

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 86

Representatives Blessing, Heard

—

A BILL

To amend sections 109.42, 307.93, 309.18, 341.12, 1
926.99, 1333.99, 1707.99, 1716.99, 2743.191, 2
2909.03, 2909.05, 2909.11, 2913.01, 2913.02, 3
2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 4
2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 5
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 6
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 7
2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 8
2921.34, 2921.41, 2923.31, 2925.01, 2925.03, 9
2925.05, 2925.11, 2929.01, 2929.13, 2929.14, 10
2929.20, 2929.26, 2929.34, 2930.16, 2930.17, 11
2950.99, 2951.041, 2967.05, 2967.14, 2967.193, 12
2967.28, 2981.07, 4507.51, 5120.07, 5120.10, 13
5120.111, 5120.59, 5120.60, 5120.66, 5149.01, 14
5149.10, 5149.33, and 5149.34 and to enact 15
sections 307.932, 2967.19, 5120.035, and 5120.113 16
of the Revised Code to increase from \$500 to 17
\$1,000 the threshold amount for determining 18
increased penalties for theft-related offenses and 19
for certain elements of "vandalism" and "engaging 20
in a pattern of corrupt activity"; to increase by 21
50% the other threshold amounts for determining 22
increased penalties for those offenses; to revise 23
and clarify the law regarding prosecution of 24

multiple theft, Medicaid fraud, workers' 25
compensation fraud, and similar offenses and the 26
valuation of property or services involved; to 27
include workers' compensation fraud as a theft 28
offense; to provide that if "nonsupport of 29
dependents" is based on an abandonment of or 30
failure to support a child or a person to whom a 31
court order requires support and is a felony the 32
sentencing court generally must first consider 33
placing the offender on one or more community 34
control sanctions; to eliminate the difference in 35
criminal penalties for crack cocaine and powder 36
cocaine; to revise some of the penalties for 37
trafficking in marihuana or hashish and for 38
possession of marihuana, cocaine, or hashish; to 39
revise procedures for notification of victims when 40
violent offenders escape from the Department of 41
Rehabilitation and Correction; to modify the 42
number of Parole Board members required to conduct 43
a full Board hearing; to limit a member of the 44
Parole Board who is not the Chairperson or a 45
victim representative to two six-year terms; to 46
revise the eligibility criteria for, and 47
procedures governing, intervention in lieu of 48
conviction; to revise the eligibility criteria for 49
judicial release; to reduce the penalty for the 50
offense of "escape" when it involves certain 51
conduct by a person under supervised release by 52
the Department; to revise the procedure for 53
prisoners in state correctional institutions to 54
earn days of credit for productive participation 55
in specified prison programs and the number of 56
days of credit that may be earned; to require GPS 57

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

sentence of death and who is expected to be 91
imprisoned for more than 30 days; to revise the 92
procedures governing the Department's issuance of 93
an inmate identification card upon an inmate's 94
release and the use of such a card to obtain a 95
state identification card; to authorize, instead 96
of require, the Department to discontinue subsidy 97
payment to a political subdivision that reduces 98
local funding for corrections by the amount of a 99
community-based corrections subsidy or that uses a 100
subsidy for capital improvements; to require the 101
Department, together with the Department of 102
Alcohol and Drug Addiction Services, to develop an 103
implementation plan related to funding through the 104
federal Second Chance Act related to community 105
reentry of offenders; and to specify that the 106
report and recommendations of the Council of State 107
Governments' Justice Reinvestment in Ohio Study is 108
to be considered in the bill. 109

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

Section 1. That sections 109.42, 307.93, 309.18, 341.12, 110
926.99, 1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2909.05, 111
2909.11, 2913.01, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 112
2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 113
2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 114
2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 115
2921.34, 2921.41, 2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 116
2929.01, 2929.13, 2929.14, 2929.20, 2929.26, 2929.34, 2930.16, 117
2930.17, 2950.99, 2951.041, 2967.05, 2967.14, 2967.193, 2967.28, 118
2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.59, 5120.60, 119
5120.66, 5149.01, 5149.10, 5149.33, and 5149.34 be amended and 120

sections 307.932, 2967.19, 5120.035, and 5120.113 of the Revised Code be enacted to read as follows:

Sec. 109.42. (A) The attorney general shall prepare and have printed a pamphlet that contains a compilation of all statutes relative to victim's rights in which the attorney general lists and explains the statutes in the form of a victim's bill of rights. The attorney general shall distribute the pamphlet to all sheriffs, marshals, municipal corporation and township police departments, constables, and other law enforcement agencies, to all prosecuting attorneys, city directors of law, village solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime. The victim's bill of rights set forth in the pamphlet shall contain a description of all of the rights of victims that are provided for in Chapter 2930. or in any other section of the Revised Code and shall include, but not be limited to, all of the following:

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

(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or

child's violation of probation or community control is found to be 152
proximately caused by the failure of the child's parent or 153
guardian to subject the child to reasonable parental authority or 154
to faithfully discharge the conditions of probation or community 155
control; 156

(3) The availability of awards of reparations pursuant to 157
sections 2743.51 to 2743.72 of the Revised Code for injuries 158
caused by criminal offenses; 159

(4) The right of the victim in certain criminal or juvenile 160
cases or a victim's representative to receive, pursuant to section 161
2930.06 of the Revised Code, notice of the date, time, and place 162
of the trial or delinquency proceeding in the case or, if there 163
will not be a trial or delinquency proceeding, information from 164
the prosecutor, as defined in section 2930.01 of the Revised Code, 165
regarding the disposition of the case; 166

(5) The right of the victim in certain criminal or juvenile 167
cases or a victim's representative to receive, pursuant to section 168
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the 169
name of the person charged with the violation, the case or docket 170
number assigned to the charge, and a telephone number or numbers 171
that can be called to obtain information about the disposition of 172
the case; 173

(6) The right of the victim in certain criminal or juvenile 174
cases or of the victim's representative pursuant to section 175
2930.13 or 2930.14 of the Revised Code, subject to any reasonable 176
terms set by the court as authorized under section 2930.14 of the 177
Revised Code, to make a statement about the victimization and, if 178
applicable, a statement relative to the sentencing or disposition 179
of the offender; 180

(7) The opportunity to obtain a court order, pursuant to 181
section 2945.04 of the Revised Code, to prevent or stop the 182

commission of the offense of intimidation of a crime victim or 183
witness or an offense against the person or property of the 184
complainant, or of the complainant's ward or child; 185

(8) The right of the victim in certain criminal or juvenile 186
cases or a victim's representative pursuant to sections 2151.38, 187
2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 188
receive notice of a pending motion for judicial release, release 189
pursuant to section 2967.19 of the Revised Code, or other early 190
release of the person who committed the offense against the 191
victim, to make an oral or written statement at the court hearing 192
on the motion, and to be notified of the court's decision on the 193
motion; 194

(9) The right of the victim in certain criminal or juvenile 195
cases or a victim's representative pursuant to section 2930.16, 196
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 197
of any pending commutation, pardon, parole, transitional control, 198
discharge, other form of authorized release, post-release control, 199
or supervised release for the person who committed the offense 200
against the victim or any application for release of that person 201
and to send a written statement relative to the victimization and 202
the pending action to the adult parole authority or the release 203
authority of the department of youth services; 204

(10) The right of the victim to bring a civil action pursuant 205
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 206
from the offender's profit fund; 207

(11) The right, pursuant to section 3109.09 of the Revised 208
Code, to maintain a civil action to recover compensatory damages 209
not exceeding ten thousand dollars and costs from the parent of a 210
minor who willfully damages property through the commission of an 211
act that would be a theft offense, as defined in section 2913.01 212
of the Revised Code, if committed by an adult; 213

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

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

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

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

(16) The right of a victim of a sexually oriented offense or of a child-victim oriented offense that is committed by a person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the offense and who is in a

category specified in division (B) of section 2950.10 of the Revised Code to receive, pursuant to that section, notice that the person has registered with a sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised Code and notice of the person's name, the person's residence that is registered, and the offender's school, institution of higher education, or place of employment address or addresses that are registered, the person's photograph, and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(17) The right of a victim of certain sexually violent offenses committed by an offender who also is convicted of or pleads guilty to a sexually violent predator specification and who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, of a victim of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code, of a victim of an attempted rape committed on or after January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing

modification of that requirement, or whether to terminate the 279
prison term. As used in this division, "sexually violent offense" 280
and "sexually violent predator specification" have the same 281
meanings as in section 2971.01 of the Revised Code. 282

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 283
prosecuting attorney, assistant prosecuting attorney, city 284
director of law, assistant city director of law, village 285
solicitor, assistant village solicitor, or similar chief legal 286
officer of a municipal corporation or an assistant of any of those 287
officers who prosecutes an offense committed in this state, upon 288
first contact with the victim of the offense, the victim's family, 289
or the victim's dependents, shall give the victim, the victim's 290
family, or the victim's dependents a copy of the pamphlet prepared 291
pursuant to division (A) of this section and explain, upon 292
request, the information in the pamphlet to the victim, the 293
victim's family, or the victim's dependents. 294

(b) Subject to division (B)(1)(c) of this section, a law 295
enforcement agency that investigates an offense or delinquent act 296
committed in this state shall give the victim of the offense or 297
delinquent act, the victim's family, or the victim's dependents a 298
copy of the pamphlet prepared pursuant to division (A) of this 299
section at one of the following times: 300

(i) Upon first contact with the victim, the victim's family, 301
or the victim's dependents; 302

(ii) If the offense or delinquent act is an offense of 303
violence, if the circumstances of the offense or delinquent act 304
and the condition of the victim, the victim's family, or the 305
victim's dependents indicate that the victim, the victim's family, 306
or the victim's dependents will not be able to understand the 307
significance of the pamphlet upon first contact with the agency, 308
and if the agency anticipates that it will have an additional 309
contact with the victim, the victim's family, or the victim's 310

dependents, upon the agency's second contact with the victim, the 311
victim's family, or the victim's dependents. 312

