Revised Code, whichever is applicable, that the offender is 3344
eligible for placement in a program or prison of that nature, the 3345
department shall screen the offender and determine if there is an 3346
available program of shock incarceration or an intensive program 3347
prison for which the offender is suited. If there is an available 3348
program of shock incarceration or an intensive program prison for 3349
which the offender is suited, the department shall notify the 3350
court of the proposed placement of the offender as specified in 3351
section 5120.031 or 5120.032 of the Revised Code and shall include 3352
with the notice a brief description of the placement. The court 3353
shall have ten days from receipt of the notice to disapprove the 3354
placement. 3355

~~(I)~~(J) If a person is convicted of or pleads guilty to 3356
aggravated vehicular homicide in violation of division (A)(1) of 3357
section 2903.06 of the Revised Code and division (B)(2)(c) of that 3358
section applies, the person shall be sentenced pursuant to section 3359
2929.142 of the Revised Code. 3360

Sec. 2929.19. (A) The court shall hold a sentencing hearing 3361

before imposing a sentence under this chapter upon an offender who 3362
was convicted of or pleaded guilty to a felony and before 3363
resentencing an offender who was convicted of or pleaded guilty to 3364
a felony and whose case was remanded pursuant to section 2953.07 3365
or 2953.08 of the Revised Code. At the hearing, the offender, the 3366
prosecuting attorney, the victim or the victim's representative in 3367
accordance with section 2930.14 of the Revised Code, and, with the 3368
approval of the court, any other person may present information 3369
relevant to the imposition of sentence in the case. The court 3370
shall inform the offender of the verdict of the jury or finding of 3371
the court and ask the offender whether the offender has anything 3372
to say as to why sentence should not be imposed upon the offender. 3373

(B)(1) At the sentencing hearing, the court, before imposing 3374
sentence, shall consider the record, any information presented at 3375
the hearing by any person pursuant to division (A) of this 3376
section, and, if one was prepared, the presentence investigation 3377
report made pursuant to section 2951.03 of the Revised Code or 3378
Criminal Rule 32.2, and any victim impact statement made pursuant 3379
to section 2947.051 of the Revised Code. 3380

(2) Subject to division (B)(3) of this section, if the 3381
sentencing court determines at the sentencing hearing that a 3382
prison term is necessary or required, the court shall do all of 3383
the following: 3384

(a) Impose a stated prison term and, if the court imposes a 3385
mandatory prison term, notify the offender that the prison term is 3386
a mandatory prison term; 3387

(b) In addition to any other information, include in the 3388
sentencing entry the name and section reference to the offense or 3389
offenses, the sentence or sentences imposed and whether the 3390
sentence or sentences contain mandatory prison terms, if sentences 3391
are imposed for multiple counts whether the sentences are to be 3392
served concurrently or consecutively, and the name and section 3393

reference of any specification or specifications for which 3394
sentence is imposed and the sentence or sentences imposed for the 3395
specification or specifications; 3396

(c) Notify the offender that the offender will be supervised 3397
under section 2967.28 of the Revised Code after the offender 3398
leaves prison if the offender is being sentenced for a felony of 3399
the first degree or second degree, for a felony sex offense, or 3400
for a felony of the third degree that is not a felony sex offense 3401
and in the commission of which the offender caused or threatened 3402
to cause physical harm to a person. If a court imposes a sentence 3403
including a prison term of a type described in division (B)(2)(c) 3404
of this section on or after July 11, 2006, the failure of a court 3405
to notify the offender pursuant to division (B)(2)(c) of this 3406
section that the offender will be supervised under section 2967.28 3407
of the Revised Code after the offender leaves prison or to include 3408
in the judgment of conviction entered on the journal a statement 3409
to that effect does not negate, limit, or otherwise affect the 3410
mandatory period of supervision that is required for the offender 3411
under division (B) of section 2967.28 of the Revised Code. Section 3412
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 3413
court imposed a sentence including a prison term of a type 3414
described in division (B)(2)(c) of this section and failed to 3415
notify the offender pursuant to division (B)(2)(c) of this section 3416
regarding post-release control or to include in the judgment of 3417
conviction entered on the journal or in the sentence a statement 3418
regarding post-release control. 3419

(d) Notify the offender that the offender may be supervised 3420
under section 2967.28 of the Revised Code after the offender 3421
leaves prison if the offender is being sentenced for a felony of 3422
the third, fourth, or fifth degree that is not subject to division 3423
(B)(2)(c) of this section. Section 2929.191 of the Revised Code 3424
applies if, prior to July 11, 2006, a court imposed a sentence 3425

including a prison term of a type described in division (B)(2)(d) 3426
of this section and failed to notify the offender pursuant to 3427
division (B)(2)(d) of this section regarding post-release control 3428
or to include in the judgment of conviction entered on the journal 3429
or in the sentence a statement regarding post-release control. 3430

(e) Notify the offender that, if a period of supervision is 3431
imposed following the offender's release from prison, as described 3432
in division (B)(2)(c) or (d) of this section, and if the offender 3433
violates that supervision or a condition of post-release control 3434
imposed under division (B) of section 2967.131 of the Revised 3435
Code, the parole board may impose a prison term, as part of the 3436
sentence, of up to one-half of the stated prison term originally 3437
imposed upon the offender. If a court imposes a sentence including 3438
a prison term on or after July 11, 2006, the failure of a court to 3439
notify the offender pursuant to division (B)(2)(e) of this section 3440
that the parole board may impose a prison term as described in 3441
division (B)(2)(e) of this section for a violation of that 3442
supervision or a condition of post-release control imposed under 3443
division (B) of section 2967.131 of the Revised Code or to include 3444
in the judgment of conviction entered on the journal a statement 3445
to that effect does not negate, limit, or otherwise affect the 3446
authority of the parole board to so impose a prison term for a 3447
violation of that nature if, pursuant to division (D)(1) of 3448
section 2967.28 of the Revised Code, the parole board notifies the 3449
offender prior to the offender's release of the board's authority 3450
to so impose a prison term. Section 2929.191 of the Revised Code 3451
applies if, prior to July 11, 2006, a court imposed a sentence 3452
including a prison term and failed to notify the offender pursuant 3453
to division (B)(2)(e) of this section regarding the possibility of 3454
the parole board imposing a prison term for a violation of 3455
supervision or a condition of post-release control. 3456

(f) Require that the offender not ingest or be injected with 3457

a drug of abuse and submit to random drug testing as provided in 3458
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 3459
is applicable to the offender who is serving a prison term, and 3460
require that the results of the drug test administered under any 3461
of those sections indicate that the offender did not ingest or was 3462
not injected with a drug of abuse. 3463

~~(g) Include in the offender's sentence a statement notifying 3464
the offender of the information described in division (F)(3) of 3465
section 2929.14 of the Revised Code regarding earned credits under 3466
section 2967.193 of the Revised Code. (i) Determine, notify the 3467
offender of, and include in the sentencing entry the number of 3468
days that the offender has been confined for any reason arising 3469
out of the offense for which the offender is being sentenced and 3470
by which the department of rehabilitation and correction must 3471
reduce the stated prison term under section 2967.191 of the 3472
Revised Code. The court's calculation shall not include the number 3473
of days, if any, that the offender previously served in the 3474
custody of the department of rehabilitation and correction arising 3475
out of the offense for which the prisoner was convicted and 3476
sentenced. 3477~~

~~(ii) In making a determination under division (B)(2)(g)(i) of 3478
this section, the court shall consider the arguments of the 3479
parties and conduct a hearing if one is requested. 3480~~

~~(iii) The sentencing court retains continuing jurisdiction to 3481
correct any error not previously raised at sentencing in making a 3482
determination under division (B)(2)(g)(i) of this section. The 3483
offender may, at any time after sentencing, file a motion in the 3484
sentencing court to correct any error made in making a 3485
determination under division (B)(2)(g)(i) of this section, and the 3486
court may in its discretion grant or deny that motion. If the 3487
court changes the number of days in its determination or 3488
redetermination, the court shall cause the entry granting that 3489~~

change to be delivered to the department of rehabilitation and 3490
correction without delay. Sections 2931.15 and 2953.21 of the 3491
Revised Code do not apply to a motion made under this section. 3492

(iv) An inaccurate determination under division (B)(2)(g)(i) 3493
of this section is not grounds for setting aside the offender's 3494
conviction or sentence and does not otherwise render the sentence 3495
void or voidable. 3496

(3)(a) The court shall include in the offender's sentence a 3497
statement that the offender is a tier III sex 3498
offender/child-victim offender, and the court shall comply with 3499
the requirements of section 2950.03 of the Revised Code if any of 3500
the following apply: 3501

(i) The offender is being sentenced for a violent sex offense 3502
or designated homicide, assault, or kidnapping offense that the 3503
offender committed on or after January 1, 1997, and the offender 3504
is adjudicated a sexually violent predator in relation to that 3505
offense. 3506

(ii) The offender is being sentenced for a sexually oriented 3507
offense that the offender committed on or after January 1, 1997, 3508
and the offender is a tier III sex offender/child-victim offender 3509
relative to that offense. 3510

(iii) The offender is being sentenced on or after July 31, 3511
2003, for a child-victim oriented offense, and the offender is a 3512
tier III sex offender/child-victim offender relative to that 3513
offense. 3514

(iv) The offender is being sentenced under section 2971.03 of 3515
the Revised Code for a violation of division (A)(1)(b) of section 3516
2907.02 of the Revised Code committed on or after January 2, 2007. 3517

(v) The offender is sentenced to a term of life without 3518
parole under division (B) of section 2907.02 of the Revised Code. 3519

(vi) The offender is being sentenced for attempted rape 3520
committed on or after January 2, 2007, and a specification of the 3521
type described in section 2941.1418, 2941.1419, or 2941.1420 of 3522
the Revised Code. 3523

(vii) The offender is being sentenced under division 3524
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 3525
for an offense described in those divisions committed on or after 3526
January 1, 2008. 3527

(b) Additionally, if any criterion set forth in divisions 3528
(B)(3)(a)(i) to (vii) of this section is satisfied, in the 3529
circumstances described in division (E) of section 2929.14 of the 3530
Revised Code, the court shall impose sentence on the offender as 3531
described in that division. 3532

(4) If the sentencing court determines at the sentencing 3533
hearing that a community control sanction should be imposed and 3534
the court is not prohibited from imposing a community control 3535
sanction, the court shall impose a community control sanction. The 3536
court shall notify the offender that, if the conditions of the 3537
sanction are violated, if the offender commits a violation of any 3538
law, or if the offender leaves this state without the permission 3539
of the court or the offender's probation officer, the court may 3540
impose a longer time under the same sanction, may impose a more 3541
restrictive sanction, or may impose a prison term on the offender 3542
and shall indicate the specific prison term that may be imposed as 3543
a sanction for the violation, as selected by the court from the 3544
range of prison terms for the offense pursuant to section 2929.14 3545
of the Revised Code. 3546

(5) Before imposing a financial sanction under section 3547
2929.18 of the Revised Code or a fine under section 2929.32 of the 3548
Revised Code, the court shall consider the offender's present and 3549
future ability to pay the amount of the sanction or fine. 3550

(6) If the sentencing court sentences the offender to a 3551
sanction of confinement pursuant to section 2929.14 or 2929.16 of 3552
the Revised Code that is to be served in a local detention 3553
facility, as defined in section 2929.36 of the Revised Code, and 3554
if the local detention facility is covered by a policy adopted 3555
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 3556
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 3557
and section 2929.37 of the Revised Code, both of the following 3558
apply: 3559

(a) The court shall specify both of the following as part of 3560
the sentence: 3561

(i) If the offender is presented with an itemized bill 3562
pursuant to section 2929.37 of the Revised Code for payment of the 3563
costs of confinement, the offender is required to pay the bill in 3564
accordance with that section. 3565

(ii) If the offender does not dispute the bill described in 3566
division (B)(6)(a)(i) of this section and does not pay the bill by 3567
the times specified in section 2929.37 of the Revised Code, the 3568
clerk of the court may issue a certificate of judgment against the 3569
offender as described in that section. 3570

(b) The sentence automatically includes any certificate of 3571
judgment issued as described in division (B)(6)(a)(ii) of this 3572
section. 3573

(7) The failure of the court to notify the offender that a 3574
prison term is a mandatory prison term pursuant to division 3575
(B)(2)(a) of this section or to include in the sentencing entry 3576
any information required by division (B)(2)(b) of this section 3577
does not affect the validity of the imposed sentence or sentences. 3578
If the sentencing court notifies the offender at the sentencing 3579
hearing that a prison term is mandatory but the sentencing entry 3580
does not specify that the prison term is mandatory, the court may 3581

complete a corrected journal entry and send copies of the 3582
corrected entry to the offender and the department of 3583
rehabilitation and correction, or, at the request of the state, 3584
the court shall complete a corrected journal entry and send copies 3585
of the corrected entry to the offender and department of 3586
rehabilitation and correction. 3587

(C)(1) If the offender is being sentenced for a fourth degree 3588
felony OVI offense under division (G)(1) of section 2929.13 of the 3589
Revised Code, the court shall impose the mandatory term of local 3590
incarceration in accordance with that division, shall impose a 3591
mandatory fine in accordance with division (B)(3) of section 3592
2929.18 of the Revised Code, and, in addition, may impose 3593
additional sanctions as specified in sections 2929.15, 2929.16, 3594
2929.17, and 2929.18 of the Revised Code. The court shall not 3595
impose a prison term on the offender except that the court may 3596
impose a prison term upon the offender as provided in division 3597
(A)(1) of section 2929.13 of the Revised Code. 3598

(2) If the offender is being sentenced for a third or fourth 3599
degree felony OVI offense under division (G)(2) of section 2929.13 3600
of the Revised Code, the court shall impose the mandatory prison 3601
term in accordance with that division, shall impose a mandatory 3602
fine in accordance with division (B)(3) of section 2929.18 of the 3603
Revised Code, and, in addition, may impose an additional prison 3604
term as specified in section 2929.14 of the Revised Code. In 3605
addition to the mandatory prison term or mandatory prison term and 3606
additional prison term the court imposes, the court also may 3607
impose a community control sanction on the offender, but the 3608
offender shall serve all of the prison terms so imposed prior to 3609
serving the community control sanction. 3610

(D) The sentencing court, pursuant to division (I)(1) of 3611
section 2929.14 of the Revised Code, may recommend placement of 3612
the offender in a program of shock incarceration under section 3613

5120.031 of the Revised Code or an intensive program prison under 3614
section 5120.032 of the Revised Code, disapprove placement of the 3615
offender in a program or prison of that nature, or make no 3616
recommendation. If the court recommends or disapproves placement, 3617
it shall make a finding that gives its reasons for its 3618
recommendation or disapproval. 3619

Sec. 2929.26. (A) Except when a mandatory jail term is 3620
required by law, the court imposing a sentence for a misdemeanor, 3621
other than a minor misdemeanor, may impose upon the offender any 3622
community residential sanction or combination of community 3623
residential sanctions under this section. Community residential 3624
sanctions include, but are not limited to, the following: 3625

(1) A term of up to one hundred eighty days in a halfway 3626
house or a term in a halfway house not to exceed the longest jail 3627
term available for the offense, whichever is shorter, if the 3628
political subdivision that would have responsibility for paying 3629
the costs of confining the offender in a jail has entered into a 3630
contract with the halfway house for use of the facility for 3631
misdemeanor offenders; 3632