If the agency does not give the victim, the victim's family, 313
or the victim's dependents a copy of the pamphlet upon first 314
contact with them and does not have a second contact with the 315
victim, the victim's family, or the victim's dependents, the 316
agency shall mail a copy of the pamphlet to the victim, the 317
victim's family, or the victim's dependents at their last known 318
address. 319

(c) In complying on and after December 9, 1994, with the 320
duties imposed by division (B)(1)(a) or (b) of this section, an 321
official or a law enforcement agency shall use copies of the 322
pamphlet that are in the official's or agency's possession on 323
December 9, 1994, until the official or agency has distributed all 324
of those copies. After the official or agency has distributed all 325
of those copies, the official or agency shall use only copies of 326
the pamphlet that contain at least the information described in 327
divisions (A)(1) to (17) of this section. 328

(2) The failure of a law enforcement agency or of a 329
prosecuting attorney, assistant prosecuting attorney, city 330
director of law, assistant city director of law, village 331
solicitor, assistant village solicitor, or similar chief legal 332
officer of a municipal corporation or an assistant to any of those 333
officers to give, as required by division (B)(1) of this section, 334
the victim of an offense or delinquent act, the victim's family, 335
or the victim's dependents a copy of the pamphlet prepared 336
pursuant to division (A) of this section does not give the victim, 337
the victim's family, the victim's dependents, or a victim's 338
representative any rights under section 2743.51 to 2743.72, 339
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 340
Revised Code or under any other provision of the Revised Code and 341
does not affect any right under those sections. 342

(3) A law enforcement agency, a prosecuting attorney or 343
assistant prosecuting attorney, or a city director of law, 344
assistant city director of law, village solicitor, assistant 345
village solicitor, or similar chief legal officer of a municipal 346
corporation that distributes a copy of the pamphlet prepared 347
pursuant to division (A) of this section shall not be required to 348
distribute a copy of an information card or other printed material 349
provided by the clerk of the court of claims pursuant to section 350
2743.71 of the Revised Code. 351

(C) The cost of printing and distributing the pamphlet 352
prepared pursuant to division (A) of this section shall be paid 353
out of the reparations fund, created pursuant to section 2743.191 354
of the Revised Code, in accordance with division (D) of that 355
section. 356

(D) As used in this section: 357

(1) "Victim's representative" has the same meaning as in 358
section 2930.01 of the Revised Code; 359

(2) "Victim advocate" has the same meaning as in section 360
2919.26 of the Revised Code. 361

Sec. 307.93. (A) The boards of county commissioners of two or 362
more adjacent counties may contract for the joint establishment of 363
a multicounty correctional center, and the board of county 364
commissioners of a county or the boards of two or more counties 365
may contract with any municipal corporation or municipal 366
corporations located in that county or those counties for the 367
joint establishment of a municipal-county or multicounty-municipal 368
correctional center. The center shall augment county and, where 369
applicable, municipal jail programs and facilities by providing 370
custody and rehabilitative programs for those persons under the 371
charge of the sheriff of any of the contracting counties or of the 372
officer or officers of the contracting municipal corporation or 373

municipal corporations having charge of persons incarcerated in 374
the municipal jail, workhouse, or other correctional facility who, 375
in the opinion of the sentencing court, need programs of custody 376
and rehabilitation not available at the county or municipal jail 377
and by providing custody and rehabilitative programs in accordance 378
with division (C) of this section, if applicable. The contract may 379
include, but need not be limited to, provisions regarding the 380
acquisition, construction, maintenance, repair, termination of 381
operations, and administration of the center. The contract shall 382
prescribe the manner of funding of, and debt assumption for, the 383
center and the standards and procedures to be followed in the 384
operation of the center. Except as provided in division (H) of 385
this section, the contracting counties and municipal corporations 386
shall form a corrections commission to oversee the administration 387
of the center. Members of the commission shall consist of the 388
sheriff of each participating county, ~~the president~~ a member of 389
the board of county commissioners of each participating county, 390
~~the presiding judge of the court of common pleas of each~~ 391
~~participating county, or, if the court of common pleas of a~~ 392
~~participating county has only one judge, then that judge, the~~ 393
chief of police of each participating municipal corporation, and 394
the mayor or city manager of each participating municipal 395
corporation, ~~and the presiding judge or the sole judge of the~~ 396
~~municipal court of each participating municipal corporation.~~ Any 397
of the foregoing officers may appoint a designee to serve in the 398
officer's place on the corrections commission. The standards and 399
procedures shall be formulated and agreed to by the commission and 400
may be amended at any time during the life of the contract by 401
agreement of the parties to the contract upon the advice of the 402
commission. The standards and procedures formulated by the 403
commission shall include, but need not be limited to, designation 404
of the person in charge of the center, designation of a fiscal 405
agent, the categories of employees to be employed at the center, 406

the appointing authority of the center, and the standards of 407
treatment and security to be maintained at the center. The person 408
in charge of, and all persons employed to work at, the center 409
shall have all the powers of police officers that are necessary 410
for the proper performance of the duties relating to their 411
positions at the center. 412

(B)(1) Upon the establishment of a corrections commission 413
under division (A) of this section, the judges specified in this 414
division shall form a judicial advisory board for the purpose of 415
making recommendations to the corrections commission on issues of 416
bed allocation, expansion of the center that the corrections 417
commission oversees, and other issues concerning the 418
administration of sentences or any other matter determined to be 419
appropriate by the corrections commission. The judges who shall 420
form the judicial advisory board for a corrections commission are 421
the administrative judge of the general division of the court of 422
common pleas of each county participating in the corrections 423
center, the presiding judge of the municipal court of each 424
municipal corporation participating in the corrections center, and 425
the presiding judge of each county court of each county 426
participating in the corrections center. Any of the foregoing 427
judges may appoint a designee to serve in the judge's place on the 428
judicial advisory board, provided that the designee shall be a 429
judge of the same court as the judge who makes the appointment. 430
The judicial advisory board for a corrections commission shall 431
meet with the corrections commission at least once each year. 432

(2) Each board of county commissioners that enters a contract 433
under division (A) of this section may appoint a building 434
commission pursuant to section 153.21 of the Revised Code. If any 435
commissions are appointed, they shall function jointly in the 436
construction of a multicounty or multicounty-municipal 437
correctional center with all the powers and duties authorized by 438

law. 439

(C) Prior to the acceptance for custody and rehabilitation 440
into a center established under this section of any persons who 441
are designated by the department of rehabilitation and correction, 442
who plead guilty to or are convicted of a felony of the fourth or 443
fifth degree, and who satisfy the other requirements listed in 444
section 5120.161 of the Revised Code, the corrections commission 445
of a center established under this section shall enter into an 446
agreement with the department of rehabilitation and correction 447
under section 5120.161 of the Revised Code for the custody and 448
rehabilitation in the center of persons who are designated by the 449
department, who plead guilty to or are convicted of a felony of 450
the fourth or fifth degree, and who satisfy the other requirements 451
listed in that section, in exchange for a per diem fee per person. 452
Persons incarcerated in the center pursuant to an agreement 453
entered into under this division shall be subject to supervision 454
and control in the manner described in section 5120.161 of the 455
Revised Code. This division does not affect the authority of a 456
court to directly sentence a person who is convicted of or pleads 457
guilty to a felony to the center in accordance with section 458
2929.16 of the Revised Code. 459

(D) Pursuant to section 2929.37 of the Revised Code, each 460
board of county commissioners and the legislative authority of 461
each municipal corporation that enters into a contract under 462
division (A) of this section may require a person who was 463
convicted of an offense, who is under the charge of the sheriff of 464
their county or of the officer or officers of the contracting 465
municipal corporation or municipal corporations having charge of 466
persons incarcerated in the municipal jail, workhouse, or other 467
correctional facility, and who is confined in the multicounty, 468
municipal-county, or multicounty-municipal correctional center as 469
provided in that division, to reimburse the applicable county or 470

municipal corporation for its expenses incurred by reason of the 471
person's confinement in the center. 472

(E) Notwithstanding any contrary provision in this section or 473
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 474
corrections commission of a center may establish a policy that 475
complies with section 2929.38 of the Revised Code and that 476
requires any person who is not indigent and who is confined in the 477
multicounty, municipal-county, or multicounty-municipal 478
correctional center to pay a reception fee, a fee for medical 479
treatment or service requested by and provided to that person, or 480
the fee for a random drug test assessed under division (E) of 481
section 341.26 of the Revised Code. 482

(F)(1) The corrections commission of a center established 483
under this section may establish a commissary for the center. The 484
commissary may be established either in-house or by another 485
arrangement. If a commissary is established, all persons 486
incarcerated in the center shall receive commissary privileges. A 487
person's purchases from the commissary shall be deducted from the 488
person's account record in the center's business office. The 489
commissary shall provide for the distribution to indigent persons 490
incarcerated in the center of necessary hygiene articles and 491
writing materials. 492

(2) If a commissary is established, the corrections 493
commission of a center established under this section shall 494
establish a commissary fund for the center. The management of 495
funds in the commissary fund shall be strictly controlled in 496
accordance with procedures adopted by the auditor of state. 497
Commissary fund revenue over and above operating costs and reserve 498
shall be considered profits. All profits from the commissary fund 499
shall be used to purchase supplies and equipment for the benefit 500
of persons incarcerated in the center and to pay salary and 501
benefits for employees of the center, or for any other persons, 502

who work in or are employed for the sole purpose of providing 503
service to the commissary. The corrections commission shall adopt 504
rules and regulations for the operation of any commissary fund it 505
establishes. 506

(G) In lieu of forming a corrections commission to administer 507
a multicounty correctional center or a municipal-county or 508
multicounty-municipal correctional center, the boards of county 509
commissioners and the legislative authorities of the municipal 510
corporations contracting to establish the center may also agree to 511
contract for the private operation and management of the center as 512
provided in section 9.06 of the Revised Code, but only if the 513
center houses only misdemeanor inmates. In order to enter into a 514
contract under section 9.06 of the Revised Code, all the boards 515
and legislative authorities establishing the center shall approve 516
and be parties to the contract. 517

(H) If a person who is convicted of or pleads guilty to an 518
offense is sentenced to a term in a multicounty correctional 519
center or a municipal-county or multicounty-municipal correctional 520
center or is incarcerated in the center in the manner described in 521
division (C) of this section, or if a person who is arrested for 522
an offense, and who has been denied bail or has had bail set and 523
has not been released on bail is confined in a multicounty 524
correctional center or a municipal-county or multicounty-municipal 525
correctional center pending trial, at the time of reception and at 526
other times the officer, officers, or other person in charge of 527
the operation of the center determines to be appropriate, the 528
officer, officers, or other person in charge of the operation of 529
the center may cause the convicted or accused offender to be 530
examined and tested for tuberculosis, HIV infection, hepatitis, 531
including but not limited to hepatitis A, B, and C, and other 532
contagious diseases. The officer, officers, or other person in 533
charge of the operation of the center may cause a convicted or 534

accused offender in the center who refuses to be tested or treated 535
for tuberculosis, HIV infection, hepatitis, including but not 536
limited to hepatitis A, B, and C, or another contagious disease to 537
be tested and treated involuntarily. 538

(I) As used in this section, "multicounty-municipal" means 539
more than one county and a municipal corporation, or more than one 540
municipal corporation and a county, or more than one municipal 541
corporation and more than one county. 542

Sec. 307.932. (A) As used in this section: 543

(1) "Division of parole and community services" means the 544
division of parole and community services of the department of 545
rehabilitation and correction. 546

(2) "Eligible offender" means, in relation to a particular 547
community alternative sentencing center or district community 548
alternative sentencing center established and operated under 549
division (E) of this section, an offender who has been convicted 550
of or pleaded guilty to a qualifying misdemeanor offense, for whom 551
no provision of the Revised Code or ordinance of a municipal 552
corporation other than section 4511.19 of the Revised Code or an 553
ordinance of a municipal corporation that provides the penalties 554
for a municipal OVI offense of the municipal corporation requires 555
the imposition of a mandatory jail term for that qualifying 556
misdemeanor offense, and who is eligible to be sentenced directly 557
to that center and admitted to it under rules adopted under 558
division (G) of this section by the board of county commissioners 559
or affiliated group of boards of county commissioners that 560
established and operates that center. 561

(3) "Municipal OVI offense" has the same meaning as in 562
section 4511.181 of the Revised Code. 563

(4) "OVI term of confinement" means a term of confinement 564

imposed for a violation of section 4511.19 of the Revised Code or 565
for a municipal OVI offense, including any mandatory jail term or 566
mandatory term of local incarceration imposed for that violation 567
or offense. 568

(5) "Community residential sanction" means a community 569
residential sanction imposed under section 2929.26 of the Revised 570
Code for a misdemeanor violation of a section of the Revised Code 571
or a term of confinement imposed for a misdemeanor violation of a 572
municipal ordinance that is not a jail term. 573

(6) "Qualifying misdemeanor offense" means a violation of any 574
section of the Revised Code that is a misdemeanor or a violation 575
of any ordinance of a municipal corporation located in the county 576
that is a misdemeanor. 577

(B)(1) The board of county commissioners of any county, in 578
consultation with the sheriff of the county, may formulate a 579
proposal for a community alternative sentencing center that, upon 580
implementation by the county or being subcontracted to or operated 581
by a nonprofit organization, would be used for the confinement of 582
eligible offenders sentenced directly to the center by a court 583
located in the county pursuant to a community residential sanction 584
of not more than thirty days or pursuant to an OVI term of 585
confinement of not more than thirty days, and for the purpose of 586
closely monitoring those eligible offenders' adjustment to 587
community supervision. A board that formulates a proposal pursuant 588
to this division shall do so by resolution. 589

(2) The boards of county commissioners of two or more 590
adjoining or neighboring counties, in consultation with the 591
sheriffs of each of those counties, may affiliate and formulate by 592
resolution adopted by each of them a proposal for a district 593
community alternative sentencing center that, upon implementation 594
by the counties or being subcontracted to or operated by a 595
nonprofit organization, would be used for the confinement of 596

eligible offenders sentenced directly to the center by a court 597
located in any of those counties pursuant to a community 598
residential sanction of not more than thirty days or pursuant to 599
an OVI term of confinement of not more than thirty days, and for 600
the purpose of closely monitoring those eligible offenders' 601
adjustment to community supervision. Each board that affiliates 602
with one or more other boards to formulate a proposal pursuant to 603
this division shall formulate the proposal by resolution. 604

(C) Each proposal for a community alternative sentencing 605
center or a district community alternative sentencing center that 606
is formulated under division (B)(1) or (2) of this section shall 607
include proposals for operation of the center and for criteria to 608
define which offenders are eligible to be sentenced directly to 609
the center and admitted to it. At a minimum, the proposed criteria 610
that define which offenders are eligible to be sentenced directly 611
to the center and admitted to it shall provide all of the 612
following: 613

(1) That an offender is eligible to be sentenced directly to 614
the center and admitted to it if the offender has been convicted 615
of or pleaded guilty to a qualifying misdemeanor offense and is 616
sentenced directly to the center for the qualifying misdemeanor 617
offense pursuant to a community residential sanction of not more 618
than thirty days or pursuant to an OVI term of confinement of not 619
more than thirty days by a court that is located in the county or 620
one of the counties served by the board of county commissioners or 621
by any of the affiliated group of boards of county commissioners 622
that submits the proposal; 623

(2) That no offender is eligible to be sentenced directly to 624
the center or admitted to it if, in addition to the community 625
residential sanction or OVI term of confinement described in 626
division (C)(1) of this section, the offender is serving or has 627
been sentenced to serve any other jail term, prison term, or 628

community residential sanction. 629

(D)(1) If a board of county commissioners formulates a 630
proposal for a community alternative sentencing center pursuant to 631
division (B)(1) of this section or an affiliated group of boards 632
of county commissioners formulates a proposal for a district 633
community alternative sentencing center pursuant to division 634
(B)(2) of this section, prior to establishing or operating the 635
center, the board or the affiliated group of boards shall submit 636
the proposal for certification to the division of parole and 637
community services of the department of rehabilitation and 638
correction for approval and certification pursuant to division (F) 639
of section 5120.10 of the Revised Code. The division may approve 640
and certify a center as a suitable facility for the care and 641
treatment of adult offenders only if the center complies with the 642
standards for the certification of the centers that the division 643
adopts by rule in accordance with Chapter 119. of the Revised 644
Code. The division shall inspect each center to which a proposal 645
submitted under this division applies and annually shall inspect 646
each center established or operated under an approved and 647
certified proposal to determine if the proposed or certified 648
center is in compliance with the certification standards. A board 649
or affiliated group of boards shall not establish or operate a 650
center without the division's approval and certification. The 651
approval and certification of a center by the division is not a 652
requirement for, and is not an affirmation that the division or 653
the department of rehabilitation and correction must or will 654
provide, funding for the operation of the center. 655

(2) If a proposal for a community alternative sentencing 656
center or a district community alternative sentencing center that 657
is formulated under division (B)(1) or (2) of this section 658
contemplates the use of an existing facility, or a part of an 659
existing facility, as the center, nothing in this section limits, 660

restricts, or precludes the use of the facility, the part of the 661
facility, or any other part of the facility for any purpose other 662
than as a community alternative sentencing center or district 663
community alternative sentencing center. 664

(E) Upon approval and certification by the division of parole 665
and community services of a proposal for a community alternative 666
sentencing center or for a district community alternative 667
sentencing center submitted to the division under division (D) of 668
this section, the board of county commissioners or the affiliated 669
group of boards of county commissioners that submitted the 670
proposal may establish and operate the center in accordance with 671
the approved and certified proposal, division (G) of this section, 672
and rules adopted under that division. The establishment and 673
operation of the center may be done by subcontracting with a 674
nonprofit organization for the operation of the center. 675

If a board of county commissioners or an affiliated group of 676
boards of county commissioners establishes and operates a 677
community alternative sentencing center or district community 678
alternative sentencing center under this division, except as 679
otherwise provided in this division, the center is not a minimum 680
security jail under section 341.14, section 753.21, or any other 681
provision of the Revised Code, is not a jail or alternative 682
residential facility as defined in section 2929.01 of the Revised 683
Code, is not required to satisfy or comply with minimum standards 684
for minimum security jails or other jails that are promulgated 685
under division (A) of section 5120.10 of the Revised Code, is not 686
a local detention facility as defined in section 2929.36 of the 687
Revised Code, and is not a residential unit as defined in section 688
2950.01 of the Revised Code. The center is a detention facility as 689
defined in sections 2921.01 and 2923.124 of the Revised Code, and 690
an eligible offender confined in the center is under detention as 691
defined in section 2921.01 of the Revised Code. Regarding persons 692

sentenced directly to the center under an OVI term of confinement, 693
the center shall be considered a "jail" or "local correctional 694
facility" for purposes of any provision in section 4511.19 of the 695
Revised Code or in an ordinance of a municipal corporation that 696
requires a mandatory jail term or mandatory term of local 697
incarceration for the violation of section 4511.19 of the Revised 698
Code or the municipal OVI offense, and a direct sentence of a 699
person to the center under an OVI term of confinement shall be 700
considered to be a sentence to a "jail" or "local correctional 701
facility" for purposes of any such provision in section 4511.19 of 702
the Revised Code or in an ordinance of a municipal corporation. 703

(F)(1) If the board of county commissioners of a county that 704
is being served by a community alternative sentencing center 705
established pursuant to division (E) of this section determines 706
that it no longer wants to be served by the center, the board may 707
dissolve the center by adopting a resolution evidencing the 708
determination to dissolve the center and notifying, in writing, 709
the division of parole and community services of the determination 710
to dissolve the center. 711

(2) If the boards of county commissioners of all of the 712
counties served by any district community alternative sentencing 713
center established pursuant to division (E) of this section 714
determine that they no longer want to be served by the center, the 715
boards may dissolve the center by adopting in each county a 716
resolution evidencing the determination to dissolve the center and 717
notifying, in writing, the division of parole and community 718
services of the determination to dissolve the center. 719