~~(2) A term of up to one hundred eighty days in an alternative 3633
residential facility or a term in an alternative residential 3634
facility not to exceed the longest jail term available for the 3635
offense, whichever is shorter. The court may specify the level of 3636
security in the alternative residential facility that is needed 3637
for the offender. 3638~~

~~(3)~~ If the offender is an eligible offender, as defined in 3639
section 307.932 of the Revised Code, a term of up to sixty days in 3640
a community alternative sentencing center or district community 3641
alternative sentencing center established and operated in 3642
accordance with that section, in the circumstances specified in 3643
that section, with one of the conditions of the sanction being 3644

that the offender complete in the center the entire term imposed. 3645

(B) A sentence to a community residential sanction under 3646
division (A)(3) of this section shall be in accordance with 3647
section 307.932 of the Revised Code. In all other cases, the court 3648
that sentences an offender to a community residential sanction 3649
under this section may do either or both of the following: 3650

(1) Permit the offender to serve the offender's sentence in 3651
intermittent confinement, overnight, on weekends or at any other 3652
time or times that will allow the offender to continue at the 3653
offender's occupation or care for the offender's family; 3654

(2) Authorize the offender to be released so that the 3655
offender may seek or maintain employment, receive education or 3656
training, receive treatment, perform community service, or 3657
otherwise fulfill an obligation imposed by law or by the court. A 3658
release pursuant to this division shall be only for the duration 3659
of time that is needed to fulfill the purpose of the release and 3660
for travel that reasonably is necessary to fulfill the purposes of 3661
the release. 3662

(C) The court may order that a reasonable portion of the 3663
income earned by the offender upon a release pursuant to division 3664
(B) of this section be applied to any financial sanction imposed 3665
under section 2929.28 of the Revised Code. 3666

(D) No court shall sentence any person to a prison term for a 3667
misdemeanor or minor misdemeanor or to a jail term for a minor 3668
misdemeanor. 3669

(E) If a court sentences a person who has been convicted of 3670
or pleaded guilty to a misdemeanor to a community residential 3671
sanction as described in division (A) of this section, at the time 3672
of reception and at other times the person in charge of the 3673
operation of the halfway house, ~~alternative residential facility,~~ 3674
community alternative sentencing center, district community 3675

alternative sentencing center, or other place at which the 3676
offender will serve the residential sanction determines to be 3677
appropriate, the person in charge of the operation of the halfway 3678
house, ~~alternative residential facility~~, community alternative 3679
sentencing center, district community alternative sentencing 3680
center, or other place may cause the convicted offender to be 3681
examined and tested for tuberculosis, HIV infection, hepatitis, 3682
including, but not limited to, hepatitis A, B, and C, and other 3683
contagious diseases. The person in charge of the operation of the 3684
halfway house, ~~alternative residential facility~~, community 3685
alternative sentencing center, district community alternative 3686
sentencing center, or other place at which the offender will serve 3687
the residential sanction may cause a convicted offender in the 3688
halfway house, ~~alternative residential facility~~, community 3689
alternative sentencing center, district community alternative 3690
sentencing center, or other place who refuses to be tested or 3691
treated for tuberculosis, HIV infection, hepatitis, including, but 3692
not limited to, hepatitis A, B, and C, or another contagious 3693
disease to be tested and treated involuntarily. 3694

(F) A political subdivision may enter into a contract with a 3695
halfway house for use of the halfway house to house misdemeanor 3696
offenders under a sanction imposed under division (A)(1) of this 3697
section. 3698

Sec. 2929.41. (A) Except as provided in division (B) of this 3699
section, division ~~(E)~~(C) of section 2929.14, or division (D) or 3700
(E) of section 2971.03 of the Revised Code, a prison term, jail 3701
term, or sentence of imprisonment shall be served concurrently 3702
with any other prison term, jail term, or sentence of imprisonment 3703
imposed by a court of this state, another state, or the United 3704
States. Except as provided in division (B)(3) of this section, a 3705
jail term or sentence of imprisonment for misdemeanor shall be 3706
served concurrently with a prison term or sentence of imprisonment 3707

for felony served in a state or federal correctional institution. 3708

(B)(1) A jail term or sentence of imprisonment for a 3709
misdemeanor shall be served consecutively to any other prison 3710
term, jail term, or sentence of imprisonment when the trial court 3711
specifies that it is to be served consecutively or when it is 3712
imposed for a misdemeanor violation of section 2907.322, 2921.34, 3713
or 2923.131 of the Revised Code. 3714

When consecutive sentences are imposed for misdemeanor under 3715
this division, the term to be served is the aggregate of the 3716
consecutive terms imposed, except that the aggregate term to be 3717
served shall not exceed eighteen months. 3718

(2) If a court of this state imposes a prison term upon the 3719
offender for the commission of a felony and a court of another 3720
state or the United States also has imposed a prison term upon the 3721
offender for the commission of a felony, the court of this state 3722
may order that the offender serve the prison term it imposes 3723
consecutively to any prison term imposed upon the offender by the 3724
court of another state or the United States. 3725

(3) A jail term or sentence of imprisonment imposed for a 3726
misdemeanor violation of section 4510.11, 4510.14, 4510.16, 3727
4510.21, or 4511.19 of the Revised Code shall be served 3728
consecutively to a prison term that is imposed for a felony 3729
violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of the 3730
Revised Code or a felony violation of section 2903.04 of the 3731
Revised Code involving the operation of a motor vehicle by the 3732
offender and that is served in a state correctional institution 3733
when the trial court specifies that it is to be served 3734
consecutively. 3735

When consecutive jail terms or sentences of imprisonment and 3736
prison terms are imposed for one or more misdemeanors and one or 3737
more felonies under this division, the term to be served is the 3738

aggregate of the consecutive terms imposed, and the offender shall 3739
serve all terms imposed for a felony before serving any term 3740
imposed for a misdemeanor. 3741

Sec. 2951.022. (A) As used in this section: 3742

(1) "Concurrent supervision offender" means any offender who 3743
has been sentenced to community control for one or more 3744
misdemeanor violations or has been placed under a community 3745
control sanction pursuant to section 2929.16, 2929.17, 2929.18, or 3746
2929.20 of the Revised Code and who is simultaneously subject to 3747
supervision by any of the following: 3748

(a) Two or more municipal courts or county courts in this 3749
state; 3750

(b) Two or more courts of common pleas in this state; 3751

(c) One or more courts of common pleas in this state and one 3752
or more municipal courts or county courts in this state. 3753

"Concurrent supervision offender" does not include a parolee 3754
or releasee. 3755

(2) "Parolee" and "releasee" have the same meanings as in 3756
section 2967.01 of the Revised Code. 3757

(B)(1) Except as otherwise provided in divisions (B)(2), (3), 3758
and (4) of this section, a concurrent supervision offender shall 3759
be supervised by the court of conviction that imposed the longest 3760
possible sentence of incarceration and shall not be supervised by 3761
any other court. 3762

(2) In the case of a concurrent supervision offender subject 3763
to supervision by two or more municipal or county courts in the 3764
same county, the municipal or county court in the territorial 3765
jurisdiction in which the offender resides shall supervise the 3766
offender. In the case of a concurrent supervision offender subject 3767
to supervision by a municipal court or county court and a court of 3768

common pleas for two or more equal possible sentences, the 3769
municipal or county court shall supervise the offender. In the 3770
case of a concurrent supervision offender subject to supervision 3771
by two or more courts of common pleas in separate counties in this 3772
state, the court that lies within the same territorial 3773
jurisdiction in which the offender resides shall supervise the 3774
offender. 3775

(3) Separate courts within the same county may enter into an 3776
agreement or adopt local rules of procedure specifying, generally, 3777
that concurrent supervision offenders will be supervised in a 3778
manner other than that provided for in divisions (B)(1) and (2) of 3779
this section. The judges of the various courts of this state 3780
having authority to supervise a concurrent supervision offender 3781
may by local rule authorize the chief probation officer of that 3782
court to manage concurrent supervision offenders under such terms 3783
and guidelines as are consistent with division (C) of this 3784
section. 3785

(4)(a) The judges of the various courts of this state having 3786
jurisdiction over a concurrent supervision offender may agree by 3787
journal entry to transfer jurisdiction over a concurrent 3788
supervision offender from one court to another court in any manner 3789
the courts consider appropriate, if the offender is supervised by 3790
only a single supervising authority at all times. An agreement to 3791
transfer supervision of an offender under division (B)(4)(a) of 3792
this section shall not take effect until approved by every court 3793
having authority to supervise the offender and may provide for the 3794
transfer of supervision to the offender's jurisdiction of 3795
residence whether or not the offender was subject to supervision 3796
in that jurisdiction prior to transfer. In the case of a 3797
subsequent conviction in a court other than the supervising court, 3798
the supervising court may agree to accept a transfer of 3799
jurisdiction from the court of conviction prior to sentencing and 3800

proceed to sentence the offender according to law. 3801

(b) If the judges of the various courts of this state having 3802
authority to supervise a concurrent supervision offender cannot 3803
reach agreement with respect to the supervision of the offender, 3804
the offender may be subject to concurrent supervision in the 3805
interest of justice upon the courts' consideration of the 3806
provisions set forth in division (C) of this section. 3807

(C) In determining whether a court maintains authority to 3808
supervise an offender or transfers authority to supervise the 3809
offender pursuant to division (B)(3) or (4) of this section, the 3810
court shall consider all of the following: 3811

(1) The safety of the community; 3812

(2) The risk that the offender might reoffend; 3813

(3) The nature of the offenses committed by the offender; 3814

(4) The likelihood that the offender will remain in the 3815
jurisdiction; 3816

(5) The ability of the offender to travel to and from the 3817
offender's residence and place of employment or school to the 3818
offices of the supervising authority; 3819

(6) The resources for residential and nonresidential 3820
sanctions or rehabilitative treatment available to the various 3821
courts having supervising authority; 3822

(7) Any other factors consistent with the purposes of 3823
sentencing. 3824

(D) The court having sole authority over a concurrent 3825
supervision offender pursuant to this section shall have complete 3826
authority for enforcement of any financial obligations imposed by 3827
any other court, shall set a payment schedule consistent with the 3828
offender's ability to pay, and shall cause payments of the 3829
offender's financial obligations to be directed to the sentencing 3830

court in proportion to the total amounts ordered by all sentencing courts, or as otherwise agreed by the sentencing courts. Financial obligations include financial sanctions imposed pursuant to sections 2929.18 and 2929.28 of the Revised Code, court costs, and any other financial order or fee imposed by a sentencing court. A supervision fee may be charged only by the agency providing supervision of the case.

(E) Unless the local residential sanction is suspended, the offender shall complete any local residential sanction before jurisdiction is transferred in accordance with this section. The supervising court shall respect all conditions of supervision established by a sentencing court, but any conflicting or inconsistent order of the supervising court shall supersede any other order of a sentencing court. In the case of a concurrent supervision offender, the supervising court shall determine when supervision will be terminated but shall not terminate supervision until all financial obligations are paid or otherwise resolved. Any unpaid financial obligation is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor pursuant to sections 2929.18 and 2929.28 of the Revised Code.

(F) The adult parole authority and one or more courts may enter into an agreement whereby a releasee or parolee who is simultaneously under the supervision of the adult parole authority and the court or courts is supervised exclusively by either the authority or a court.

Sec. 2953.08. (A) In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the

defendant on one of the following grounds: 3862

(1) The sentence consisted of or included the maximum prison 3863
term allowed for the offense by division (A) of section 2929.14 or 3864
section 2929.142 of the Revised Code, the maximum prison term was 3865
not required for the offense pursuant to Chapter 2925. or any 3866
other provision of the Revised Code, and the court imposed the 3867
sentence under one of the following circumstances: 3868

(a) The sentence was imposed for only one offense. 3869

(b) The sentence was imposed for two or more offenses arising 3870
out of a single incident, and the court imposed the maximum prison 3871
term for the offense of the highest degree. 3872

(2) The sentence consisted of or included a prison term, the 3873
offense for which it was imposed is a felony of the fourth or 3874
fifth degree or is a felony drug offense that is a violation of a 3875
provision of Chapter 2925. of the Revised Code and that is 3876
specified as being subject to division (B) of section 2929.13 of 3877
the Revised Code for purposes of sentencing, and the court did not 3878
specify at sentencing that it found one or more factors specified 3879
in divisions (B)~~(1)~~(2)(a) to (i) of section 2929.13 of the Revised 3880
Code to apply relative to the defendant. If the court specifies 3881
that it found one or more of those factors to apply relative to 3882
the defendant, the defendant is not entitled under this division 3883
to appeal as a matter of right the sentence imposed upon the 3884
offender. 3885

(3) The person was convicted of or pleaded guilty to a 3886
violent sex offense or a designated homicide, assault, or 3887
kidnapping offense, was adjudicated a sexually violent predator in 3888
relation to that offense, and was sentenced pursuant to division 3889
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 3890
of the indefinite term imposed pursuant to division (A)(3) of 3891
section 2971.03 of the Revised Code is the longest term available 3892

for the offense from among the range of terms listed in section 3893
2929.14 of the Revised Code. As used in this division, "designated 3894
homicide, assault, or kidnapping offense" and "violent sex 3895
offense" have the same meanings as in section 2971.01 of the 3896
Revised Code. As used in this division, "adjudicated a sexually 3897
violent predator" has the same meaning as in section 2929.01 of 3898
the Revised Code, and a person is "adjudicated a sexually violent 3899
predator" in the same manner and the same circumstances as are 3900
described in that section. 3901

(4) The sentence is contrary to law. 3902

(5) The sentence consisted of an additional prison term of 3903
ten years imposed pursuant to division (B)(2)(a) of section 3904
2929.14 of the Revised Code. 3905

(B) In addition to any other right to appeal and except as 3906
provided in division (D) of this section, a prosecuting attorney, 3907
a city director of law, village solicitor, or similar chief legal 3908
officer of a municipal corporation, or the attorney general, if 3909
one of those persons prosecuted the case, may appeal as a matter 3910
of right a sentence imposed upon a defendant who is convicted of 3911
or pleads guilty to a felony or, in the circumstances described in 3912
division (B)(3) of this section the modification of a sentence 3913
imposed upon such a defendant, on any of the following grounds: 3914

(1) The sentence did not include a prison term despite a 3915
presumption favoring a prison term for the offense for which it 3916
was imposed, as set forth in section 2929.13 or Chapter 2925. of 3917
the Revised Code. 3918

(2) The sentence is contrary to law. 3919

(3) The sentence is a modification under section 2929.20 of 3920
the Revised Code of a sentence that was imposed for a felony of 3921
the first or second degree. 3922

(C)(1) In addition to the right to appeal a sentence granted 3923

under division (A) or (B) of this section, a defendant who is 3924
convicted of or pleads guilty to a felony may seek leave to appeal 3925
a sentence imposed upon the defendant on the basis that the 3926
sentencing judge has imposed consecutive sentences under division 3927
(C)(3) of section 2929.14 of the Revised Code and that the 3928
consecutive sentences exceed the maximum prison term allowed by 3929
division (A) of that section for the most serious offense of which 3930
the defendant was convicted. Upon the filing of a motion under 3931
this division, the court of appeals may grant leave to appeal the 3932
sentence if the court determines that the allegation included as 3933
the basis of the motion is true. 3934

(2) A defendant may seek leave to appeal an additional 3935
sentence imposed upon the defendant pursuant to division (B)(2)(a) 3936
or (b) of section 2929.14 of the Revised Code if the additional 3937
sentence is for a definite prison term that is longer than five 3938
years. 3939

(D)(1) A sentence imposed upon a defendant is not subject to 3940
review under this section if the sentence is authorized by law, 3941
has been recommended jointly by the defendant and the prosecution 3942
in the case, and is imposed by a sentencing judge. 3943

(2) Except as provided in division (C)(2) of this section, a 3944
sentence imposed upon a defendant is not subject to review under 3945
this section if the sentence is imposed pursuant to division 3946
(B)(2)(b) of section 2929.14 of the Revised Code. Except as 3947
otherwise provided in this division, a defendant retains all 3948
rights to appeal as provided under this chapter or any other 3949
provision of the Revised Code. A defendant has the right to appeal 3950
under this chapter or any other provision of the Revised Code the 3951
court's application of division (B)(2)(c) of section 2929.14 of 3952
the Revised Code. 3953

(3) A sentence imposed for aggravated murder or murder 3954
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 3955

subject to review under this section. 3956

(E) A defendant, prosecuting attorney, city director of law, 3957
village solicitor, or chief municipal legal officer shall file an 3958
appeal of a sentence under this section to a court of appeals 3959
within the time limits specified in Rule 4(B) of the Rules of 3960
Appellate Procedure, provided that if the appeal is pursuant to 3961
division (B)(3) of this section, the time limits specified in that 3962
rule shall not commence running until the court grants the motion 3963
that makes the sentence modification in question. A sentence 3964
appeal under this section shall be consolidated with any other 3965
appeal in the case. If no other appeal is filed, the court of 3966
appeals may review only the portions of the trial record that 3967
pertain to sentencing. 3968

(F) On the appeal of a sentence under this section, the 3969
record to be reviewed shall include all of the following, as 3970
applicable: 3971

(1) Any presentence, psychiatric, or other investigative 3972
report that was submitted to the court in writing before the 3973
sentence was imposed. An appellate court that reviews a 3974
presentence investigation report prepared pursuant to section 3975
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 3976
connection with the appeal of a sentence under this section shall 3977
comply with division (D)(3) of section 2951.03 of the Revised Code 3978
when the appellate court is not using the presentence 3979
investigation report, and the appellate court's use of a 3980
presentence investigation report of that nature in connection with 3981
the appeal of a sentence under this section does not affect the 3982
otherwise confidential character of the contents of that report as 3983
described in division (D)(1) of section 2951.03 of the Revised 3984
Code and does not cause that report to become a public record, as 3985
defined in section 149.43 of the Revised Code, following the 3986
appellate court's use of the report. 3987

(2) The trial record in the case in which the sentence was 3988
imposed; 3989

(3) Any oral or written statements made to or by the court at 3990
the sentencing hearing at which the sentence was imposed; 3991

(4) Any written findings that the court was required to make 3992
in connection with the modification of the sentence pursuant to a 3993
judicial release under division (I) of section 2929.20 of the 3994
Revised Code. 3995

(G)(1) If the sentencing court was required to make the 3996
findings required by division (B) or (D) of section 2929.13 or 3997
division (I) of section 2929.20 of the Revised Code, or to state 3998
the findings of the trier of fact required by division (B)(2)(e) 3999
of section 2929.14 of the Revised Code, relative to the imposition 4000
or modification of the sentence, and if the sentencing court 4001
failed to state the required findings on the record, the court 4002
hearing an appeal under division (A), (B), or (C) of this section 4003
shall remand the case to the sentencing court and instruct the 4004
sentencing court to state, on the record, the required findings. 4005

(2) The court hearing an appeal under division (A), (B), or 4006
(C) of this section shall review the record, including the 4007
findings underlying the sentence or modification given by the 4008
sentencing court. 4009

The appellate court may increase, reduce, or otherwise modify 4010
a sentence that is appealed under this section or may vacate the 4011
sentence and remand the matter to the sentencing court for 4012
resentencing. The appellate court's standard for review is not 4013
whether the sentencing court abused its discretion. The appellate 4014
court may take any action authorized by this division if it 4015
clearly and convincingly finds either of the following: 4016

(a) That the record does not support the sentencing court's 4017
findings under division (B) or (D) of section 2929.13, division 4018

(B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

(H) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.

(I)(1) There is hereby established the felony sentence appeal cost oversight committee, consisting of eight members. One member shall be the chief justice of the supreme court or a representative of the court designated by the chief justice, one member shall be a member of the senate appointed by the president of the senate, one member shall be a member of the house of representatives appointed by the speaker of the house of representatives, one member shall be the director of budget and management or a representative of the office of budget and management designated by the director, one member shall be a judge of a court of appeals, court of common pleas, municipal court, or county court appointed by the chief justice of the supreme court, one member shall be the state public defender or a representative of the office of the state public defender designated by the state public defender, one member shall be a prosecuting attorney appointed by the Ohio prosecuting attorneys association, and one member shall be a county commissioner appointed by the county commissioners association of Ohio. No more than three of the appointed members of the committee may be members of the same political party.

The president of the senate, the speaker of the house of representatives, the chief justice of the supreme court, the Ohio prosecuting attorneys association, and the county commissioners association of Ohio shall make the initial appointments to the committee of the appointed members no later than ninety days after July 1, 1996. Of those initial appointments to the committee, the

members appointed by the speaker of the house of representatives 4051
and the Ohio prosecuting attorneys association shall serve a term 4052
ending two years after July 1, 1996, the member appointed by the 4053
chief justice of the supreme court shall serve a term ending three 4054
years after July 1, 1996, and the members appointed by the 4055
president of the senate and the county commissioners association 4056
of Ohio shall serve terms ending four years after July 1, 1996. 4057
Thereafter, terms of office of the appointed members shall be for 4058
four years, with each term ending on the same day of the same 4059
month as did the term that it succeeds. Members may be 4060
reappointed. Vacancies shall be filled in the same manner provided 4061
for original appointments. A member appointed to fill a vacancy 4062
occurring prior to the expiration of the term for which that 4063
member's predecessor was appointed shall hold office as a member 4064
for the remainder of the predecessor's term. An appointed member 4065
shall continue in office subsequent to the expiration date of that 4066
member's term until that member's successor takes office or until 4067
a period of sixty days has elapsed, whichever occurs first. 4068

If the chief justice of the supreme court, the director of 4069
the office of budget and management, or the state public defender 4070
serves as a member of the committee, that person's term of office 4071
as a member shall continue for as long as that person holds office 4072
as chief justice, director of the office of budget and management, 4073
or state public defender. If the chief justice of the supreme 4074
court designates a representative of the court to serve as a 4075
member, the director of budget and management designates a 4076
representative of the office of budget and management to serve as 4077
a member, or the state public defender designates a representative 4078
of the office of the state public defender to serve as a member, 4079
the person so designated shall serve as a member of the commission 4080
for as long as the official who made the designation holds office 4081
as chief justice, director of the office of budget and management, 4082
or state public defender or until that official revokes the 4083

designation. 4084

The chief justice of the supreme court or the representative 4085
of the supreme court appointed by the chief justice shall serve as 4086
chairperson of the committee. The committee shall meet within two 4087
weeks after all appointed members have been appointed and shall 4088
organize as necessary. Thereafter, the committee shall meet at 4089
least once every six months or more often upon the call of the 4090
chairperson or the written request of three or more members, 4091
provided that the committee shall not meet unless moneys have been 4092
appropriated to the judiciary budget administered by the supreme 4093
court specifically for the purpose of providing financial 4094
assistance to counties under division (I)(2) of this section and 4095
the moneys so appropriated then are available for that purpose. 4096

The members of the committee shall serve without 4097
compensation, but, if moneys have been appropriated to the 4098
judiciary budget administered by the supreme court specifically 4099
for the purpose of providing financial assistance to counties 4100
under division (I)(2) of this section, each member shall be 4101
reimbursed out of the moneys so appropriated that then are 4102
available for actual and necessary expenses incurred in the 4103
performance of official duties as a committee member. 4104

(2) The state criminal sentencing commission periodically 4105
shall provide to the felony sentence appeal cost oversight 4106
committee all data the commission collects pursuant to division 4107
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 4108
data from the state criminal sentencing commission, the felony 4109
sentence appeal cost oversight committee periodically shall review 4110
the data; determine whether any money has been appropriated to the 4111
judiciary budget administered by the supreme court specifically 4112
for the purpose of providing state financial assistance to 4113
counties in accordance with this division for the increase in 4114
expenses the counties experience as a result of the felony 4115

sentence appeal provisions set forth in this section or as a 4116
result of a postconviction relief proceeding brought under 4117
division (A)(2) of section 2953.21 of the Revised Code or an 4118
appeal of a judgment in that proceeding; if it determines that any 4119
money has been so appropriated, determine the total amount of 4120
moneys that have been so appropriated specifically for that 4121
purpose and that then are available for that purpose; and develop 4122
a recommended method of distributing those moneys to the counties. 4123
The committee shall send a copy of its recommendation to the 4124
supreme court. Upon receipt of the committee's recommendation, the 4125
supreme court shall distribute to the counties, based upon that 4126
recommendation, the moneys that have been so appropriated 4127
specifically for the purpose of providing state financial 4128
assistance to counties under this division and that then are 4129
available for that purpose. 4130

Sec. 2961.22. (A)(1) Any prisoner serving a prison term in a 4131
state correctional institution who satisfies all of the following 4132
is eligible to apply to the department of rehabilitation and 4133
correction at a time specified in division (A)(2) of this section 4134
and in accordance with division (D) of this section for a 4135
certificate of achievement and employability: 4136

(a) The prisoner has satisfactorily completed one or more 4137
in-prison vocational programs approved by rule by the department 4138
of rehabilitation and correction. 4139

(b) The prisoner has demonstrated exemplary performance as 4140
determined by completion of one or more cognitive or behavioral 4141
improvement programs approved by rule by the department while 4142
incarcerated in a state correctional institution, while under 4143
supervision, or during both periods of time. 4144

(c) The prisoner has completed community service hours. 4145

(d) The prisoner shows other evidence of achievement and 4146

rehabilitation while under the jurisdiction of the department. 4147

(2) An eligible prisoner may apply to the department of 4148
rehabilitation and correction under division (A)(1) of this 4149
section for a certificate of achievement and employability no 4150
earlier than one year prior to the date scheduled for the release 4151
of the prisoner from department custody and no later than the date 4152
of release of the prisoner. 4153

(B)(1) Any prisoner who has been released from a state 4154
correctional institution, who is under supervision on parole or 4155
under a post-release control sanction, and who satisfies all of 4156
the criteria set forth in division (A)(1) of this section is 4157
eligible to apply to the adult parole authority at a time 4158
specified in division (B)(2) of this section and in accordance 4159
with division (D) of this section for a certificate of achievement 4160
and employability. 4161

(2) An eligible prisoner may apply to the adult parole 4162
authority under division (B)(1) of this section for a certificate 4163
of achievement and employability at any time while the prisoner is 4164
under supervision on parole or under a post-release control 4165
sanction. 4166

(C)(1) An eligible prisoner may apply to the department of 4167
rehabilitation and correction or to the adult parole authority at 4168
a time specified in division (A) or (B) of this section, whichever 4169
is applicable, for a certificate of achievement and employability 4170
that grants the prisoner relief from one or more mandatory civil 4171
impacts that would affect a potential job within a field in which 4172
the prisoner trained as part of the prisoner's in-prison 4173
vocational program. The prisoner shall specify the mandatory civil 4174
impacts from which the prisoner is requesting relief under the 4175
certificate. Upon application by a prisoner in accordance with 4176
this division, if the mandatory civil impact of any licensing 4177
agency would be affected by the issuance of the certificate to the 4178

prisoner, the department or authority shall notify the licensing 4179
agency of the filing of the application, provide the licensing 4180
agency with a copy of the application and all evidence that the 4181
department, authority, or court has regarding the prisoner, and 4182
afford the licensing agency with an opportunity to object in 4183
writing to the issuance of the certificate to the prisoner. 4184

(2) Upon application by a prisoner in accordance with 4185
division (C)(1) of this section, the department of rehabilitation 4186
and correction or the adult parole authority, whichever is 4187
applicable, shall consider the application and all objections to 4188
the issuance of a certificate of achievement and employability to 4189
the prisoner, if any, that were made by a licensing agency under 4190
division (C)(1) of this section. If the department or authority 4191
determines that the prisoner is an eligible prisoner, that the 4192
application was filed at a time specified in division (B) of this 4193
section, and that any licensing agency objections to the issuance 4194
of the certificate to the prisoner are not sufficient to deny the 4195
issuance of the certificate to the prisoner, subject to division 4196
(C)(3) of this section, the department or authority shall issue 4197
the prisoner a certificate of achievement and employability that 4198
grants the prisoner relief from the mandatory civil impacts that 4199
are specified in the prisoner's application and that would affect 4200
a potential job within a field in which the prisoner trained as 4201
part of the prisoner's in-prison vocational program. 4202

(3) The mandatory civil impacts identified in division (A)(1) 4203
of section 2961.01 and in division (B) of section 2961.02 of the 4204
Revised Code shall not be affected by any certificate of 4205
achievement and employability issued under this section. No 4206
certificate of achievement and employability issued to a prisoner 4207
under this section grants the prisoner relief from the mandatory 4208
civil impacts identified in division (A)(1) of section 2961.01 and 4209
in division (B) of section 2961.02 of the Revised Code. 4210

~~(E)~~(D) The department of rehabilitation and correction shall 4211
adopt rules that define in-prison vocational programs and 4212
cognitive or behavioral improvement programs that a prisoner may 4213
complete to satisfy the criteria described in divisions (A)(1)(a) 4214
and (b) of this section. 4215

(E) The department of rehabilitation and correction and the 4216
adult parole authority shall not be liable for any claim for 4217
damages arising from the department's or authority's issuance, 4218
denial, or revocation of a certificate of achievement and 4219
employability or for the department's or authority's failure to 4220
revoke a certificate of achievement and employability under the 4221
circumstances described in section 2961.24 of the Revised Code. 4222

Sec. 2967.03. The adult parole authority may exercise its 4223
functions and duties in relation to the pardon, commutation of 4224
sentence, or reprieve of a convict upon direction of the governor 4225
or upon its own initiative. It may exercise its functions and 4226
duties in relation to the parole of a prisoner who is eligible for 4227
parole upon the initiative of the head of the institution in which 4228
the prisoner is confined or upon its own initiative. When a 4229
prisoner becomes eligible for parole, the head of the institution 4230
in which the prisoner is confined shall notify the authority in 4231
the manner prescribed by the authority. The authority may 4232
investigate and examine, or cause the investigation and 4233
examination of, prisoners confined in state correctional 4234
institutions concerning their conduct in the institutions, their 4235
mental and moral qualities and characteristics, their knowledge of 4236
a trade or profession, their former means of livelihood, their 4237
family relationships, and any other matters affecting their 4238
fitness to be at liberty without being a threat to society. 4239