(3) If at least one, but not all, of the boards of county 720
commissioners of the counties being served by any district 721
community alternative sentencing center established pursuant to 722
division (E) of this section determines that it no longer wants to 723
be served by the center, the board may terminate its involvement 724

with the center by adopting a resolution evidencing the 725
determination to terminate its involvement with the center and 726
notifying, in writing, the division of parole and community 727
services of the determination to terminate its involvement with 728
the center. If at least one, but not all, of the boards of county 729
commissioners of the counties being served by any community 730
alternative sentencing center terminates its involvement with the 731
center in accordance with this division, the other boards of 732
county commissioners of the counties being served by the center 733
may continue to be served by the center. 734

(G) Upon approval and certification by the division of parole 735
and community services of a proposal for a community alternative 736
sentencing center or for a district community alternative 737
sentencing center submitted to it under division (D) of this 738
section, prior to establishing or operating the center, the board 739
of county commissioners or the affiliated group of boards of 740
county commissioners that submitted the proposal shall adopt rules 741
for the operation of the center. The rules shall include criteria 742
that define which offenders are eligible to be sentenced directly 743
to the center and admitted to it and the criteria so included 744
shall be consistent with the proposed criteria included in the 745
proposal approved and certified by the division. 746

(H) If a board of county commissioners establishes and 747
operates a community alternative sentencing center under division 748
(E) of this section, or an affiliated group of boards of county 749
commissioners establishes and operates a district community 750
alternative sentencing center under that division, all of the 751
following apply: 752

(1) Any court located within the county served by the board 753
that establishes and operates a community correctional center may 754
directly sentence eligible offenders to the center pursuant to a 755
community residential sanction of not more than thirty days or 756

pursuant to an OVI term of confinement of not more than thirty 757
days. Any court located within a county served by any of the 758
boards that establishes and operates a district community 759
correctional center may directly sentence eligible offenders to 760
the center pursuant to a community residential sanction of not 761
more than thirty days or pursuant to an OVI term of confinement of 762
not more than thirty days. 763

(2) Each eligible offender who is sentenced to the center as 764
described in division (H)(1) of this section and admitted to it 765
shall be offered during the eligible offender's confinement at the 766
center educational and vocational services and reentry planning 767
and may be offered any other treatment and rehabilitative services 768
that are available and that the court that sentenced the 769
particular eligible offender to the center and the administrator 770
of the center determine are appropriate based upon the offense for 771
which the eligible offender was sentenced to the community 772
residential sanction and the length of the sanction. 773

(3) Before accepting an eligible offender sentenced to the 774
center by a court, the board or the affiliated group of boards 775
shall enter into an agreement with a political subdivision that 776
operates that court that addresses the cost and payment of medical 777
treatment or services received by eligible offenders sentenced by 778
that court while they are confined in the center. The agreement 779
may provide for the payment of the costs by the particular 780
eligible offender who receives the treatment or services, as 781
described in division (I) of this section. 782

(4) If a court sentences an eligible offender to a center 783
under authority of division (H)(1) of this section, immediately 784
after the sentence is imposed, the eligible offender shall be 785
taken to the probation department that serves the court. The 786
department shall handle any preliminary matters regarding the 787
admission of the eligible offender to the center, including a 788

determination as to whether the eligible offender may be admitted 789
to the center under the criteria included in the rules adopted 790
under division (G) of this section that define which offenders are 791
eligible to be sentenced and admitted to the center. If the 792
eligible offender is accepted for admission to the center, the 793
department shall schedule the eligible offender for the admission 794
and shall provide for the transportation of the offender to the 795
center. If an eligible offender who is sentenced to the center 796
under a community residential sanction is not accepted for 797
admission to the center for any reason, the nonacceptance shall be 798
considered a violation of a condition of the community residential 799
sanction, the eligible offender shall be taken before the court 800
that imposed the sentence, and the court may proceed as specified 801
in division (C)(2) of section 2929.25 of the Revised Code based on 802
the violation or as provided by ordinance of the municipal 803
corporation based on the violation, whichever is applicable. If an 804
eligible offender who is sentenced to the center under an OVI term 805
of confinement is not accepted for admission to the center for any 806
reason, the eligible offender shall be taken before the court that 807
imposed the sentence, and the court shall determine the place at 808
which the offender is to serve the term of confinement. If the 809
eligible offender is admitted to the center, all of the following 810
apply: 811

(a) The admission shall be under the terms and conditions 812
established by the court and the administrator of the center, and 813
the court and the administrator of the center shall provide for 814
the confinement of the eligible offender and supervise the 815
eligible offender as provided in divisions (H)(4)(b) to (f) of 816
this section. 817

(b) The eligible offender shall be confined in the center 818
during any period of time that the eligible offender is not 819
actually working at the eligible offender's approved work release 820

described in division (H)(4)(c) of this section, engaged in 821
community service activities described in division (H)(4)(d) of 822
this section, engaged in authorized vocational training or another 823
authorized educational program, engaged in another program 824
designated by the administrator of the center, or engaged in other 825
activities approved by the court and the administrator of the 826
center. 827

(c) If the court and the administrator of the center 828
determine that work release is appropriate based upon the offense 829
for which the eligible offender was sentenced to the community 830
residential sanction or OVI term of confinement and the length of 831
the sanction or term, the eligible offender may be offered work 832
release from confinement at the center and be released from 833
confinement while engaged in the work release. 834

(d) If the administrator of the center determines that 835
community service is appropriate and if the eligible offender will 836
be confined for more than ten days at the center, the eligible 837
offender may be required to participate in community service 838
activities approved by the political subdivision served by the 839
court. Community service activities that may be required under 840
this division may take place in facilities of the political 841
subdivision that operates the court, in the community, or in both 842
such locales. The eligible offender shall be released from 843
confinement while engaged in the community service activities. 844
Community service activities required under this division shall be 845
supervised by the court or an official designated by the board of 846
county commissioners or affiliated group of boards of county 847
commissioners that established and is operating the center. 848
Community service activities required under this division shall 849
not exceed in duration the period for which the eligible offender 850
will be confined at the center under the community residential 851
sanction or the OVI term of confinement. 852

(e) The confinement of the eligible offender in the center shall be considered for purposes of this division and division (H)(4)(f) of this section as including any period of time described in division (H)(4)(b) of this section when the eligible offender may be outside of the center and shall continue until the expiration of the community residential sanction or OVI term of confinement that the eligible offender is serving upon admission to the center. 853
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(f) After the admission and until the expiration of the community residential sanction or OVI term of confinement that the eligible offender is serving upon admission to the center, the eligible offender shall be considered for purposes of any provision in Title XXIX of the Revised Code to be serving the community residential sanction or OVI term of confinement. 861
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(5) The administrator of the center, or the administrator's designee, shall post a sign as described in division (A)(4) of section 2923.1212 of the Revised Code in a conspicuous location at the center. 867
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(I) The board of county commissioners that establishes and operates a community alternative sentencing center under division (E) of this section, or the affiliated group of boards of county commissioners that establishes and operates a district community alternative sentencing center under that division, may require an eligible offender who is sentenced directly to the center and admitted to it to pay to the county served by the board or the counties served by the affiliated group of boards or the entity operating the center the reasonable expenses incurred by the county or counties, whichever is applicable, in supervising or confining the eligible offender after being sentenced to the center and admitted. Inability to pay those reasonable expenses shall not be grounds for refusing to admit an otherwise eligible offender to the center. 871
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(J)(1) If an eligible offender who is directly sentenced to a 885
community alternative sentencing center or district community 886
alternative sentencing center and admitted to the center 887
successfully completes the service of the community residential 888
sanction in the center, the administrator of the center shall 889
notify the court that imposed the sentence, and the court shall 890
enter into the journal that the eligible offender successfully 891
completed the service of the sanction. 892

(2) If an eligible offender who is directly sentenced to a 893
community alternative sentencing center or district community 894
alternative sentencing center and admitted to the center violates 895
any rule established under this section by the board of county 896
commissioners or the affiliated group of boards of county 897
commissioners that establishes and operates the center, violates 898
any condition of the community residential sanction or OVI term of 899
confinement imposed by the sentencing court, or otherwise does not 900
successfully complete the service of the community residential 901
sanction or OVI term of confinement in the center, the 902
administrator of the center shall report the violation or failure 903
to successfully complete the sanction or term directly to the 904
court or to the probation department or probation officer with 905
general control and supervision over the eligible offender. A 906
failure to successfully complete the service of the community 907
residential sanction or OVI term of confinement in the center 908
shall be considered a violation of a condition of the community 909
residential sanction or the OVI term of confinement. If the 910
administrator reports the violation to the probation department or 911
probation officer, the department or officer shall report the 912
violation to the court. Upon its receipt under this division of a 913
report of a violation or failure to complete the sanction by a 914
person sentenced to the center under a community residential 915
sanction, the court may proceed as specified in division (C)(2) of 916
section 2929.25 of the Revised Code based on the violation or as 917

provided by ordinance of the municipal corporation based on the 918
violation, whichever is applicable. Upon its receipt under this 919
division of a report of a violation or failure to complete the 920
term by a person sentenced to the center under an OVI term of 921
confinement, the court shall determine the place at which the 922
offender is to serve the remainder of the term of confinement. The 923
eligible offender shall receive credit towards completing the 924
eligible offender's sentence for the time spent in the center 925
after admission to it. 926

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

sheriff, or chief law enforcement officer of the municipal 950
corporation and shall be given by telephone or in person, except 951
that, if a prosecuting attorney tries and fails to give the notice 952
of escape by telephone at the victim's last known telephone number 953
or tries and fails to give the notice of escape in person at the 954
victim's last known address, the notice of escape shall be given 955
to the victim at ~~his~~ the victim's last known address by certified 956
mail, return receipt requested. The notice of apprehension shall 957
be given as soon as possible after the person is apprehended and 958
shall be given in the same manner as is the notice of escape. 959

Any prosecuting attorney who fails to give any notice 960
required by this ~~section~~ division is immune from civil liability 961
for any injury, death, or loss to person or property that might be 962
incurred as a result of that failure to give notice. 963

(B) If a prosecuting attorney of a county receives notice 964
from the department of rehabilitation and correction pursuant to 965
section 5120.14 of the Revised Code or otherwise receives notice 966
from the department that a person who was convicted of or pleaded 967
guilty in that county to an offense of violence that is a felony 968
has escaped from a correctional institution under the control of 969
the department or otherwise has escaped from the custody of the 970
department, and if the office of victim services of the department 971
requests assistance from the prosecuting attorney in identifying 972
and locating the victim of the offense, the prosecuting attorney 973
promptly shall provide the information requested, if available, to 974
the office of victim services. 975

Sec. 341.12. In a county not having a sufficient jail or 976
staff, the sheriff shall convey any person charged with the 977
commission of an offense, sentenced to imprisonment in the county 978
jail, or in custody upon civil process to a jail in any county the 979
sheriff considers most convenient and secure. ~~In the case of a 980~~

~~person who has been charged with an offense and is being held~~ 981
~~pending trial~~ As used in this paragraph, any county includes a 982
contiguous county in an adjoining state. 983

The sheriff may call such aid as is necessary in guarding, 984
transporting, or returning such person. Whoever neglects or 985
refuses to render such aid, when so called upon, shall forfeit and 986
pay the sum of ten dollars, to be recovered by an action in the 987
name and for the use of the county. 988

Such sheriff and his assistants shall receive such 989
compensation for their services as the county auditor of the 990
county from which such person was removed considers reasonable. 991
The compensation shall be paid from the county treasury on the 992
warrant of the auditor. 993

The receiving sheriff shall not, pursuant to this section, 994
convey the person received to any county other than the one from 995
which the person was removed. 996

Sec. 926.99. (A)(1) Except as provided in division (A)(2) of 997
this section, whoever violates section 926.04 of the Revised Code 998
is guilty of a misdemeanor of the first degree on a first offense 999
and a felony of the fifth degree on each subsequent offense. 1000

(2) A person who violates section 926.04 of the Revised Code 1001
and who is insolvent and financially unable to satisfy a claimant 1002
as defined in section 926.021 of the Revised Code is guilty of a 1003
felony of the fifth degree if the financial obligation owed by the 1004
offender to the claimant is ~~five hundred~~ one thousand dollars or 1005
more and is less than ~~five~~ seven thousand ~~five hundred~~ dollars. If 1006
the financial obligation is ~~five~~ seven thousand ~~five hundred~~ 1007
dollars or more and is less than one hundred fifty thousand 1008
dollars, the offender is guilty of a felony of the fourth degree. 1009
If the financial obligation is one hundred fifty thousand dollars 1010
or more, the offender is guilty of a felony of the third degree. 1011

(B) Whoever violates division (E) or (F) of section 926.20 or 1012
division (A) of section 926.22 of the Revised Code is guilty of a 1013
minor misdemeanor on a first offense and a misdemeanor of the 1014
second degree on each subsequent offense. 1015

(C) Whoever violates division (G) of section 926.20 or 1016
section 926.34 or 926.35 of the Revised Code is guilty of a felony 1017
of the fourth degree. 1018

(D) Whoever violates division (A) of section 926.28 or 1019
division (B) of section 926.29 of the Revised Code is guilty of a 1020
felony of the fifth degree. 1021

(E) Whoever violates section 926.31 of the Revised Code is 1022
guilty of a misdemeanor of the fourth degree. 1023

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 1024
1333.04 of the Revised Code is guilty of a minor misdemeanor. 1025

(B) Whoever violates section 1333.12 or 1333.71 of the 1026
Revised Code is guilty of a misdemeanor of the fourth degree. 1027

(C) Whoever violates section 1333.36 of the Revised Code is 1028
guilty of a misdemeanor of the third degree. 1029

(D) A prosecuting attorney may file an action to restrain any 1030
person found in violation of section 1333.36 of the Revised Code. 1031
Upon the filing of such an action, the common pleas court may 1032
receive evidence of such violation and forthwith grant a temporary 1033
restraining order as may be prayed for, pending a hearing on the 1034
merits of said cause. 1035

(E) Whoever violates division (A)(1) of section 1333.52 or 1036
section 1333.81 of the Revised Code is guilty of a misdemeanor of 1037
the first degree. 1038

(F) Whoever violates division (A)(2) or (B) of section 1039
1333.52 of the Revised Code is guilty of a misdemeanor of the 1040
second degree. 1041

(G) Except as otherwise provided in this division, whoever
violates section 1333.92 of the Revised Code is guilty of a
misdemeanor of the first degree. If the value of the compensation
is ~~five hundred~~ one thousand dollars or more and less than ~~five~~
~~seven~~ thousand five hundred dollars, whoever violates section
1333.92 of the Revised Code is guilty of a felony of the fifth
degree. If the value of the compensation is ~~five~~ seven thousand
five hundred dollars or more and less than one hundred fifty
thousand dollars, whoever violates section 1333.92 of the Revised
Code is guilty of a felony of the fourth degree. If the value of
the compensation is one hundred fifty thousand dollars or more,
whoever violates section 1333.92 of the Revised Code is guilty of
a felony of the third degree.

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

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

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

(C) If the value of the funds or securities involved in the
offense or the loss to the victim is ~~five~~ seven thousand five
hundred dollars or more but less than ~~twenty-five~~ thirty-seven

thousand five hundred dollars, the offender is guilty of a felony 1073
of the third degree, and the court may impose upon the offender an 1074
additional fine of not more than ten thousand dollars. 1075

(D) If the value of the funds or securities involved in the 1076
offense or the loss to the victim is ~~twenty-five~~ thirty-seven 1077
thousand five hundred dollars or more but less than one hundred 1078
fifty thousand dollars, the offender is guilty of a felony of the 1079
second degree, and the court may impose upon the offender an 1080
additional fine of not more than fifteen thousand dollars. 1081

(E) If the value of the funds or securities involved in the 1082
offense or the loss to the victim is one hundred fifty thousand 1083
dollars or more, the offender is guilty of a felony of the first 1084
degree, and the court may impose upon the offender an additional 1085
fine of not more than twenty thousand dollars. 1086

Sec. 1716.99. (A) Whoever violates any provision of sections 1087
1716.02 to 1716.17 of the Revised Code, other than division (A)(1) 1088
of section 1716.14 of the Revised Code, is guilty of a misdemeanor 1089
of the first degree. 1090

Each occurrence of a solicitation of a contribution from any 1091
person in violation of any provision of sections 1716.02 to 1092
1716.17 of the Revised Code, other than division (A)(1) of section 1093
1716.14 of the Revised Code, is considered a separate offense. 1094

(B)(1) Whoever violates division (A)(1) of section 1716.14 of 1095
the Revised Code is guilty of solicitation fraud and shall be 1096
punished as provided in divisions (B)(2) to (4) of this section. 1097

(2) Except as otherwise provided in division (B)(4) of this 1098
section, division (B)(3) of this section applies to solicitation 1099
fraud, and solicitation fraud is one of the following: 1100

(a) Except as otherwise provided in divisions (B)(2)(b) to 1101
(d) of this section, a misdemeanor of the first degree or, if the 1102

offender previously has been convicted of or pleaded guilty to a 1103
theft offense or a violation of division (A)(1) of section 1716.14 1104
of the Revised Code, a felony of the fifth degree. 1105

(b) If the value of the contribution or contributions made in 1106
the violation is ~~five hundred~~ one thousand dollars or more but 1107
less than ~~five~~ seven thousand five hundred dollars, a felony of 1108
the fifth degree or, if the offender previously has been convicted 1109
of or pleaded guilty to a theft offense or a violation of division 1110
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1111
fourth degree. 1112

(c) If the value of the contribution or contributions made in 1113
the violation is ~~five~~ seven thousand five hundred dollars or more 1114
but less than one hundred fifty thousand dollars, a felony of the 1115
fourth degree or, if the offender previously has been convicted of 1116
or pleaded guilty to a theft offense or a violation of division 1117
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1118
third degree. 1119

(d) If the value of the contribution or contributions made in 1120
the violation is one hundred fifty thousand dollars or more, a 1121
felony of the third degree. 1122

(3) When an offender commits a series of offenses in 1123
violation of division (A)(1) of section 1716.14 of the Revised 1124
Code as part of a common scheme or plan to defraud multiple 1125
victims, all of the offenses may be tried as a single offense. If 1126
the offenses are tried as a single offense, the value of the 1127
contributions for purposes of determining the value as required by 1128
division (B)(2) of this section is the aggregate value of all 1129
contributions involved in all offenses in the common scheme or 1130
plan to defraud multiple victims. In prosecuting a single offense 1131
under this division, it is not necessary to separately allege and 1132
prove each offense in the series. Rather, it is sufficient to 1133
allege and prove that the offender, within a given span of time, 1134

committed one or more offenses as part of a common scheme or plan 1135
to defraud multiple victims as described in this division. 1136

(4) If the victim of the offense is an elderly person or 1137
disabled adult, division (B)(4) of this section and section 1138
2913.61 of the Revised Code apply to solicitation fraud, and 1139
solicitation fraud is one of the following: 1140

(a) Except as otherwise provided in divisions (B)(4)(b) to 1141
(d) of this section, a felony of the fifth degree; 1142

(b) If the value of the contributions made in the violation 1143
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 1144
seven thousand five hundred dollars, a felony of the fourth 1145
degree; 1146

(c) If the value of the contributions made in the violation 1147
is ~~five~~ seven thousand five hundred dollars or more and is less 1148
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, a 1149
felony of the third degree; 1150

(d) If the value of the contributions made in the violation 1151
is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more, 1152
a felony of the second degree. 1153

(C) Any person who is found guilty of any act or omission 1154
prohibited under this chapter shall forfeit the bond described in 1155
section 1716.05 or 1716.07 of the Revised Code to the state 1156
treasury to the credit of the charitable law fund established 1157
under section 109.32 of the Revised Code and shall be prohibited 1158
from registering with the attorney general or from serving as a 1159
fund-raising counsel or professional solicitor in this state for a 1160
period of five years after conviction. 1161

Sec. 2743.191. (A)(1) There is hereby created in the state 1162
treasury the reparations fund, which shall be used only for the 1163
following purposes: 1164