The authority may recommend to the governor the pardon, 4240
commutation of sentence, ~~medical release,~~ or reprieve of any 4241

convict or prisoner or grant a parole to any prisoner for whom 4242
parole is authorized, if in its judgment there is reasonable 4243
ground to believe that granting a pardon, commutation, ~~medical~~ 4244
~~release~~, or reprieve to the convict or paroling the prisoner would 4245
further the interests of justice and be consistent with the 4246
welfare and security of society. However, the authority shall not 4247
recommend a pardon, or commutation of sentence, ~~or medical release~~ 4248
~~ef~~, or grant a parole to, any convict or prisoner until the 4249
authority has complied with the applicable notice requirements of 4250
sections 2930.16 and 2967.12 of the Revised Code and until it has 4251
considered any statement made by a victim or a victim's 4252
representative that is relevant to the convict's or prisoner's 4253
case and that was sent to the authority pursuant to section 4254
2930.17 of the Revised Code, any other statement made by a victim 4255
or a victim's representative that is relevant to the convict's or 4256
prisoner's case and that was received by the authority after it 4257
provided notice of the pendency of the action under sections 4258
2930.16 and 2967.12 of the Revised Code, and any written statement 4259
of any person submitted to the court pursuant to division (G) of 4260
section 2967.12 of the Revised Code. If a victim, victim's 4261
representative, or the victim's spouse, parent, sibling, or child 4262
appears at a full board hearing of the parole board and gives 4263
testimony as authorized by section 5149.101 of the Revised Code, 4264
the authority shall consider the testimony in determining whether 4265
to grant a parole. The trial judge and prosecuting attorney of the 4266
trial court in which a person was convicted shall furnish to the 4267
authority, at the request of the authority, a summarized statement 4268
of the facts proved at the trial and of all other facts having 4269
reference to the propriety of recommending a pardon, or 4270
~~commutation, or medical release~~, or granting a parole, together 4271
with a recommendation for or against a pardon, commutation, 4272
~~medical release~~, or parole, and the reasons for the 4273
recommendation. The trial judge, the prosecuting attorney, 4274

specified law enforcement agency members, and a representative of 4275
the prisoner may appear at a full board hearing of the parole 4276
board and give testimony in regard to the grant of a parole to the 4277
prisoner as authorized by section 5149.101 of the Revised Code. 4278
All state and local officials shall furnish information to the 4279
authority, when so requested by it in the performance of its 4280
duties. 4281

The adult parole authority shall exercise its functions and 4282
duties in relation to the release of prisoners who are serving a 4283
stated prison term in accordance with section 2967.28 of the 4284
Revised Code. 4285

Sec. 2967.05. (A) As used in this section: 4286

(1) "Imminent danger of death" means that the inmate has a 4287
medically diagnosable condition that will cause death to occur 4288
within a short period of time. 4289

As used in division (A)(1) of this section, "within a short 4290
period of time" means generally within six months. 4291

(2)(a) "Medically incapacitated" means any diagnosable 4292
medical condition, including mental dementia and severe, permanent 4293
medical or cognitive disability, that prevents the inmate from 4294
completing activities of daily living without significant 4295
assistance, that incapacitates the inmate to the extent that 4296
institutional confinement does not offer additional restrictions, 4297
that is likely to continue throughout the entire period of parole, 4298
and that is unlikely to improve noticeably. 4299

(b) "Medically incapacitated" does not include conditions 4300
related solely to mental illness unless the mental illness is 4301
accompanied by injury, disease, or organic defect. 4302

(3)(a) "Terminal illness" means a condition that satisfies 4303
all of the following criteria: 4304

(i) The condition is irreversible and incurable and is caused 4305
by disease, illness, or injury from which the inmate is unlikely 4306
to recover. 4307

(ii) In accordance with reasonable medical standards and a 4308
reasonable degree of medical certainty, the condition is likely to 4309
cause death to the inmate within twelve months. 4310

(iii) Institutional confinement of the inmate does not offer 4311
additional protections for public safety or against the inmate's 4312
risk to reoffend. 4313

(b) The department of rehabilitation and correction shall 4314
adopt rules pursuant to Chapter 119. of the Revised Code to 4315
implement the definition of "terminal illness" in division 4316
(A)(3)(a) of this section. 4317

(B) Upon the recommendation of the director of rehabilitation 4318
and correction, accompanied by a certificate of the attending 4319
physician that an inmate is terminally ill, medically 4320
incapacitated, or in imminent danger of death, the governor may 4321
order the inmate's release as if on parole, reserving the right to 4322
return the inmate to the institution pursuant to this section. If, 4323
subsequent to the inmate's release, the inmate's health improves 4324
so that the inmate is no longer terminally ill, medically 4325
incapacitated, or in imminent danger of death, the inmate shall be 4326
returned, by order of the governor, to the institution from which 4327
the inmate was released. If the inmate violates any rules or 4328
conditions applicable to the inmate, the inmate may be returned to 4329
an institution under the control of the department of 4330
rehabilitation and correction. The governor may direct the adult 4331
parole authority to investigate or cause to be investigated the 4332
inmate and make a recommendation ~~in the manner set forth in~~ 4333
~~section 2967.03 of the Revised Code.~~ An inmate released under this 4334
section shall be subject to supervision by the adult parole 4335
authority in accordance with any recommendation of the adult 4336

parole authority that is approved by the governor. The adult 4337
parole authority shall adopt rules pursuant to section 119.03 of 4338
the Revised Code to establish the procedure for medical release of 4339
an inmate when an inmate is terminally ill, medically 4340
incapacitated, or in imminent danger of death. 4341

(C) No inmate is eligible for release under this section if 4342
the inmate is serving a death sentence, a sentence of life without 4343
parole, a sentence under Chapter 2971. of the Revised Code for a 4344
felony of the first or second degree, a sentence for aggravated 4345
murder or murder, or a mandatory prison term for an offense of 4346
violence or any specification described in Chapter 2941. of the 4347
Revised Code. 4348

Sec. 2967.14. (A) The department of rehabilitation and 4349
correction or the adult parole authority may require or allow a 4350
parolee, a releasee, or a prisoner otherwise released from a state 4351
correctional institution to reside in a halfway house or other 4352
suitable community residential center that has been licensed by 4353
the division of parole and community services pursuant to division 4354
(C) of this section during a part or for the entire period of the 4355
offender's or parolee's conditional release or of the releasee's 4356
term of post-release control. The court of common pleas that 4357
placed an offender under a sanction consisting of a term in a 4358
halfway house or in an alternative residential sanction may 4359
require the offender to reside in a halfway house or other 4360
suitable community residential center that is designated by the 4361
court and that has been licensed by the division pursuant to 4362
division (C) of this section during a part or for the entire 4363
period of the offender's residential sanction. 4364

(B) The division of parole and community services may 4365
negotiate and enter into agreements with any public or private 4366
agency or a department or political subdivision of the state that 4367

operates a halfway house, reentry center, or community residential 4368
center that has been licensed by the division pursuant to division 4369
(C) of this section. An agreement under this division shall 4370
provide for the purchase of beds, shall set limits of supervision 4371
and levels of occupancy, and shall determine the scope of services 4372
for all eligible offenders, including those subject to a 4373
residential sanction, as defined in rules adopted by the director 4374
of rehabilitation and correction in accordance with Chapter 119. 4375
of the Revised Code, or those released from prison without 4376
supervision. The payments for beds and services shall not exceed 4377
the total operating costs of the halfway house, reentry center, or 4378
community residential center during the term of an agreement. The 4379
director of rehabilitation and correction shall adopt rules in 4380
accordance with Chapter 119. of the Revised Code for determining 4381
includable and excludable costs and income to be used in computing 4382
the agency's average daily per capita costs with its facility at 4383
full occupancy. 4384

The ~~department~~ director of rehabilitation and correction ~~may~~ 4385
shall adopt rules providing for the use of no more than ten 4386
fifteen per cent of the amount appropriated to the department each 4387
fiscal year for the halfway house, reentry center, and community 4388
residential center program to pay for contracts with licensed 4389
halfway houses for nonresidential services for offenders under the 4390
supervision of the adult parole authority, including but not 4391
limited to, offenders supervised pursuant to an agreement entered 4392
into by the adult parole authority and a court of common pleas 4393
under section 2301.32 of the Revised Code. The nonresidential 4394
services may include, but are not limited to, treatment for 4395
substance abuse, mental health counseling, counseling for sex 4396
offenders, ~~and~~ electronic monitoring services, aftercare, and 4397
other nonresidential services that the director identifies by 4398
rule. 4399

(C) The division of parole and community services may license 4400
a halfway house, reentry center, or community residential center 4401
as a suitable facility for the care and treatment of adult 4402
offenders, including offenders sentenced under section 2929.16 or 4403
2929.26 of the Revised Code, only if the halfway house, reentry 4404
center, or community residential center complies with the 4405
standards that the division adopts in accordance with Chapter 119. 4406
of the Revised Code for the licensure of halfway houses, reentry 4407
centers, and community residential centers. The division shall 4408
annually inspect each licensed halfway house, licensed reentry 4409
center, and licensed community residential center to determine if 4410
it is in compliance with the licensure standards. 4411

Sec. 2967.19. (A) As used in this section: 4412

(1) "Deadly weapon" and "dangerous ordnance" have the same 4413
meanings as in section 2923.11 of the Revised Code. 4414

(2) "Disqualifying prison term" means any of the following: 4415

(a) A prison term imposed for aggravated murder, murder, 4416
voluntary manslaughter, involuntary manslaughter, felonious 4417
assault, kidnapping, rape, aggravated arson, aggravated burglary, 4418
or aggravated robbery; 4419

(b) A prison term imposed for complicity in, an attempt to 4420
commit, or conspiracy to commit any offense listed in division 4421
(A)(2)(a) of this section; 4422

(c) A prison term of life imprisonment, including any term of 4423
life imprisonment that has parole eligibility; 4424

(d) A prison term imposed for any felony other than carrying 4425
a concealed weapon an essential element of which is any conduct or 4426
failure to act expressly involving any deadly weapon or dangerous 4427
ordnance; 4428

(e) A prison term imposed for any violation of section 4429

2925.03 of the Revised Code that is a felony of the first or
second degree; 4430
4431

(f) A prison term imposed for engaging in a pattern of
corrupt activity in violation of section 2923.32 of the Revised
Code; 4432
4433
4434

(g) A prison term imposed pursuant to section 2971.03 of the
Revised Code; 4435
4436

(h) A prison term imposed for any sexually oriented offense. 4437

(3) "Eligible prison term" means any prison term that is not
a disqualifying prison term and is not a restricting prison term. 4438
4439

(4) "Restricting prison term" means any of the following: 4440

(a) A mandatory prison term imposed under division
~~(D)~~(B)(1)(a), ~~(D)~~(B)(1)(c), ~~(D)~~(B)(1)(f), ~~(D)~~(B)(1)(g), ~~(D)~~(B)(2),
or ~~(D)~~(B)(7) of section 2929.14 of the Revised Code for a
specification of the type described in that division; 4441
4442
4443
4444

(b) In the case of an offender who has been sentenced to a
mandatory prison term for a specification of the type described in
division (A)(4)(a) of this section, the prison term imposed for
the felony offense for which the specification was stated at the
end of the body of the indictment, count in the indictment, or
information charging the offense; 4445
4446
4447
4448
4449
4450

(c) A prison term imposed for trafficking in persons; 4451

(d) A prison term imposed for any offense that is described
in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii)
of this section applies to the offender: 4452
4453
4454

(i) The offense is a felony of the first or second degree
that is an offense of violence and that is not described in
division (A)(2)(a) or (b) of this section, an attempt to commit a
felony of the first or second degree that is an offense of
violence and that is not described in division (A)(2)(a) or (b) of 4455
4456
4457
4458
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this section if the attempt is a felony of the first or second 4460
degree, or an offense under an existing or former law of this 4461
state, another state, or the United States that is or was 4462
substantially equivalent to any other offense described in this 4463
division. 4464

(ii) The offender previously was convicted of or pleaded 4465
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 4466
this section. 4467

(5) "Sexually oriented offense" has the same meaning as in 4468
section 2950.01 of the Revised Code. 4469

(B) The director of the department of rehabilitation and 4470
correction may ~~petition~~ recommend in writing to the sentencing 4471
court ~~for the release that the court consider releasing~~ from 4472
prison ~~of~~ any offender who, on or after September 30, 2011, is 4473
confined in a state correctional institution ~~under, who is serving~~ 4474
a stated prison term of one year or more, and who is eligible 4475
under division (C) of this section for a release under this 4476
section ~~and who has served at least eighty per cent of that stated~~ 4477
~~prison term that remains to be served after the offender becomes~~ 4478
~~eligible as described in that division.~~ If the director wishes to 4479
~~submit a petition for release~~ recommend that the sentencing court 4480
consider releasing an offender under this section, the director 4481
shall ~~submit the petition~~ notify the sentencing court in writing 4482
of the offender's eligibility not earlier than ninety days prior 4483
to the date on which the offender ~~has served eighty per cent of~~ 4484
~~the offender's stated prison term that remains to be served after~~ 4485
~~the offender~~ becomes eligible as described in division (C) of this 4486
section. The director's submission of ~~a petition for release under~~ 4487
~~this section~~ the written notice constitutes a recommendation by 4488
the director that the court strongly consider release of the 4489
offender consistent with the purposes and principles of sentencing 4490
set forth in sections 2929.11 and 2929.13 of the Revised Code. 4491

Only an offender recommended by the director under division (B) of this section may be considered for early release under this section. 4492
4493
4494

(C)(1) An offender serving a stated prison term of one year 4495
or more and who has commenced service of that stated prison term 4496
becomes eligible for release from prison under this section only 4497
as described in this division. An offender serving a stated prison 4498
term that includes a disqualifying prison term is not eligible for 4499
release from prison under this section. An offender serving a 4500
stated prison term that consists solely of one or more restricting 4501
prison terms is not eligible for release under this section. An 4502
offender serving a stated prison term of one year or more that 4503
includes one or more restricting prison terms and one or more 4504
eligible prison terms becomes eligible for release under this 4505
section after having fully served ~~each~~ all restricting prison ~~term~~ 4506
terms and having served eighty per cent of the stated prison term 4507
that remains to be served after all restricting prison terms have 4508
been fully served. An offender serving a stated prison term that 4509
consists solely of one or more eligible prison terms becomes 4510
eligible for release under this section ~~upon the offender's~~ 4511
~~commencement of service~~ after having served eighty per cent of 4512
that stated prison term. ~~After an offender becomes eligible for~~ 4513
~~release under this section, the director of rehabilitation and~~ 4514
~~correction may petition for the release of the offender under~~ 4515
~~division (C)(2) of this section no earlier than ninety days before~~ 4516
~~the offender has served the portion of the offender's stated~~ 4517
~~prison term specified in that division.~~ For purposes of 4518
determining an offender's eligibility for release under this 4519
section, if the offender's stated prison term includes consecutive 4520
prison terms, any restricting prison terms shall be deemed served 4521
prior to any eligible prison terms that run consecutively to the 4522
restricting prison terms, and the eligible prison terms are deemed 4523
to commence after all of the restricting prison terms have been 4524

fully served. 4525

An offender serving a stated prison term ~~one of~~ one year or 4526
more that includes a mandatory prison term that is not a 4527
disqualifying prison term and is not a restricting prison term is 4528
not automatically ineligible as a result of the offender's service 4529
of that mandatory term for release from prison under this section, 4530
and the offender's eligibility for release from prison under this 4531
section is determined in accordance with this division. 4532

(2) If an offender confined in a state correctional 4533
institution under a stated prison term is eligible for release 4534
under this section as described in division (C)(1) of this 4535
section, the director of the department of rehabilitation and 4536
correction may ~~petition~~ recommend in writing that the sentencing 4537
court ~~pursuant to division (B) of this section for the release~~ 4538
consider releasing the offender from prison of the offender under 4539
this section by submitting to the sentencing court the written 4540
notice described in division (B) of this section. 4541

(D) The director shall include with any ~~petition~~ notice 4542
submitted to the sentencing court under division (B) of this 4543
section an institutional summary report that covers the offender's 4544
participation while confined in a state correctional institution 4545
in school, training, work, treatment, and other rehabilitative 4546
activities and any disciplinary action taken against the offender 4547
while so confined. The director shall include with the ~~petition~~ a 4548
~~post-release control assessment and placement plan, when relevant,~~ 4549
and notice any other documentation requested by the court, if 4550
available. 4551

(E) When the director submits a ~~petition~~ written notice to a 4552
sentencing court that an offender is eligible to be considered for 4553
early release under this section ~~for release of an offender~~, the 4554
department promptly shall provide to the prosecuting attorney of 4555
the county in which the offender was indicted a copy of the 4556

~~petition~~ written notice, a copy of the institutional summary 4557
report, and any other information provided to the court. The 4558
department also promptly shall give written notice of the ~~filing~~ 4559
~~of the petition~~ submission to any victim of the offender or 4560
victim's representative of any victim of the offender who is 4561
registered with the office of victim's services. 4562

The department also shall post a copy of the written notice 4563
~~of the petition~~ on the database it maintains under section 5120.66 4564
of the Revised Code and include information on where a person may 4565
send comments regarding the ~~petition~~ recommendation of early 4566
release. 4567

The information provided to the court, the prosecutor, and 4568
the victim or victim's representative under divisions (D) and (E) 4569
of this section shall include the name and contact information of 4570
a specific department of rehabilitation and correction employee 4571
who is available to answer questions about the offender who is the 4572
subject of the written notice submitted by the director, 4573
including, but not limited to, the offender's institutional 4574
conduct and rehabilitative activities while incarcerated. 4575

(F) Upon receipt of a ~~petition for release of an offender~~ 4576
written notice submitted by the director under division (B) of 4577
this section, the court ~~may deny the petition without~~ either 4578
shall, on its own motion, schedule a hearing to consider releasing 4579
the offender who is the subject of the notice or shall inform the 4580
department that it will not be conducting a hearing relative to 4581
the offender. The court shall not grant a ~~petition for an early~~ 4582
release ~~of~~ to an offender without holding a hearing. If a court 4583
~~denies a petition for release of an offender without~~ declines to 4584
hold a hearing relative to an offender with respect to a written 4585
notice submitted by the director, the court may later consider 4586
release of that offender under this section on a ~~subsequent~~ 4587
~~petition~~. ~~The court shall enter its ruling within~~ its own motion 4588

by scheduling a hearing for that purpose. Within thirty days after 4589
the ~~petition~~ written notice is filed submitted, the court shall 4590
inform the department whether or not the court is scheduling a 4591
hearing on the offender who is the subject of the notice. 4592

(G) If the court ~~grants~~ schedules a hearing ~~on~~ upon receiving 4593
~~a petition for release of an offender~~ written notice submitted 4594
under division (B) of this section or upon its own motion under 4595
division (F) of this section, the court shall notify the head of 4596
the state correctional institution in which the offender is 4597
confined of the hearing prior to the hearing. If the court makes a 4598
journal entry ordering the offender to be conveyed to the hearing, 4599
except as otherwise provided in this division, the head of the 4600
correctional institution shall deliver the offender to the sheriff 4601
of the county in which the hearing is to be held, and the sheriff 4602
shall convey the offender to and from the hearing. Upon the 4603
court's own motion or the motion of the offender or the 4604
prosecuting attorney of the county in which the offender was 4605
indicted, the court may permit the offender to appear at the 4606
hearing by video conferencing equipment if equipment of that 4607
nature is available and compatible. 4608

Upon receipt of notice from a court of a hearing on the 4609
release of an offender under this division, the head of the state 4610
correctional institution in which the offender is confined 4611
immediately shall notify the appropriate person at the department 4612
of rehabilitation and correction of the hearing, and the 4613
department within twenty-four hours after receipt of the notice 4614
shall post on the database it maintains pursuant to section 4615
5120.66 of the Revised Code the offender's name and all of the 4616
information specified in division (A)(1)(c)(i) of that section. If 4617
the court ~~grants~~ schedules a hearing ~~on a petition for release of~~ 4618
~~an offender~~ under this section, the court promptly shall give 4619
notice of the hearing to the prosecuting attorney of the county in 4620

which the offender was indicted. Upon receipt of the notice from 4621
the court, the prosecuting attorney shall notify pursuant to 4622
section 2930.16 of the Revised Code any victim of the offender or 4623
the victim's representative of the hearing. 4624

(H) If the court ~~grants~~ schedules a hearing ~~on a petition for~~ 4625
~~release of an offender~~ under this section, at the hearing, the 4626
court shall afford the offender and the offender's attorney an 4627
opportunity to present written information and, if present, oral 4628
information relevant to the ~~motion~~ offender's early release. The 4629
court shall afford a similar opportunity to the prosecuting 4630
attorney, victim or victim's representative, as defined in section 4631
2930.01 of the Revised Code, and any other person the court 4632
determines is likely to present additional relevant information. 4633
If the court pursuant to division (G) of this section permits the 4634
offender to appear at the hearing by video conferencing equipment, 4635
the offender's opportunity to present oral information shall be as 4636
a part of the video conferencing. The court shall consider any 4637
statement of a victim made under section 2930.14 or 2930.17 of the 4638
Revised Code, any victim impact statement prepared under section 4639
2947.051 of the Revised Code, and any report, ~~plan~~, and other 4640
documentation submitted by the director under division (D) of this 4641
section. After ruling on ~~the motion~~ whether to grant the offender 4642
early release, the court shall notify the victim in accordance 4643
with sections 2930.03 and 2930.16 of the Revised Code. 4644

(I) If the court grants ~~a petition for release of~~ an offender 4645
early release under this section, it shall order the release of 4646
the offender, shall place the offender under one or more 4647
appropriate community control sanctions, under appropriate 4648
conditions, and under the supervision of the department of 4649
probation that serves the court, and shall reserve the right to 4650
reimpose the sentence that it reduced and from which the offender 4651
was released if the offender violates the sanction. The court 4652

shall not make a release under this section effective prior to the 4653
date on which the offender ~~has served at least eighty per cent of~~ 4654
~~the offender's stated prison term that remains to be served after~~ 4655
~~the offender~~ becomes eligible as described in division (C) of this 4656
section. If the sentence under which the offender is confined in a 4657
state correctional institution and from which the offender is 4658
being released was imposed for a felony of the first or second 4659
degree, the court shall consider ordering that the offender be 4660
monitored by means of a global positioning device. If the court 4661
reimposes the sentence that it reduced and from which the offender 4662
was released and if the violation of the sanction is a new 4663
offense, the court may order that the reimposed sentence be served 4664
either concurrently with, or consecutive to, any new sentence 4665
imposed upon the offender as a result of the violation that is a 4666
new offense. The period of all community control sanctions imposed 4667
under this division shall not exceed five years. The court, in its 4668
discretion, may reduce the period of community control sanctions 4669
by the amount of time the offender spent in jail or prison for the 4670
offense. 4671

If the court grants ~~a petition for release of~~ an offender 4672
early release under this section, it shall notify the appropriate 4673
person at the department of rehabilitation and correction of the 4674
release, and the department shall post notice of the release on 4675
the database it maintains pursuant to section 5120.66 of the 4676
Revised Code. 4677

(J) The department shall adopt under Chapter 119. of the 4678
Revised Code any rules necessary to implement this section. 4679

Sec. 2967.191. The department of rehabilitation and 4680
correction shall reduce the stated prison term of a prisoner or, 4681
if the prisoner is serving a term for which there is parole 4682
eligibility, the minimum and maximum term or the parole 4683

eligibility date of the prisoner by the total number of days that 4684
the prisoner was confined for any reason arising out of the 4685
offense for which the prisoner was convicted and sentenced, 4686
including confinement in lieu of bail while awaiting trial, 4687
confinement for examination to determine the prisoner's competence 4688
to stand trial or sanity, and confinement while awaiting 4689
transportation to the place where the prisoner is to serve the 4690
prisoner's prison term, as determined by the sentencing court 4691
under division (B)(2)(g)(i) of section 2929.19 of the Revised 4692
Code. The department of rehabilitation and correction also shall 4693
reduce the stated prison term of a prisoner or, if the prisoner is 4694
serving a term for which there is parole eligibility, the minimum 4695
and maximum term or the parole eligibility date of the prisoner by 4696
the total number of days, if any, that the prisoner previously 4697
served in the custody of the department of rehabilitation and 4698
correction arising out of the offense for which the prisoner was 4699
convicted and sentenced. 4700

Sec. 2967.193. (A)(1) Except as provided in division (C) of 4701
this section and subject to the maximum aggregate total specified 4702
in division (A)(2) of this section, a person confined in a state 4703
correctional institution may provisionally earn one day or five 4704
days of credit, based on the category set forth in division 4705
(D)(1), (2), (3), (4), or (5) of this section in which the person 4706
is included, toward satisfaction of the person's stated prison 4707
term for each completed month during which the person productively 4708
participates in an education program, vocational training, 4709
employment in prison industries, treatment for substance abuse, or 4710
any other constructive program developed by the department with 4711
specific standards for performance by prisoners. Except as 4712
provided in division (C) of this section and subject to the 4713
maximum aggregate total specified in division (A)(2) of this 4714
section, a person so confined who successfully completes two 4715

programs or activities of that type may, in addition, 4716
provisionally earn up to five days of credit toward satisfaction 4717
of the person's stated prison term for the successful completion 4718
of the second program or activity. The person shall not be awarded 4719
any provisional days of credit for the successful completion of 4720
the first program or activity or for the successful completion of 4721
any program or activity that is completed after the second program 4722
or activity. At the end of each calendar month in which a prisoner 4723
productively participates in a program or activity listed in this 4724
division or successfully completes a program or activity listed in 4725
this division, the department of rehabilitation and correction 4726
shall determine and record the total number of days credit that 4727
the prisoner provisionally earned in that calendar month. If the 4728
prisoner violates prison rules, the department may deny the 4729
prisoner a credit that otherwise could have been provisionally 4730
awarded to the prisoner or may withdraw one or more credits 4731
previously provisionally earned by the prisoner. Days of credit 4732
provisionally earned by a prisoner shall be finalized and awarded 4733
by the department subject to administrative review by the 4734
department of the prisoner's conduct. 4735

(2) The aggregate days of credit provisionally earned by a 4736
person for program or activity participation and program and 4737
activity completion under this section and the aggregate days of 4738
credit finally credited to a person under this section shall not 4739
exceed eight per cent of the total number of days in the person's 4740
stated prison term. 4741

(B) The department of rehabilitation and correction shall 4742
adopt rules that specify the programs or activities for which 4743
credit may be earned under this section, the criteria for 4744
determining productive participation in, or completion of, the 4745
programs or activities and the criteria for awarding credit, 4746
including criteria for awarding additional credit for successful 4747

program or activity completion, and the criteria for denying or 4748
withdrawing previously provisionally earned credit as a result of 4749
a violation of prison rules. 4750

(C) No person confined in a state correctional institution to 4751
whom any of the following applies shall be awarded any days of 4752
credit under division (A) of this section: 4753

(1) The person is serving a prison term that section 2929.13 4754
or section 2929.14 of the Revised Code specifies cannot be reduced 4755
pursuant to this section or this ~~Chapter~~ chapter or is serving a 4756
sentence for which section 2967.13 or division (B) of section 4757
2929.143 of the Revised Code specifies that the person is not 4758
entitled to any earned credit under this section. 4759

(2) The person is sentenced to death or is serving a prison 4760
term or a term of life imprisonment for aggravated murder, murder, 4761
or a conspiracy or attempt to commit, or complicity in committing, 4762
aggravated murder or murder. 4763

(3) The person is serving a sentence of life imprisonment 4764
without parole imposed pursuant to section 2929.03 or 2929.06 of 4765
the Revised Code, a prison term or a term of life imprisonment 4766
without parole imposed pursuant to section 2971.03 of the Revised 4767
Code, or a sentence for a sexually oriented offense that was 4768
committed on or after ~~the effective date of this amendment~~ 4769
September 30, 2011. 4770

(D) This division does not apply to a determination of 4771
whether a person confined in a state correctional institution may 4772
earn any days of credit under division (A) of this section for 4773
successful completion of a second program or activity. The 4774
determination of whether a person confined in a state correctional 4775
institution may earn one day of credit or five days of credit 4776
under division (A) of this section for each completed month during 4777
which the person productively participates in a program or 4778

activity specified under that division shall be made in accordance 4779
with the following: 4780

(1) The offender may earn one day of credit under division 4781
(A) of this section, except as provided in division (C) of this 4782
section, if the most serious offense for which the offender is 4783
confined is any of the following that is a felony of the first or 4784
second degree: 4785

(a) A violation of division (A) of section 2903.04 or of 4786
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 4787
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 4788
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 4789
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 4790
of the Revised Code; 4791

(b) A conspiracy or attempt to commit, or complicity in 4792
committing, any other offense for which the maximum penalty is 4793
imprisonment for life or any offense listed in division (D)(1)(a) 4794
of this section. 4795

(2) The offender may earn one day of credit under division 4796
(A) of this section, except as provided in division (C) of this 4797
section, if the offender is serving a stated prison term that 4798
includes a prison term imposed for a sexually oriented offense 4799
that the offender committed prior to ~~the effective date of this~~ 4800
~~amendment~~ September 30, 2011. 4801

(3) The offender may earn one day of credit under division 4802
(A) of this section, except as provided in division (C) of this 4803
section, if the offender is serving a stated prison term that 4804
includes a prison term imposed for a felony other than carrying a 4805
concealed weapon an essential element of which is any conduct or 4806
failure to act expressly involving any deadly weapon or dangerous 4807
ordnance. 4808

(4) Except as provided in division (C) of this section, if 4809

the most serious offense for which the offender is confined is a 4810
felony of the first or second degree and divisions (D)(1), (2), 4811
and (3) of this section do not apply to the offender, the offender 4812
may earn one day of credit under division (A) of this section if 4813
the offender committed that offense prior to ~~the effective date of~~ 4814
~~this amendment~~ September 30, 2011, and the offender may earn five 4815
days of credit under division (A) of this section if the offender 4816
committed that offense on or after ~~the effective date of this~~ 4817
~~amendment~~ September 30, 2011. 4818

(5) Except as provided in division (C) of this section, if 4819
the most serious offense for which the offender is confined is a 4820
felony of the third, fourth, or fifth degree or an unclassified 4821
felony and neither division (D)(2) nor (3) of this section applies 4822
to the offender, the offender may earn one day of credit under 4823
division (A) of this section if the offender committed that 4824
offense prior to ~~the effective date of this amendment~~ September 4825
30, 2011, and the offender may earn five days of credit under 4826
division (A) of this section if the offender committed that 4827
offense on or after ~~the effective date of this amendment~~ September 4828
30, 2011. 4829

~~(E) If a court imposes a sentence including a prison term on~~ 4830
~~or after the effective date of this amendment for a felony, and if~~ 4831
~~the court is required to include notice of the type described in~~ 4832
~~division (F)(3) of section 2929.14 of the Revised Code in the~~ 4833
~~offender's sentence, the failure of the court to include the~~ 4834
~~notice does not affect the eligibility of the offender under this~~ 4835
~~section to earn any days of credit as a deduction from the~~ 4836
~~offender's stated prison term or otherwise render any part of this~~ 4837
~~section or any action taken under this section void or voidable~~ 4838
~~and does not constitute grounds for setting aside the offender's~~ 4839
~~conviction or sentence or for granting postconviction relief to~~ 4840
~~the offender.~~ 4841

~~(F)~~ The department annually shall seek and consider the
written feedback of the Ohio prosecuting attorneys association,
the Ohio judicial conference, the Ohio public defender, the Ohio
association of criminal defense lawyers, and other organizations
and associations that have an interest in the operation of the
corrections system and the earned credits program under this
section as part of its evaluation of the program and in
determining whether to modify the program.