(a) The payment of awards of reparations that are granted by the attorney general;	1165 1166
(b) The compensation of any personnel needed by the attorney general to administer sections 2743.51 to 2743.72 of the Revised Code;	1167 1168 1169
(c) The compensation of witnesses as provided in division (J) of section 2743.65 of the Revised Code;	1170 1171
(d) Other administrative costs of hearing and determining claims for an award of reparations by the attorney general;	1172 1173
(e) The costs of administering sections 2907.28 and 2969.01 to 2969.06 of the Revised Code;	1174 1175
(f) The costs of investigation and decision-making as certified by the attorney general;	1176 1177
(g) The provision of state financial assistance to victim assistance programs in accordance with sections 109.91 and 109.92 of the Revised Code;	1178 1179 1180
(h) The costs of paying the expenses of sex offense-related examinations and antibiotics pursuant to section 2907.28 of the Revised Code;	1181 1182 1183
(i) The cost of printing and distributing the pamphlet prepared by the attorney general pursuant to section 109.42 of the Revised Code;	1184 1185 1186
(j) Subject to division (D) of section 2743.71 of the Revised Code, the costs associated with the printing and providing of information cards or other printed materials to law enforcement agencies and prosecuting authorities and with publicizing the availability of awards of reparations pursuant to section 2743.71 of the Revised Code;	1187 1188 1189 1190 1191 1192
(k) The payment of costs of administering a DNA specimen collection procedure pursuant to sections 2152.74 and 2901.07 of	1193 1194

the Revised Code, of performing DNA analysis of those DNA 1195
specimens, and of entering the resulting DNA records regarding 1196
those analyses into the DNA database pursuant to section 109.573 1197
of the Revised Code; 1198

(l) The payment of actual costs associated with initiatives 1199
by the attorney general for the apprehension, prosecution, and 1200
accountability of offenders, and the enhancing of services to 1201
crime victims. The amount of payments made pursuant to division 1202
(A)(1)(1) of this section during any given fiscal year shall not 1203
exceed five per cent of the balance of the reparations fund at the 1204
close of the immediately previous fiscal year; 1205

(m) The costs of administering the adult parole authority's 1206
supervision pursuant to division (E) of section 2971.05 of the 1207
Revised Code of sexually violent predators who are sentenced to a 1208
prison term pursuant to division (A)(3) of section 2971.03 of the 1209
Revised Code and of offenders who are sentenced to a prison term 1210
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1211
(c), or (B)(3)(a), (b), (c), or (d) of that section; 1212

(n) Subject to the limit set forth in those sections, the 1213
costs of the installation and monitoring of an electronic 1214
monitoring device used in the monitoring of a respondent pursuant 1215
to an electronic monitoring order issued by a court under division 1216
(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 1217
2903.214 of the Revised Code if the court determines that the 1218
respondent is indigent or used in the monitoring of an offender 1219
pursuant to an electronic monitoring order issued under division 1220
(B)(5) of section 2919.27 of the Revised Code if the court 1221
determines that the offender is indigent; 1222

(o) The costs of monitoring an offender by means of a global 1223
positioning device, if the offender is released from prison 1224
pursuant to section 2967.19 of the Revised Code, the court orders 1225
monitoring of the offender by the device pursuant to division (I) 1226

of that section, and the court determines that the offender is 1227
indigent. 1228

(2) All costs paid pursuant to section 2743.70 of the Revised 1229
Code, the portions of license reinstatement fees mandated by 1230
division (F)(2)(b) of section 4511.191 of the Revised Code to be 1231
credited to the fund, the portions of the proceeds of the sale of 1232
a forfeited vehicle specified in division (C)(2) of section 1233
4503.234 of the Revised Code, payments collected by the department 1234
of rehabilitation and correction from prisoners who voluntarily 1235
participate in an approved work and training program pursuant to 1236
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 1237
all moneys collected by the state pursuant to its right of 1238
subrogation provided in section 2743.72 of the Revised Code shall 1239
be deposited in the fund. 1240

(B) In making an award of reparations, the attorney general 1241
shall render the award against the state. The award shall be 1242
accomplished only through the following procedure, and the 1243
following procedure may be enforced by writ of mandamus directed 1244
to the appropriate official: 1245

(1) The attorney general shall provide for payment of the 1246
claimant or providers in the amount of the award only if the 1247
amount of the award is fifty dollars or more. 1248

(2) The expense shall be charged against all available 1249
unencumbered moneys in the fund. 1250

(3) If sufficient unencumbered moneys do not exist in the 1251
fund, the attorney general shall make application for payment of 1252
the award out of the emergency purposes account or any other 1253
appropriation for emergencies or contingencies, and payment out of 1254
this account or other appropriation shall be authorized if there 1255
are sufficient moneys greater than the sum total of then pending 1256
emergency purposes account requests or requests for releases from 1257

the other appropriations. 1258

(4) If sufficient moneys do not exist in the account or any 1259
other appropriation for emergencies or contingencies to pay the 1260
award, the attorney general shall request the general assembly to 1261
make an appropriation sufficient to pay the award, and no payment 1262
shall be made until the appropriation has been made. The attorney 1263
general shall make this appropriation request during the current 1264
biennium and during each succeeding biennium until a sufficient 1265
appropriation is made. If, prior to the time that an appropriation 1266
is made by the general assembly pursuant to this division, the 1267
fund has sufficient unencumbered funds to pay the award or part of 1268
the award, the available funds shall be used to pay the award or 1269
part of the award, and the appropriation request shall be amended 1270
to request only sufficient funds to pay that part of the award 1271
that is unpaid. 1272

(C) The attorney general shall not make payment on a decision 1273
or order granting an award until all appeals have been determined 1274
and all rights to appeal exhausted, except as otherwise provided 1275
in this section. If any party to a claim for an award of 1276
reparations appeals from only a portion of an award, and a 1277
remaining portion provides for the payment of money by the state, 1278
that part of the award calling for the payment of money by the 1279
state and not a subject of the appeal shall be processed for 1280
payment as described in this section. 1281

(D) The attorney general shall prepare itemized bills for the 1282
costs of printing and distributing the pamphlet the attorney 1283
general prepares pursuant to section 109.42 of the Revised Code. 1284
The itemized bills shall set forth the name and address of the 1285
persons owed the amounts set forth in them. 1286

(E) As used in this section, "DNA analysis" and "DNA 1287
specimen" have the same meanings as in section 109.573 of the 1288
Revised Code. 1289

Sec. 2909.03. (A) No person, by means of fire or explosion,	1290
shall knowingly do any of the following:	1291
(1) Cause, or create a substantial risk of, physical harm to	1292
any property of another without the other person's consent;	1293
(2) Cause, or create a substantial risk of, physical harm to	1294
any property of the offender or another, with purpose to defraud;	1295
(3) Cause, or create a substantial risk of, physical harm to	1296
the statehouse or a courthouse, school building, or other building	1297
or structure that is owned or controlled by the state, any	1298
political subdivision, or any department, agency, or	1299
instrumentality of the state or a political subdivision, and that	1300
is used for public purposes;	1301
(4) Cause, or create a substantial risk of, physical harm,	1302
through the offer or the acceptance of an agreement for hire or	1303
other consideration, to any property of another without the other	1304
person's consent or to any property of the offender or another	1305
with purpose to defraud;	1306
(5) Cause, or create a substantial risk of, physical harm to	1307
any park, preserve, wildlands, brush-covered land, cut-over land,	1308
forest, timberland, greenlands, woods, or similar real property	1309
that is owned or controlled by another person, the state, or a	1310
political subdivision without the consent of the other person, the	1311
state, or the political subdivision;	1312
(6) With purpose to defraud, cause, or create a substantial	1313
risk of, physical harm to any park, preserve, wildlands,	1314
brush-covered land, cut-over land, forest, timberland, greenlands,	1315
woods, or similar real property that is owned or controlled by the	1316
offender, another person, the state, or a political subdivision.	1317
(B)(1) Whoever violates this section is guilty of arson.	1318
(2) A violation of division (A)(1) of this section is one of	1319

the following: 1320

(a) Except as otherwise provided in division (B)(2)(b) of 1321
this section, a misdemeanor of the first degree; 1322

(b) If the value of the property or the amount of the 1323
physical harm involved is ~~five hundred~~ one thousand dollars or 1324
more, a felony of the fourth degree. 1325

(3) A violation of division (A)(2), (3), (5), or (6) of this 1326
section is a felony of the fourth degree. 1327

(4) A violation of division (A)(4) of this section is a 1328
felony of the third degree. 1329

Sec. 2909.05. (A) No person shall knowingly cause serious 1330
physical harm to an occupied structure or any of its contents. 1331

(B)(1) No person shall knowingly cause physical harm to 1332
property that is owned or possessed by another, when either of the 1333
following applies: 1334

(a) The property is used by its owner or possessor in the 1335
owner's or possessor's profession, business, trade, or occupation, 1336
and the value of the property or the amount of physical harm 1337
involved is ~~five hundred~~ one thousand dollars or more; 1338

(b) Regardless of the value of the property or the amount of 1339
damage done, the property or its equivalent is necessary in order 1340
for its owner or possessor to engage in the owner's or possessor's 1341
profession, business, trade, or occupation. 1342

(2) No person shall knowingly cause serious physical harm to 1343
property that is owned, leased, or controlled by a governmental 1344
entity. A governmental entity includes, but is not limited to, the 1345
state or a political subdivision of the state, a school district, 1346
the board of trustees of a public library or public university, or 1347
any other body corporate and politic responsible for governmental 1348
activities only in geographical areas smaller than that of the 1349

state. 1350

(C) No person, without privilege to do so, shall knowingly 1351
cause serious physical harm to any tomb, monument, gravestone, or 1352
other similar structure that is used as a memorial for the dead; 1353
to any fence, railing, curb, or other property that is used to 1354
protect, enclose, or ornament any cemetery; or to a cemetery. 1355

(D) No person, without privilege to do so, shall knowingly 1356
cause physical harm to a place of burial by breaking and entering 1357
into a tomb, crypt, casket, or other structure that is used as a 1358
memorial for the dead or as an enclosure for the dead. 1359