~~(G)~~(F) As used in this section, "sexually oriented offense"
has the same meaning as in section 2950.01 of the Revised Code.

Sec. 2967.26. (A)(1) The department of rehabilitation and
correction, by rule, may establish a transitional control program
for the purpose of closely monitoring a prisoner's adjustment to
community supervision during the final one hundred eighty days of
the prisoner's confinement. If the department establishes a
transitional control program under this division, the ~~adult parole~~
~~authority~~ division of parole and community services of the
department of rehabilitation and correction may transfer eligible
prisoners to transitional control status under the program during
the final one hundred eighty days of their confinement and under
the terms and conditions established by the department, shall
provide for the confinement as provided in this division of each
eligible prisoner so transferred, and shall supervise each
eligible prisoner so transferred in one or more community control
sanctions. Each eligible prisoner who is transferred to
transitional control status under the program shall be confined in
a suitable facility that is licensed pursuant to division (C) of
section 2967.14 of the Revised Code, or shall be confined in a
residence the department has approved for this purpose and be
monitored pursuant to an electronic monitoring device, as defined
in section 2929.01 of the Revised Code. If the department
establishes a transitional control program under this division,

the rules establishing the program shall include criteria that 4874
define which prisoners are eligible for the program, criteria that 4875
must be satisfied to be approved as a residence that may be used 4876
for confinement under the program of a prisoner that is 4877
transferred to it and procedures for the department to approve 4878
residences that satisfy those criteria, and provisions of the type 4879
described in division (C) of this section. At a minimum, the 4880
criteria that define which prisoners are eligible for the program 4881
shall provide all of the following: 4882

(a) That a prisoner is eligible for the program if the 4883
prisoner is serving a prison term or term of imprisonment for an 4884
offense committed prior to March 17, 1998, and if, at the time at 4885
which eligibility is being determined, the prisoner would have 4886
been eligible for a furlough under this section as it existed 4887
immediately prior to March 17, 1998, or would have been eligible 4888
for conditional release under former section 2967.23 of the 4889
Revised Code as that section existed immediately prior to March 4890
17, 1998; 4891

(b) That no prisoner who is serving a mandatory prison term 4892
is eligible for the program until after expiration of the 4893
mandatory term; 4894

(c) That no prisoner who is serving a prison term or term of 4895
life imprisonment without parole imposed pursuant to section 4896
2971.03 of the Revised Code is eligible for the program. 4897

(2) At least three weeks prior to transferring to 4898
transitional control under this section a prisoner who is serving 4899
a term of imprisonment or prison term for an offense committed on 4900
or after July 1, 1996, the ~~adult~~ division of parole authority and 4901
community services shall give notice of the pendency of the 4902
transfer to transitional control to the court of common pleas of 4903
the county in which the indictment against the prisoner was found 4904
and of the fact that the court may disapprove the transfer of the 4905

prisoner to transitional control and shall include a report 4906
prepared by the head of the state correctional institution in 4907
which the prisoner is confined. The head of the state correctional 4908
institution in which the prisoner is confined, upon the request of 4909
the ~~adult parole authority~~ division of parole and community 4910
services, shall provide to the ~~authority~~ division for inclusion in 4911
the notice sent to the court under this division a report on the 4912
prisoner's conduct in the institution and in any institution from 4913
which the prisoner may have been transferred. The report shall 4914
cover the prisoner's participation in school, vocational training, 4915
work, treatment, and other rehabilitative activities and any 4916
disciplinary action taken against the prisoner. If the court 4917
disapproves of the transfer of the prisoner to transitional 4918
control, the court shall notify the ~~authority~~ division of the 4919
disapproval within thirty days after receipt of the notice. If the 4920
court timely disapproves the transfer of the prisoner to 4921
transitional control, the ~~authority~~ division shall not proceed 4922
with the transfer. If the court does not timely disapprove the 4923
transfer of the prisoner to transitional control, the ~~authority~~ 4924
division may transfer the prisoner to transitional control. 4925

(3) If the victim of an offense for which a prisoner was 4926
sentenced to a prison term or term of imprisonment has requested 4927
notification under section 2930.16 of the Revised Code and has 4928
provided the department of rehabilitation and correction with the 4929
victim's name and address, the ~~adult parole authority~~ division of 4930
parole and community services, at least three weeks prior to 4931
transferring the prisoner to transitional control pursuant to this 4932
section, shall notify the victim of the pendency of the transfer 4933
and of the victim's right to submit a statement to the ~~authority~~ 4934
division regarding the impact of the transfer of the prisoner to 4935
transitional control. If the victim subsequently submits a 4936
statement of that nature to the ~~authority~~ division, the ~~authority~~ 4937
division shall consider the statement in deciding whether to 4938

transfer the prisoner to transitional control. 4939

(4) The department of rehabilitation and correction, at least 4940
three weeks prior to transferring a prisoner to transitional 4941
control pursuant to this section, shall post on the database it 4942
maintains pursuant to section 5120.66 of the Revised Code the 4943
prisoner's name and all of the information specified in division 4944
(A)(1)(c)(iv) of that section. In addition to and independent of 4945
the right of a victim to submit a statement as described in 4946
division (A)(3) of this section or to otherwise make a statement 4947
and in addition to and independent of any other right or duty of a 4948
person to present information or make a statement, any person may 4949
send to the ~~adult parole authority~~ division of parole and 4950
community services at any time prior to the ~~authority's~~ division's 4951
transfer of the prisoner to transitional control a written 4952
statement regarding the transfer of the prisoner to transitional 4953
control. In addition to the information, reports, and statements 4954
it considers under divisions (A)(2) and (3) of this section or 4955
that it otherwise considers, the ~~authority~~ division shall consider 4956
each statement submitted in accordance with this division in 4957
deciding whether to transfer the prisoner to transitional control. 4958
4959

(B) Each prisoner transferred to transitional control under 4960
this section shall be confined in the manner described in division 4961
(A) of this section during any period of time that the prisoner is 4962
not actually working at the prisoner's approved employment, 4963
engaged in a vocational training or another educational program, 4964
engaged in another program designated by the director, or engaged 4965
in other activities approved by the department. 4966

(C) The department of rehabilitation and correction shall 4967
adopt rules for transferring eligible prisoners to transitional 4968
control, supervising and confining prisoners so transferred, 4969
administering the transitional control program in accordance with 4970

this section, and using the moneys deposited into the transitional control fund established under division (E) of this section. 4971
4972

(D) The department of rehabilitation and correction may adopt 4973
rules for the issuance of passes for the limited purposes 4974
described in this division to prisoners who are transferred to 4975
transitional control under this section. If the department adopts 4976
rules of that nature, the rules shall govern the granting of the 4977
passes and shall provide for the supervision of prisoners who are 4978
temporarily released pursuant to one of those passes. Upon the 4979
adoption of rules under this division, the department may issue 4980
passes to prisoners who are transferred to transitional control 4981
status under this section in accordance with the rules and the 4982
provisions of this division. All passes issued under this division 4983
shall be for a maximum of forty-eight hours and may be issued only 4984
for the following purposes: 4985

(1) To visit a relative in imminent danger of death; 4986

(2) To have a private viewing of the body of a deceased 4987
relative; 4988

(3) To visit with family; 4989

(4) To otherwise aid in the rehabilitation of the prisoner. 4990

(E) The ~~adult parole authority~~ division of parole and 4991
community services may require a prisoner who is transferred to 4992
transitional control to pay to the division ~~of parole and~~ 4993
~~community services~~ the reasonable expenses incurred by the 4994
division in supervising or confining the prisoner while under 4995
transitional control. Inability to pay those reasonable expenses 4996
shall not be grounds for refusing to transfer an otherwise 4997
eligible prisoner to transitional control. Amounts received by the 4998
division of parole and community services under this division 4999
shall be deposited into the transitional control fund, which is 5000
hereby created in the state treasury and which hereby replaces and 5001

succeeds the furlough services fund that formerly existed in the state treasury. All moneys that remain in the furlough services fund on March 17, 1998, shall be transferred on that date to the transitional control fund. The transitional control fund shall be used solely to pay costs related to the operation of the transitional control program established under this section. The director of rehabilitation and correction shall adopt rules in accordance with section 111.15 of the Revised Code for the use of the fund.

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

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 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. 5033

(3) "Felony sex offense" means a violation of a section 5034
contained in Chapter 2907. of the Revised Code that is a felony. 5035

(4) "Risk reduction sentence" means a prison term imposed by 5036
a court, when the court recommends pursuant to section 2929.143 of 5037
the Revised Code that the offender serve the sentence under 5038
section 5120.036 of the Revised Code, and the offender may 5039
potentially be released from imprisonment prior to the expiration 5040
of the prison term if the offender successfully completes all 5041
assessment and treatment or programming required by the department 5042
of rehabilitation and correction under section 5120.036 of the 5043
Revised Code. 5044

(B) Each sentence to a prison term for a felony of the first 5045
degree, for a felony of the second degree, for a felony sex 5046
offense, or for a felony of the third degree that is not a felony 5047
sex offense and in the commission of which the offender caused or 5048
threatened to cause physical harm to a person shall include a 5049
requirement that the offender be subject to a period of 5050
post-release control imposed by the parole board after the 5051
offender's release from imprisonment. This division applies with 5052
respect to all prison terms of a type described in this division, 5053
including a term of any such type that is a risk reduction 5054
sentence. If a court imposes a sentence including a prison term of 5055
a type described in this division on or after July 11, 2006, the 5056
failure of a sentencing court to notify the offender pursuant to 5057
division (B)(2)(c) of section 2929.19 of the Revised Code of this 5058
requirement or to include in the judgment of conviction entered on 5059
the journal a statement that the offender's sentence includes this 5060
requirement does not negate, limit, or otherwise affect the 5061
mandatory period of supervision that is required for the offender 5062
under this division. Section 2929.191 of the Revised Code applies 5063
if, prior to July 11, 2006, a court imposed a sentence including a 5064

prison term of a type described in this division and failed to 5065
notify the offender pursuant to division (B)(2)(c) of section 5066
2929.19 of the Revised Code regarding post-release control or to 5067
include in the judgment of conviction entered on the journal or in 5068
the sentence pursuant to division (D)(1) of section 2929.14 of the 5069
Revised Code a statement regarding post-release control. Unless 5070
reduced by the parole board pursuant to division (D) of this 5071
section when authorized under that division, a period of 5072
post-release control required by this division for an offender 5073
shall be of one of the following periods: 5074

(1) For a felony of the first degree or for a felony sex 5075
offense, five years; 5076

(2) For a felony of the second degree that is not a felony 5077
sex offense, three years; 5078

(3) For a felony of the third degree that is not a felony sex 5079
offense and in the commission of which the offender caused or 5080
threatened physical harm to a person, three years. 5081

(C) Any sentence to a prison term for a felony of the third, 5082
fourth, or fifth degree that is not subject to division (B)(1) or 5083
(3) of this section shall include a requirement that the offender 5084
be subject to a period of post-release control of up to three 5085
years after the offender's release from imprisonment, if the 5086
parole board, in accordance with division (D) of this section, 5087
determines that a period of post-release control is necessary for 5088
that offender. This division applies with respect to all prison 5089
terms of a type described in this division, including a term of 5090
any such type that is a risk reduction sentence. Section 2929.191 5091
of the Revised Code applies if, prior to July 11, 2006, a court 5092
imposed a sentence including a prison term of a type described in 5093
this division and failed to notify the offender pursuant to 5094
division (B)(2)(d) of section 2929.19 of the Revised Code 5095
regarding post-release control or to include in the judgment of 5096

conviction entered on the journal or in the sentence pursuant to 5097
division (D)(2) of section 2929.14 of the Revised Code a statement 5098
regarding post-release control. Pursuant to an agreement entered 5099
into under section 2967.29 of the Revised Code, a court of common 5100
pleas or parole board may impose sanctions or conditions on an 5101
offender who is placed on post-release control under this 5102
division. 5103

(D)(1) Before the prisoner is released from imprisonment, the 5104
parole board or, pursuant to an agreement under section 2967.29 of 5105
the Revised Code, the court shall impose upon a prisoner described 5106
in division (B) of this section, shall impose upon a prisoner 5107
described in division (C) of this section who is to be released 5108
before the expiration of the prisoner's stated prison term under a 5109
risk reduction sentence, may impose upon a prisoner described in 5110
division (C) of this section who is not to be released before the 5111
expiration of the prisoner's stated prison term under a risk 5112
reduction sentence, and shall impose upon a prisoner described in 5113
division (B)(2)(b) of section 5120.031 or in division (B)(1) of 5114
section 5120.032 of the Revised Code, one or more post-release 5115
control sanctions to apply during the prisoner's period of 5116
post-release control. Whenever the board or court imposes one or 5117
more post-release control sanctions upon a prisoner, the board or 5118
court, in addition to imposing the sanctions, also shall include 5119
as a condition of the post-release control that the offender not 5120
leave the state without permission of the court or the offender's 5121
parole or probation officer and that the offender abide by the 5122
law. The board or court may impose any other conditions of release 5123
under a post-release control sanction that the board or court 5124
considers appropriate, and the conditions of release may include 5125
any community residential sanction, community nonresidential 5126
sanction, or financial sanction that the sentencing court was 5127
authorized to impose pursuant to sections 2929.16, 2929.17, and 5128
2929.18 of the Revised Code. Prior to the release of a prisoner 5129

for whom it will impose one or more post-release control sanctions 5130
under this division, the parole board or court shall review the 5131
prisoner's criminal history, results from the single validated 5132
risk assessment tool selected by the department of rehabilitation 5133
and correction under section 5120.114 of the Revised Code, all 5134
juvenile court adjudications finding the prisoner, while a 5135
juvenile, to be a delinquent child, and the record of the 5136
prisoner's conduct while imprisoned. The parole board or court 5137
shall consider any recommendation regarding post-release control 5138
sanctions for the prisoner made by the office of victims' 5139
services. After considering those materials, the board or court 5140
shall determine, for a prisoner described in division (B) of this 5141
section, division (B)(2)(b) of section 5120.031, or division 5142
(B)(1) of section 5120.032 of the Revised Code and for a prisoner 5143
described in division (C) of this section who is to be released 5144
before the expiration of the prisoner's stated prison term under a 5145
risk reduction sentence, which post-release control sanction or 5146
combination of post-release control sanctions is reasonable under 5147
the circumstances or, for a prisoner described in division (C) of 5148
this section who is not to be released before the expiration of 5149
the prisoner's stated prison term under a risk reduction sentence, 5150
whether a post-release control sanction is necessary and, if so, 5151
which post-release control sanction or combination of post-release 5152
control sanctions is reasonable under the circumstances. In the 5153
case of a prisoner convicted of a felony of the fourth or fifth 5154
degree other than a felony sex offense, the board or court shall 5155
presume that monitored time is the appropriate post-release 5156
control sanction unless the board or court determines that a more 5157
restrictive sanction is warranted. A post-release control sanction 5158
imposed under this division takes effect upon the prisoner's 5159
release from imprisonment. 5160