(E) Whoever violates this section is guilty of vandalism. 1360
Except as otherwise provided in this division, vandalism is a 1361
felony of the fifth degree that is punishable by a fine of up to 1362
two thousand five hundred dollars in addition to the penalties 1363
specified for a felony of the fifth degree in sections 2929.11 to 1364
2929.18 of the Revised Code. If the value of the property or the 1365
amount of physical harm involved is ~~five~~ seven thousand five 1366
hundred dollars or more but less than one hundred fifty thousand 1367
dollars, vandalism is a felony of the fourth degree. If the value 1368
of the property or the amount of physical harm involved is one 1369
hundred fifty thousand dollars or more, vandalism is a felony of 1370
the third degree. 1371

(F) For purposes of this section: 1372

(1) "Cemetery" means any place of burial and includes burial 1373
sites that contain American Indian burial objects placed with or 1374
containing American Indian human remains. 1375

(2) "Serious physical harm" means physical harm to property 1376
that results in loss to the value of the property of ~~five hundred~~ 1377
one thousand dollars or more. 1378

Sec. 2909.11. (A) When a person is charged with a violation 1379

of division (A)(1) of section 2909.03 of the Revised Code 1380
involving property value or an amount of physical harm of ~~five~~ 1381
~~hundred~~ one thousand dollars or more or with a violation of 1382
section 2909.05 of the Revised Code involving property value or an 1383
amount of physical harm of ~~five hundred~~ one thousand dollars or 1384
more, the jury or court trying the accused shall determine the 1385
value of the property or amount of physical harm and, if a guilty 1386
verdict is returned, shall return the finding as part of the 1387
verdict. In any such case, it is unnecessary to find or return the 1388
exact value or amount of physical harm, section 2945.75 of the 1389
Revised Code applies, and it is sufficient if either of the 1390
following applies, as appropriate, relative to the finding and 1391
return of the value or amount of physical harm: 1392

(1) If the finding and return relate to a violation of 1393
division (A)(1) of section 2909.03 of the Revised Code and are 1394
that the value or amount of the physical harm was ~~five hundred~~ one 1395
thousand dollars or more, the finding and return shall include a 1396
statement that the value or amount was ~~five hundred~~ one thousand 1397
dollars or more. 1398

(2) If the finding and return relate to a violation of 1399
division section 2909.05 of the Revised Code and are that the 1400
value or amount of the physical harm was in any of the following 1401
categories, the finding and return shall include one of the 1402
following statements, as appropriate: 1403

(a) If the finding and return are that the value or amount 1404
was one hundred fifty thousand dollars or more, a statement that 1405
the value or amount was one hundred fifty thousand dollars or 1406
more; 1407

(b) If the finding and return are that the value or amount 1408
was ~~five~~ seven thousand five hundred dollars or more but less than 1409
one hundred fifty thousand dollars a statement that the value or 1410
amount was ~~five~~ seven thousand five hundred dollars or more but 1411

less than one hundred fifty thousand dollars; 1412

(c) If the finding and return are that the value or amount 1413
was ~~five hundred one thousand~~ dollars or more but less than ~~five~~ 1414
seven thousand five hundred dollars, a statement that the value or 1415
amount was ~~five hundred one thousand~~ dollars or more but less than 1416
~~five~~ seven thousand five hundred dollars. 1417

(B) The following criteria shall be used in determining the 1418
value of property or amount of physical harm involved in a 1419
violation of division (A)(1) of section 2909.03 or section 2909.05 1420
of the Revised Code: 1421

(1) If the property is an heirloom, memento, collector's 1422
item, antique, museum piece, manuscript, document, record, or 1423
other thing that is either irreplaceable or is replaceable only on 1424
the expenditure of substantial time, effort, or money, the value 1425
of the property or the amount of physical harm involved is the 1426
amount that would compensate the owner for its loss. 1427

(2) If the property is not covered under division (B)(1) of 1428
this section and the physical harm is such that the property can 1429
be restored substantially to its former condition, the amount of 1430
physical harm involved is the reasonable cost of restoring the 1431
property. 1432

(3) If the property is not covered under division (B)(1) of 1433
this section and the physical harm is such that the property 1434
cannot be restored substantially to its former condition, the 1435
value of the property, in the case of personal property, is the 1436
cost of replacing the property with new property of like kind and 1437
quality, and, in the case of real property or real property 1438
fixtures, is the difference in the fair market value of the 1439
property immediately before and immediately after the offense. 1440

(C) As used in this section, "fair market value" has the same 1441
meaning as in section 2913.61 of the Revised Code. 1442

(D) Prima-facie evidence of the value of property, as 1443
provided in division (E) of section 2913.61 of the Revised Code, 1444
may be used to establish the value of property pursuant to this 1445
section. 1446

Sec. 2913.01. As used in this chapter, unless the context 1447
requires that a term be given a different meaning: 1448

(A) "Deception" means knowingly deceiving another or causing 1449
another to be deceived by any false or misleading representation, 1450
by withholding information, by preventing another from acquiring 1451
information, or by any other conduct, act, or omission that 1452
creates, confirms, or perpetuates a false impression in another, 1453
including a false impression as to law, value, state of mind, or 1454
other objective or subjective fact. 1455

(B) "Defraud" means to knowingly obtain, by deception, some 1456
benefit for oneself or another, or to knowingly cause, by 1457
deception, some detriment to another. 1458

(C) "Deprive" means to do any of the following: 1459

(1) Withhold property of another permanently, or for a period 1460
that appropriates a substantial portion of its value or use, or 1461
with purpose to restore it only upon payment of a reward or other 1462
consideration; 1463

(2) Dispose of property so as to make it unlikely that the 1464
owner will recover it; 1465

(3) Accept, use, or appropriate money, property, or services, 1466
with purpose not to give proper consideration in return for the 1467
money, property, or services, and without reasonable justification 1468
or excuse for not giving proper consideration. 1469

(D) "Owner" means, unless the context requires a different 1470
meaning, any person, other than the actor, who is the owner of, 1471
who has possession or control of, or who has any license or 1472

interest in property or services, even though the ownership, 1473
possession, control, license, or interest is unlawful. 1474

(E) "Services" include labor, personal services, professional 1475
services, rental services, public utility services including 1476
wireless service as defined in division (F)(1) of section 4931.40 1477
of the Revised Code, common carrier services, and food, drink, 1478
transportation, entertainment, and cable television services and, 1479
for purposes of section 2913.04 of the Revised Code, include cable 1480
services as defined in that section. 1481

(F) "Writing" means any computer software, document, letter, 1482
memorandum, note, paper, plate, data, film, or other thing having 1483
in or upon it any written, typewritten, or printed matter, and any 1484
token, stamp, seal, credit card, badge, trademark, label, or other 1485
symbol of value, right, privilege, license, or identification. 1486

(G) "Forge" means to fabricate or create, in whole or in part 1487
and by any means, any spurious writing, or to make, execute, 1488
alter, complete, reproduce, or otherwise purport to authenticate 1489
any writing, when the writing in fact is not authenticated by that 1490
conduct. 1491

(H) "Utter" means to issue, publish, transfer, use, put or 1492
send into circulation, deliver, or display. 1493

(I) "Coin machine" means any mechanical or electronic device 1494
designed to do both of the following: 1495

(1) Receive a coin, bill, or token made for that purpose; 1496

(2) In return for the insertion or deposit of a coin, bill, 1497
or token, automatically dispense property, provide a service, or 1498
grant a license. 1499

(J) "Slug" means an object that, by virtue of its size, 1500
shape, composition, or other quality, is capable of being inserted 1501
or deposited in a coin machine as an improper substitute for a 1502

genuine coin, bill, or token made for that purpose. 1503

(K) "Theft offense" means any of the following: 1504

(1) A violation of section 2911.01, 2911.02, 2911.11, 1505
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1506
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1507
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1508
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1509
2913.51, 2915.05, or 2921.41 of the Revised Code; 1510

(2) A violation of an existing or former municipal ordinance 1511
or law of this or any other state, or of the United States, 1512
substantially equivalent to any section listed in division (K)(1) 1513
of this section or a violation of section 2913.41, 2913.81, or 1514
2915.06 of the Revised Code as it existed prior to July 1, 1996; 1515

(3) An offense under an existing or former municipal 1516
ordinance or law of this or any other state, or of the United 1517
States, involving robbery, burglary, breaking and entering, theft, 1518
embezzlement, wrongful conversion, forgery, counterfeiting, 1519
deceit, or fraud; 1520

(4) A conspiracy or attempt to commit, or complicity in 1521
committing, any offense under division (K)(1), (2), or (3) of this 1522
section. 1523

(L) "Computer services" includes, but is not limited to, the 1524
use of a computer system, computer network, computer program, data 1525
that is prepared for computer use, or data that is contained 1526
within a computer system or computer network. 1527

(M) "Computer" means an electronic device that performs 1528
logical, arithmetic, and memory functions by the manipulation of 1529
electronic or magnetic impulses. "Computer" includes, but is not 1530
limited to, all input, output, processing, storage, computer 1531
program, or communication facilities that are connected, or 1532
related, in a computer system or network to an electronic device 1533

of that nature. 1534

(N) "Computer system" means a computer and related devices, 1535
whether connected or unconnected, including, but not limited to, 1536
data input, output, and storage devices, data communications 1537
links, and computer programs and data that make the system capable 1538
of performing specified special purpose data processing tasks. 1539

(O) "Computer network" means a set of related and remotely 1540
connected computers and communication facilities that includes 1541
more than one computer system that has the capability to transmit 1542
among the connected computers and communication facilities through 1543
the use of computer facilities. 1544

(P) "Computer program" means an ordered set of data 1545
representing coded instructions or statements that, when executed 1546
by a computer, cause the computer to process data. 1547

(Q) "Computer software" means computer programs, procedures, 1548
and other documentation associated with the operation of a 1549
computer system. 1550

(R) "Data" means a representation of information, knowledge, 1551
facts, concepts, or instructions that are being or have been 1552
prepared in a formalized manner and that are intended for use in a 1553
computer, computer system, or computer network. For purposes of 1554
section 2913.47 of the Revised Code, "data" has the additional 1555
meaning set forth in division (A) of that section. 1556

(S) "Cable television service" means any services provided by 1557
or through the facilities of any cable television system or other 1558
similar closed circuit coaxial cable communications system, or any 1559
microwave or similar transmission service used in connection with 1560
any cable television system or other similar closed circuit 1561
coaxial cable communications system. 1562