Regardless of whether the prisoner was sentenced to the 5161
prison term prior to, on, or after July 11, 2006, prior to the 5162

release of a prisoner for whom it will impose one or more 5163
post-release control sanctions under this division, the parole 5164
board shall notify the prisoner that, if the prisoner violates any 5165
sanction so imposed or any condition of post-release control 5166
described in division (B) of section 2967.131 of the Revised Code 5167
that is imposed on the prisoner, the parole board may impose a 5168
prison term of up to one-half of the stated prison term originally 5169
imposed upon the prisoner. 5170

(2) If a prisoner who is placed on post-release control under 5171
this section is released before the expiration of the prisoner's 5172
stated prison term by reason of credit earned under section 5173
2967.193 of the Revised Code and if the prisoner earned sixty or 5174
more days of credit, the adult parole authority shall supervise 5175
the offender with an active global positioning system device for 5176
the first fourteen days after the offender's release from 5177
imprisonment. This division does not prohibit or limit the 5178
imposition of any post-release control sanction otherwise 5179
authorized by this section. 5180

(3) At any time after a prisoner is released from 5181
imprisonment and during the period of post-release control 5182
applicable to the releasee, the adult parole authority or, 5183
pursuant to an agreement under section 2967.29 of the Revised 5184
Code, the court may review the releasee's behavior under the 5185
post-release control sanctions imposed upon the releasee under 5186
this section. The authority or court may determine, based upon the 5187
review and in accordance with the standards established under 5188
division (E) of this section, that a more restrictive or a less 5189
restrictive sanction is appropriate and may impose a different 5190
sanction. The authority also may recommend that the parole board 5191
or court increase or reduce the duration of the period of 5192
post-release control imposed by the court. If the authority 5193
recommends that the board or court increase the duration of 5194

post-release control, the board or court shall review the 5195
releasee's behavior and may increase the duration of the period of 5196
post-release control imposed by the court up to eight years. If 5197
the authority recommends that the board or court reduce the 5198
duration of control for an offense described in division (B) or 5199
(C) of this section, the board or court shall review the 5200
releasee's behavior and may reduce the duration of the period of 5201
control imposed by the court. In no case shall the board or court 5202
reduce the duration of the period of control imposed for an 5203
offense described in division (B)(1) of this section to a period 5204
less than the length of the stated prison term originally imposed, 5205
and in no case shall the board or court permit the releasee to 5206
leave the state without permission of the court or the releasee's 5207
parole or probation officer. 5208

(E) The department of rehabilitation and correction, in 5209
accordance with Chapter 119. of the Revised Code, shall adopt 5210
rules that do all of the following: 5211

(1) Establish standards for the imposition by the parole 5212
board of post-release control sanctions under this section that 5213
are consistent with the overriding purposes and sentencing 5214
principles set forth in section 2929.11 of the Revised Code and 5215
that are appropriate to the needs of releasees; 5216

(2) Establish standards that provide for a period of 5217
post-release control of up to three years for all prisoners 5218
described in division (C) of this section who are to be released 5219
before the expiration of their stated prison term under a risk 5220
reduction sentence and standards by which the parole board can 5221
determine which prisoners described in division (C) of this 5222
section who are not to be released before the expiration of their 5223
stated prison term under a risk reduction sentence should be 5224
placed under a period of post-release control; 5225

(3) Establish standards to be used by the parole board in 5226

reducing the duration of the period of post-release control 5227
imposed by the court when authorized under division (D) of this 5228
section, in imposing a more restrictive post-release control 5229
sanction than monitored time upon a prisoner convicted of a felony 5230
of the fourth or fifth degree other than a felony sex offense, or 5231
in imposing a less restrictive control sanction upon a releasee 5232
based on the releasee's activities including, but not limited to, 5233
remaining free from criminal activity and from the abuse of 5234
alcohol or other drugs, successfully participating in approved 5235
rehabilitation programs, maintaining employment, and paying 5236
restitution to the victim or meeting the terms of other financial 5237
sanctions; 5238

(4) Establish standards to be used by the adult parole 5239
authority in modifying a releasee's post-release control sanctions 5240
pursuant to division (D)(2) of this section; 5241

(5) Establish standards to be used by the adult parole 5242
authority or parole board in imposing further sanctions under 5243
division (F) of this section on releasees who violate post-release 5244
control sanctions, including standards that do the following: 5245

(a) Classify violations according to the degree of 5246
seriousness; 5247

(b) Define the circumstances under which formal action by the 5248
parole board is warranted; 5249

(c) Govern the use of evidence at violation hearings; 5250

(d) Ensure procedural due process to an alleged violator; 5251

(e) Prescribe nonresidential community control sanctions for 5252
most misdemeanor and technical violations; 5253

(f) Provide procedures for the return of a releasee to 5254
imprisonment for violations of post-release control. 5255

(F)(1) Whenever the parole board imposes one or more 5256

post-release control sanctions upon an offender under this 5257
section, the offender upon release from imprisonment shall be 5258
under the general jurisdiction of the adult parole authority and 5259
generally shall be supervised by the field services section 5260
through its staff of parole and field officers as described in 5261
section 5149.04 of the Revised Code, as if the offender had been 5262
placed on parole. If the offender upon release from imprisonment 5263
violates the post-release control sanction or any conditions 5264
described in division (A) of section 2967.131 of the Revised Code 5265
that are imposed on the offender, the public or private person or 5266
entity that operates or administers the sanction or the program or 5267
activity that comprises the sanction shall report the violation 5268
directly to the adult parole authority or to the officer of the 5269
authority who supervises the offender. The authority's officers 5270
may treat the offender as if the offender were on parole and in 5271
violation of the parole, and otherwise shall comply with this 5272
section. 5273

(2) If the adult parole authority or, pursuant to an 5274
agreement under section 2967.29 of the Revised Code, the court 5275
determines that a releasee has violated a post-release control 5276
sanction or any conditions described in division (A) of section 5277
2967.131 of the Revised Code imposed upon the releasee and that a 5278
more restrictive sanction is appropriate, the authority or court 5279
may impose a more restrictive sanction upon the releasee, in 5280
accordance with the standards established under division (E) of 5281
this section or in accordance with the agreement made under 5282
section 2967.29 of the Revised Code, or may report the violation 5283
to the parole board for a hearing pursuant to division (F)(3) of 5284
this section. The authority or court may not, pursuant to this 5285
division, increase the duration of the releasee's post-release 5286
control or impose as a post-release control sanction a residential 5287
sanction that includes a prison term, but the authority or court 5288
may impose on the releasee any other residential sanction, 5289

nonresidential sanction, or financial sanction that the sentencing 5290
court was authorized to impose pursuant to sections 2929.16, 5291
2929.17, and 2929.18 of the Revised Code. 5292

(3) The parole board or, pursuant to an agreement under 5293
section 2967.29 of the Revised Code, the court may hold a hearing 5294
on any alleged violation by a releasee of a post-release control 5295
sanction or any conditions described in division (A) of section 5296
2967.131 of the Revised Code that are imposed upon the releasee. 5297
If after the hearing the board or court finds that the releasee 5298
violated the sanction or condition, the board or court may 5299
increase the duration of the releasee's post-release control up to 5300
the maximum duration authorized by division (B) or (C) of this 5301
section or impose a more restrictive post-release control 5302
sanction. When appropriate, the board or court may impose as a 5303
post-release control sanction a residential sanction that includes 5304
a prison term. The board or court shall consider a prison term as 5305
a post-release control sanction imposed for a violation of 5306
post-release control when the violation involves a deadly weapon 5307
or dangerous ordnance, physical harm or attempted serious physical 5308
harm to a person, or sexual misconduct, or when the releasee 5309
committed repeated violations of post-release control sanctions. 5310
Unless a releasee's stated prison term was reduced pursuant to 5311
section 5120.032 of the Revised Code, the period of a prison term 5312
that is imposed as a post-release control sanction under this 5313
division shall not exceed nine months, and the maximum cumulative 5314
prison term for all violations under this division shall not 5315
exceed one-half of the stated prison term originally imposed upon 5316
the offender as part of this sentence. If a releasee's stated 5317
prison term was reduced pursuant to section 5120.032 of the 5318
Revised Code, the period of a prison term that is imposed as a 5319
post-release control sanction under this division and the maximum 5320
cumulative prison term for all violations under this division 5321
shall not exceed the period of time not served in prison under the 5322

sentence imposed by the court. The period of a prison term that is 5323
imposed as a post-release control sanction under this division 5324
shall not count as, or be credited toward, the remaining period of 5325
post-release control. 5326

If an offender is imprisoned for a felony committed while 5327
under post-release control supervision and is again released on 5328
post-release control for a period of time determined by division 5329
(F)(4)(d) of this section, the maximum cumulative prison term for 5330
all violations under this division shall not exceed one-half of 5331
the total stated prison terms of the earlier felony, reduced by 5332
any prison term administratively imposed by the parole board or 5333
court, plus one-half of the total stated prison term of the new 5334
felony. 5335

(4) Any period of post-release control shall commence upon an 5336
offender's actual release from prison. If an offender is serving 5337
an indefinite prison term or a life sentence in addition to a 5338
stated prison term, the offender shall serve the period of 5339
post-release control in the following manner: 5340

(a) If a period of post-release control is imposed upon the 5341
offender and if the offender also is subject to a period of parole 5342
under a life sentence or an indefinite sentence, and if the period 5343
of post-release control ends prior to the period of parole, the 5344
offender shall be supervised on parole. The offender shall receive 5345
credit for post-release control supervision during the period of 5346
parole. The offender is not eligible for final release under 5347
section 2967.16 of the Revised Code until the post-release control 5348
period otherwise would have ended. 5349

(b) If a period of post-release control is imposed upon the 5350
offender and if the offender also is subject to a period of parole 5351
under an indefinite sentence, and if the period of parole ends 5352
prior to the period of post-release control, the offender shall be 5353
supervised on post-release control. The requirements of parole 5354

supervision shall be satisfied during the post-release control 5355
period. 5356

(c) If an offender is subject to more than one period of 5357
post-release control, the period of post-release control for all 5358
of the sentences shall be the period of post-release control that 5359
expires last, as determined by the parole board or court. Periods 5360
of post-release control shall be served concurrently and shall not 5361
be imposed consecutively to each other. 5362

(d) The period of post-release control for a releasee who 5363
commits a felony while under post-release control for an earlier 5364
felony shall be the longer of the period of post-release control 5365
specified for the new felony under division (B) or (C) of this 5366
section or the time remaining under the period of post-release 5367
control imposed for the earlier felony as determined by the parole 5368
board or court. 5369

Sec. 4511.091. (A) The driver of any motor vehicle that has 5370
been checked by radar, or by any electrical or mechanical timing 5371
device to determine the speed of the motor vehicle over a measured 5372
distance of a highway or a measured distance of a private road or 5373
driveway, and found to be in violation of any of the provisions of 5374
section 4511.21 or 4511.211 of the Revised Code, may be arrested 5375
until a warrant can be obtained, provided the arresting officer 5376
has observed the recording of the speed of the motor vehicle by 5377
the radio microwaves, electrical or mechanical timing device, or 5378
has received a radio message from the officer who observed the 5379
speed of the motor vehicle recorded by the radio microwaves, 5380
electrical or mechanical timing device; provided, in case of an 5381
arrest based on such a message, the radio message has been 5382
dispatched immediately after the speed of the motor vehicle was 5383
recorded and the arresting officer is furnished a description of 5384
the motor vehicle for proper identification and the recorded 5385

speed. 5386

(B) If the driver of a motor vehicle being driven on a public 5387
street or highway of this state is observed violating any 5388
provision of this chapter other than section 4511.21 or 4511.211 5389
of the Revised Code by a law enforcement officer situated at any 5390
location, including in any type of airborne aircraft or airship, 5391
that law enforcement officer may send a radio message to another 5392
law enforcement officer, and the other law enforcement officer may 5393
arrest the driver of the motor vehicle until a warrant can be 5394
obtained or may issue the driver a citation for the violation; 5395
provided, if an arrest or citation is based on such a message, the 5396
radio message is dispatched immediately after the violation is 5397
observed and the law enforcement officer who observes the 5398
violation furnishes to the law enforcement officer who makes the 5399
arrest or issues the citation a description of the alleged 5400
violation and the motor vehicle for proper identification. 5401

~~(C)(1) No person shall be arrested, charged, or convicted of 5402
a violation of any provision of divisions (B) to (O) of section 5403
4511.21 or section 4511.211 of the Revised Code or a substantially 5404
similar municipal ordinance based on a peace officer's unaided 5405
visual estimation of the speed of a motor vehicle, trackless 5406
trolley, or streetcar. This division does not do any of the 5407
following: 5408~~

~~(a) Preclude the use by a peace officer of a stopwatch, 5409
radar, laser, or other electrical, mechanical, or digital device 5410
to determine the speed of a motor vehicle; 5411~~

~~(b) Apply regarding any violation other than a violation of 5412
divisions (B) to (O) of section 4511.21 or section 4511.211 of the 5413
Revised Code or a substantially similar municipal ordinance; 5414~~

~~(c) Preclude a peace officer from testifying that the speed 5415
of operation of a motor vehicle, trackless trolley, or streetcar 5416~~

~~was at a speed greater or less than a speed described in division 5417
(A) of section 4511.21 of the Revised Code, the admission into 5418
evidence of such testimony, or preclude a conviction of a 5419
violation of that division based in whole or in part on such 5420
testimony. 5421~~

~~(2) As used in this division, "peace officer" has the same 5422
meaning as in section 2935.01 of the Revised Code. 5423~~

Sec. 5120.036. (A) The department of rehabilitation and 5424
correction shall provide risk reduction programming and treatment 5425
for inmates whom a court under section 2929.143 of the Revised 5426
Code recommends serve a risk reduction sentence and who meet the 5427
eligibility criteria described in division (B) of this section. 5428

(B) If an offender is sentenced to a term of imprisonment in 5429
a state correctional institution and the sentencing court 5430
recommended that the offender serve a risk reduction sentence, the 5431
department of rehabilitation and correction shall conduct a 5432
validated and objective assessment of the person's needs and risk 5433
of reoffending. If the offender cooperates with the risk 5434
assessment and agrees to participate in any programming or 5435
treatment ordered by the department, the department shall provide 5436
programming and treatment to the offender to address the risks and 5437
needs identified in the assessment. 5438

(C) If the department determines that an offender serving a 5439
term of incarceration for whom the sentencing court recommended a 5440
risk reduction sentence under section 2929.143 of the Revised Code 5441
has successfully completed the assessment and treatment or 5442
programming required by the department under division (B) of this 5443
section, the department shall release the offender to ~~supervised~~ 5444
release post-release control under one or more post-release 5445
control sanctions after the offender has served each mandatory 5446
prison term to which the offender was sentenced, if any, and a 5447

minimum of eighty per cent of the aggregated nonmandatory prison 5448
terms to which the offender was sentenced. The placement under 5449
post-release control sanctions shall be under terms set by the 5450
parole board in accordance with section 2967.28 of the Revised 5451
Code and shall be subject to the provisions of that section and 5452
sections 2929.141 and 2967.15 of the Revised Code regarding 5453
violation of post-release control sanctions. No mandatory prison 5454
term shall be reduced by, or as a result of, an offender's service 5455
of a risk reduction sentence. The department shall notify the 5456
sentencing court that the offender has successfully completed the 5457
terms of the risk reduction sentence at least thirty days prior to 5458
the date upon which the offender is to be released. 5459

(D) As used in this section: 5460

(1) "Mandatory prison term" has the same meaning as in 5461
section 2929.01 of the Revised Code. 5462

(2) "Nonmandatory prison term" means a prison term that is 5463
not a mandatory prison term. 5464

(3) "Post-release control" and "post-release control 5465
sanction" have the same meanings as in section 2967.01 of the 5466
Revised Code. 5467

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 5468
but not before January 1, 2006, the department of rehabilitation 5469
and correction shall establish and operate on the internet a 5470
database that contains all of the following: 5471

(1) For each inmate in the custody of the department under a 5472
sentence imposed for a conviction of or plea of guilty to any 5473
offense, all of the following information: 5474

(a) The inmate's name; 5475

(b) For each offense for which the inmate was sentenced to a 5476
prison term or term of imprisonment and is in the department's 5477

custody, the name of the offense, the Revised Code section of 5478
which the offense is a violation, the gender of each victim of the 5479
offense if those facts are known, whether each victim of the 5480
offense was an adult or child if those facts are known, the range 5481
of the possible prison terms or term of imprisonment that could 5482
have been imposed for the offense, the actual prison term or term 5483
of imprisonment imposed for the offense, the county in which the 5484
offense was committed, the date on which the inmate began serving 5485
the prison term or term of imprisonment imposed for the offense, 5486
and either the date on which the inmate will be eligible for 5487
parole relative to the offense if the prison term or term of 5488
imprisonment is an indefinite term or life term or the date on 5489
which the term ends if the prison term is a definite term; 5490

(c) All of the following information that is applicable 5491
regarding the inmate: 5492

(i) If known to the department prior to the conduct of any 5493
hearing for judicial release of the defendant pursuant to section 5494
2929.20 of the Revised Code in relation to any prison term or term 5495
of imprisonment the inmate is serving for any offense or any 5496
hearing for release of the defendant pursuant to section 2967.19 5497
of the Revised Code in relation to any such term, notice of the 5498
fact that the inmate will be having a hearing regarding a possible 5499
grant of judicial release or release, the date of the hearing, and 5500
the right of any person pursuant to division (J) of section 5501
2929.20 or division (H) of section 2967.19 of the Revised Code, 5502
whichever is applicable, to submit to the court a written 5503
statement regarding the possible judicial release or release. The 5504
department also shall post notice of the filing submission to a 5505
sentencing court of any ~~petition~~ recommendation for early release 5506
of the inmate pursuant to section 2967.19 of the Revised Code, as 5507
required by division (E) of that section. 5508

(ii) If the inmate is serving a prison term pursuant to 5509

division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 5510
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 5511
Code, prior to the conduct of any hearing pursuant to section 5512
2971.05 of the Revised Code to determine whether to modify the 5513
requirement that the inmate serve the entire prison term in a 5514
state correctional facility in accordance with division (C) of 5515
that section, whether to continue, revise, or revoke any existing 5516
modification of that requirement, or whether to terminate the 5517
prison term in accordance with division (D) of that section, 5518
notice of the fact that the inmate will be having a hearing 5519
regarding those determinations and of the date of the hearing; 5520

(iii) At least three weeks before the adult parole authority 5521
recommends a pardon or commutation of sentence for the inmate or 5522
at least three weeks prior to a hearing before the adult parole 5523
authority regarding a grant of parole to the inmate in relation to 5524
any prison term or term of imprisonment the inmate is serving for 5525
any offense, notice of the fact that the inmate might be under 5526
consideration for a pardon or commutation of sentence or will be 5527
having a hearing regarding a possible grant of parole, of the date 5528
of any hearing regarding a possible grant of parole, and of the 5529
right of any person to submit a written statement regarding the 5530
pending action; 5531

(iv) At least three weeks before the inmate is transferred to 5532
transitional control under section 2967.26 of the Revised Code in 5533
relation to any prison term or term of imprisonment the inmate is 5534
serving for any offense, notice of the pendency of the transfer, 5535
of the date of the possible transfer, and of the right of any 5536
person to submit a statement regarding the possible transfer; 5537

(v) Prompt notice of the inmate's escape from any facility in 5538
which the inmate was incarcerated and of the capture of the inmate 5539
after an escape; 5540

(vi) Notice of the inmate's death while in confinement; 5541

(vii) Prior to the release of the inmate from confinement, 5542
notice of the fact that the inmate will be released, of the date 5543
of the release, and, if applicable, of the standard terms and 5544
conditions of the release; 5545

(viii) Notice of the inmate's judicial release pursuant to 5546
section 2929.20 of the Revised Code or release pursuant to section 5547
2967.19 of the Revised Code. 5548

(2) Information as to where a person can send written 5549
statements of the types referred to in divisions (A)(1)(c)(i), 5550
(iii), and (iv) of this section. 5551

(B)(1) The department shall update the database required 5552
under division (A) of this section every twenty-four hours to 5553
ensure that the information it contains is accurate and current. 5554

(2) The database required under division (A) of this section 5555
is a public record open for inspection under section 149.43 of the 5556
Revised Code. The department shall make the database searchable by 5557
inmate name and by the county and zip code where the offender 5558
intends to reside after release from a state correctional 5559
institution if this information is known to the department. 5560

(3) The database required under division (A) of this section 5561
may contain information regarding inmates who are listed in the 5562
database in addition to the information described in that 5563
division. 5564

(4) No information included on the database required under 5565
division (A) of this section shall identify or enable the 5566
identification of any victim of any offense committed by an 5567
inmate. 5568

(C) The failure of the department to comply with the 5569
requirements of division (A) or (B) of this section does not give 5570
any rights or any grounds for appeal or post-conviction relief to 5571
any inmate. 5572

(D) This section, and the related provisions of sections 5573
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 5574
in the act in which this section was enacted, shall be known as 5575
"Laura's Law." 5576

Sec. 5149.311. (A) The department of rehabilitation and 5577
correction shall establish and administer the probation 5578
improvement grant and the probation incentive grant for ~~court of~~ 5579
common pleas, municipal, and county court probation departments 5580
that supervise ~~felony~~ offenders. 5581

(B)(1) The probation improvement grant shall provide funding 5582
to ~~court of~~ common pleas, municipal, and county court probation 5583
departments to adopt policies and practices based on the latest 5584
research on how to reduce the number of ~~felony~~ offenders on 5585
probation supervision who violate the conditions of their 5586
supervision. 5587

(2) The department shall adopt rules for the distribution of 5588
the probation improvement grant, including the formula for the 5589
allocation of the subsidy based on the number of ~~felony~~ offenders 5590
placed on probation annually in each jurisdiction. 5591

(C)(1) The probation incentive grant shall provide a 5592
performance-based level of funding to ~~court of~~ common pleas, 5593
municipal, and county court probation departments that are 5594
successful in reducing the number of ~~felony~~ offenders on probation 5595
supervision whose terms of supervision are revoked. 5596

(2) The department shall calculate annually any cost savings 5597
realized by the state from a reduction in the percentage of people 5598
who are incarcerated because their terms of supervised probation 5599
were revoked. The cost savings estimate shall be calculated for 5600
each county and be based on the difference from fiscal year 2010 5601
and the fiscal year under examination. 5602

(3) The department shall adopt rules that specify the subsidy amount to be appropriated to ~~court of~~ common pleas, municipal, and county court probation departments that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked.

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant:

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, ~~courts of~~ common pleas, municipal, and county courts must satisfy all requirements under sections 2301.27 and 2301.30 of the Revised Code and, except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, must utilize the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(2) The department may deny a subsidy under this section to any applicant if the applicant fails to comply with the terms of any agreement entered into pursuant to any of the provisions of this section.

(3) The department shall evaluate or provide for the evaluation of the policies, practices, and programs the ~~court of~~ common pleas, municipal, or county court probation departments utilize with the programs of subsidies established under this section and establish means of measuring their effectiveness.

(4) The department shall specify the policies, practices, and programs for which ~~court of~~ common pleas, municipal, or county court probation departments may use the program subsidy and shall establish minimum standards of quality and efficiency that recipients of the subsidy must follow. The department shall give priority to supporting evidence-based policies and practices, as

defined by the department. 5634

Section 2. That existing sections 307.932, 2152.12, 2152.121, 5635
2152.52, 2152.56, 2152.59, 2301.27, 2301.271, 2921.331, 2925.03, 5636
2925.04, 2929.01, 2929.14, 2929.19, 2929.26, 2929.41, 2951.022, 5637
2953.08, 2961.22, 2967.03, 2967.05, 2967.14, 2967.19, 2967.191, 5638
2967.193, 2967.26, 2967.28, 4511.091, 5120.036, 5120.66, and 5639
5149.311 and section 2950.17 of the Revised Code are hereby 5640
repealed. 5641

Section 3. That Section 5 of Am. Sub. H.B. 86 of the 129th 5642
General Assembly be amended to read as follows: 5643

Sec. 5. (A) The Ohio Interagency Task Force on Mental Health 5644
and Juvenile Justice is hereby established to investigate and make 5645
recommendations on how to most effectively treat delinquent youth 5646
who suffer from serious mental illness or emotional and behavioral 5647
disorders, while giving attention to the needs of Ohio's economy. 5648
The Task Force shall consist of the following members: 5649

(1) The Director of Youth Services; 5650

(2) The Director of Mental Health; 5651

(3) The Director of the Governor's Office of Health 5652
Transformation; 5653

(4) The Superintendent of Public Instruction; 5654

(5) A justice of the Supreme Court or a designee appointed by 5655
the justices of the Supreme Court who has experience in juvenile 5656
law or mental health issues; 5657

(6) A designee appointed by the President of the Ohio 5658
Association of Juvenile Court Judges; 5659

(7) A board-certified child and adolescent psychiatrist 5660
appointed by the Director of the Department of Mental Health; 5661

- (8) A licensed child and adolescent psychologist appointed by the President of the State Board of Psychology; 5662
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- (9) Up to ten members with expertise in child and adolescent development, mental health, or juvenile justice appointed by the Governor, including, but not limited to, members representing the Ohio chapter of the National Alliance on Mental Illness, the Ohio Federation for Children's Mental Health, an academic research institution with expertise in juvenile justice and child and adolescent development, and a provider of children's community-based mental health services; 5664
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- (10) Two members of the General Assembly, one from the majority party and one from the minority party, jointly appointed by the Speaker of the House of Representatives and the President of the Senate; 5672
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- (11) A member of the public jointly appointed by the Speaker of the House of Representatives and the President of the Senate; 5676
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- (12) A representative of the Ohio Prosecuting Attorneys Association designated by the Association; 5678
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- (13) The State Public Defender; 5680
- (14) A representative of the Ohio Judicial Conference. 5681
- (B) Members of the Task Force shall be appointed by September 30, 2011. Vacancies on the Task Force shall be filled in the same manner as the original appointments. Members shall serve without compensation. 5682
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- (C) The Governor shall designate the chairperson of the Task Force. All meetings of the Task Force shall be held at the call of the chairperson. 5686
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- (D) The duties of the Task Force shall include all of the following: 5689
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- (1) Reviewing the current staff training and protocols and 5691

procedures for treating mentally ill and seriously mentally ill youth committed to the Department of Youth Services; 5692
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(2) Reviewing the current funding, roles, and responsibilities of the Department of Youth Services, Department of Mental Health, Department of Education, and other Departments providing services to youth, as the funding, roles, and responsibilities pertain to youth with serious mental illness, or severe emotional and behavioral disorders; 5694
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(3) Conducting a review of literature related to the best practices in the treatment of youth with mental illness and seriously mentally ill youth who are adjudicated to be a delinquent child and committed to the Department of Youth Services; 5700
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(4) Investigating mental health treatment models for youth involved in the juvenile justice system of other states and jurisdictions, and other relevant data and information, in order to identify potential model programs, protocols, and best practices; 5705
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(5) Conducting at least one visit to a Department of Youth Services mental health unit and completing a comprehensive data review of the mentally ill and seriously mentally ill youth currently committed to the Department of Youth Services to develop a profile of such youth currently committed to the Department of Youth Services. 5710
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(E) The members of the Task Force shall make findings and recommendations, based on the results of the Task Force's duties, regarding all of the following: 5716
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(1) Best practices in the field of treatment for youth with mental illness or serious mental illness who are involved in the juvenile justice system; 5719
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(2) Guiding principles for the treatment of youth with mental 5722

illness or serious mental illness who are involved in the juvenile 5723
justice system; 5724

(3) The infrastructure, roles, and responsibilities of and 5725
other departments providing services to youth, in relation to 5726
effectively meeting the multiple needs of youth with mental 5727
illness or serious mental illness who are involved in the juvenile 5728
justice system; 5729

(4) Funding strategies that maximize public, private, state, 5730
and federal resources and that create incentives for high 5731
performance and innovative treatment; 5732

(5) Changes to administrative, court, and legislative rules 5733
that would support the recommendations of the Task Force. 5734

The members of the Task Force may make other recommendations 5735
related to effectively treating delinquent youth who suffer from 5736
mental illness and serious mental health illness, including 5737
mentally ill youth who also have special education needs, as 5738
determined to be relevant by the chairperson of the Task Force. 5739

(F) Not later than ~~March 31~~ September 30, 2012, the Task 5740
Force shall issue a report of the Task Force's findings and 5741
recommendations to the Governor, the President of the Senate, the 5742
Speaker of the House of Representatives, and the Chief Justice of 5743
the Supreme Court. Upon the issuance of the report by the Task 5744
Force, the Task Force shall cease to exist. 5745

Section 4. That existing Section 5 of Am. Sub. H.B. 86 of the 5746
129th General Assembly is hereby repealed. 5747

Section 5. Section 2925.03 of the Revised Code is presented 5748
in this act as a composite of the section as amended by both Sub. 5749
H.B. 64 and Am. Sub. H.B. 86 of the 129th General Assembly. The 5750
General Assembly, applying the principle stated in division (B) of 5751
section 1.52 of the Revised Code that amendments are to be 5752

harmonized if reasonably capable of simultaneous operation, finds	5753
that the composite is the resulting version of the section in	5754
effect prior to the effective date of the section as presented in	5755
this act.	5756