(T) "Gain access" means to approach, instruct, communicate 1563
with, store data in, retrieve data from, or otherwise make use of 1564

any resources of a computer, computer system, or computer network, 1565
or any cable service or cable system both as defined in section 1566
2913.04 of the Revised Code. 1567

(U) "Credit card" includes, but is not limited to, a card, 1568
code, device, or other means of access to a customer's account for 1569
the purpose of obtaining money, property, labor, or services on 1570
credit, or for initiating an electronic fund transfer at a 1571
point-of-sale terminal, an automated teller machine, or a cash 1572
dispensing machine. It also includes a county procurement card 1573
issued under section 301.29 of the Revised Code. 1574

(V) "Electronic fund transfer" has the same meaning as in 92 1575
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1576

(W) "Rented property" means personal property in which the 1577
right of possession and use of the property is for a short and 1578
possibly indeterminate term in return for consideration; the 1579
rentee generally controls the duration of possession of the 1580
property, within any applicable minimum or maximum term; and the 1581
amount of consideration generally is determined by the duration of 1582
possession of the property. 1583

(X) "Telecommunication" means the origination, emission, 1584
dissemination, transmission, or reception of data, images, 1585
signals, sounds, or other intelligence or equivalence of 1586
intelligence of any nature over any communications system by any 1587
method, including, but not limited to, a fiber optic, electronic, 1588
magnetic, optical, digital, or analog method. 1589

(Y) "Telecommunications device" means any instrument, 1590
equipment, machine, or other device that facilitates 1591
telecommunication, including, but not limited to, a computer, 1592
computer network, computer chip, computer circuit, scanner, 1593
telephone, cellular telephone, pager, personal communications 1594
device, transponder, receiver, radio, modem, or device that 1595

enables the use of a modem. 1596

(Z) "Telecommunications service" means the providing, 1597
allowing, facilitating, or generating of any form of 1598
telecommunication through the use of a telecommunications device 1599
over a telecommunications system. 1600

(AA) "Counterfeit telecommunications device" means a 1601
telecommunications device that, alone or with another 1602
telecommunications device, has been altered, constructed, 1603
manufactured, or programmed to acquire, intercept, receive, or 1604
otherwise facilitate the use of a telecommunications service or 1605
information service without the authority or consent of the 1606
provider of the telecommunications service or information service. 1607
"Counterfeit telecommunications device" includes, but is not 1608
limited to, a clone telephone, clone microchip, tumbler telephone, 1609
or tumbler microchip; a wireless scanning device capable of 1610
acquiring, intercepting, receiving, or otherwise facilitating the 1611
use of telecommunications service or information service without 1612
immediate detection; or a device, equipment, hardware, or software 1613
designed for, or capable of, altering or changing the electronic 1614
serial number in a wireless telephone. 1615

(BB)(1) "Information service" means, subject to division 1616
(BB)(2) of this section, the offering of a capability for 1617
generating, acquiring, storing, transforming, processing, 1618
retrieving, utilizing, or making available information via 1619
telecommunications, including, but not limited to, electronic 1620
publishing. 1621

(2) "Information service" does not include any use of a 1622
capability of a type described in division (BB)(1) of this section 1623
for the management, control, or operation of a telecommunications 1624
system or the management of a telecommunications service. 1625

(CC) "Elderly person" means a person who is sixty-five years 1626

of age or older. 1627

(DD) "Disabled adult" means a person who is eighteen years of 1628
age or older and has some impairment of body or mind that makes 1629
the person unable to work at any substantially remunerative 1630
employment that the person otherwise would be able to perform and 1631
that will, with reasonable probability, continue for a period of 1632
at least twelve months without any present indication of recovery 1633
from the impairment, or who is eighteen years of age or older and 1634
has been certified as permanently and totally disabled by an 1635
agency of this state or the United States that has the function of 1636
so classifying persons. 1637

(EE) "Firearm" and "dangerous ordnance" have the same 1638
meanings as in section 2923.11 of the Revised Code. 1639

(FF) "Motor vehicle" has the same meaning as in section 1640
4501.01 of the Revised Code. 1641

(GG) "Dangerous drug" has the same meaning as in section 1642
4729.01 of the Revised Code. 1643

(HH) "Drug abuse offense" has the same meaning as in section 1644
2925.01 of the Revised Code. 1645

(II)(1) "Computer hacking" means any of the following: 1646

(a) Gaining access or attempting to gain access to all or 1647
part of a computer, computer system, or a computer network without 1648
express or implied authorization with the intent to defraud or 1649
with intent to commit a crime; 1650

(b) Misusing computer or network services including, but not 1651
limited to, mail transfer programs, file transfer programs, proxy 1652
servers, and web servers by performing functions not authorized by 1653
the owner of the computer, computer system, or computer network or 1654
other person authorized to give consent. As used in this division, 1655
"misuse of computer and network services" includes, but is not 1656

limited to, the unauthorized use of any of the following: 1657

(i) Mail transfer programs to send mail to persons other than 1658
the authorized users of that computer or computer network; 1659

(ii) File transfer program proxy services or proxy servers to 1660
access other computers, computer systems, or computer networks; 1661

(iii) Web servers to redirect users to other web pages or web 1662
servers. 1663

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 1664
using a group of computer programs commonly known as "port 1665
scanners" or "probes" to intentionally access any computer, 1666
computer system, or computer network without the permission of the 1667
owner of the computer, computer system, or computer network or 1668
other person authorized to give consent. The group of computer 1669
programs referred to in this division includes, but is not limited 1670
to, those computer programs that use a computer network to access 1671
a computer, computer system, or another computer network to 1672
determine any of the following: the presence or types of computers 1673
or computer systems on a network; the computer network's 1674
facilities and capabilities; the availability of computer or 1675
network services; the presence or versions of computer software 1676
including, but not limited to, operating systems, computer 1677
services, or computer contaminants; the presence of a known 1678
computer software deficiency that can be used to gain unauthorized 1679
access to a computer, computer system, or computer network; or any 1680
other information about a computer, computer system, or computer 1681
network not necessary for the normal and lawful operation of the 1682
computer initiating the access. 1683

(ii) The group of computer programs referred to in division 1684
(II)(1)(c)(i) of this section does not include standard computer 1685
software used for the normal operation, administration, 1686
management, and test of a computer, computer system, or computer 1687

network including, but not limited to, domain name services, mail 1688
transfer services, and other operating system services, computer 1689
programs commonly called "ping," "tcpdump," and "traceroute" and 1690
other network monitoring and management computer software, and 1691
computer programs commonly known as "nslookup" and "whois" and 1692
other systems administration computer software. 1693

(d) The intentional use of a computer, computer system, or a 1694
computer network in a manner that exceeds any right or permission 1695
granted by the owner of the computer, computer system, or computer 1696
network or other person authorized to give consent. 1697

(2) "Computer hacking" does not include the introduction of a 1698
computer contaminant, as defined in section ~~2909.02~~ 2909.01 of the 1699
Revised Code, into a computer, computer system, computer program, 1700
or computer network. 1701

(JJ) "Police dog or horse" has the same meaning as in section 1702
2921.321 of the Revised Code. 1703

(KK) "Anhydrous ammonia" is a compound formed by the 1704
combination of two gaseous elements, nitrogen and hydrogen, in the 1705
manner described in this division. Anhydrous ammonia is one part 1706
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 1707
weight is fourteen parts nitrogen to three parts hydrogen, which 1708
is approximately eighty-two per cent nitrogen to eighteen per cent 1709
hydrogen. 1710

(LL) "Assistance dog" has the same meaning as in section 1711
955.011 of the Revised Code. 1712

(MM) "Federally licensed firearms dealer" has the same 1713
meaning as in section 5502.63 of the Revised Code. 1714

Sec. 2913.02. (A) No person, with purpose to deprive the 1715
owner of property or services, shall knowingly obtain or exert 1716
control over either the property or services in any of the 1717

following ways:	1718
(1) Without the consent of the owner or person authorized to give consent;	1719 1720
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	1721 1722
(3) By deception;	1723
(4) By threat;	1724
(5) By intimidation.	1725
(B)(1) Whoever violates this section is guilty of theft.	1726
(2) Except as otherwise provided in this division or division (B)(3), (4), (5), (6), (7), or (8) of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is five hundred <u>one thousand</u> dollars or more and is less than five <u>seven</u> thousand <u>five hundred</u> dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is five <u>seven</u> thousand <u>five hundred</u> dollars or more and is less than one hundred <u>fifty</u> thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred <u>fifty</u> thousand dollars or more and is less than five <u>seven</u> hundred <u>fifty</u> thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is five <u>seven</u> hundred <u>fifty</u> thousand dollars or more and is less than one million <u>five hundred thousand</u> dollars, a violation of this section is aggravated theft, a felony of the second degree. If the value of the property or services stolen is one million <u>five hundred thousand</u> dollars or more, a violation of this section is aggravated theft of one million <u>five hundred thousand</u> dollars or	1727 1728 1729 1730 1731 1732 1733 1734 1735 1736 1737 1738 1739 1740 1741 1742 1743 1744 1745 1746 1747 1748

more, a felony of the first degree. 1749

(3) Except as otherwise provided in division (B)(4), (5), 1750
(6), (7), or (8) of this section, if the victim of the offense is 1751
an elderly person or disabled adult, a violation of this section 1752
is theft from an elderly person or disabled adult, and division 1753
(B)(3) of this section applies. Except as otherwise provided in 1754
this division, theft from an elderly person or disabled adult is a 1755
felony of the fifth degree. If the value of the property or 1756
services stolen is ~~five hundred~~ one thousand dollars or more and 1757
is less than ~~five~~ seven thousand five hundred dollars, theft from 1758
an elderly person or disabled adult is a felony of the fourth 1759
degree. If the value of the property or services stolen is ~~five~~ 1760
seven thousand five hundred dollars or more and is less than 1761
~~twenty-five~~ thirty-seven thousand five hundred dollars, theft from 1762
an elderly person or disabled adult is a felony of the third 1763
degree. If the value of the property or services stolen is 1764
~~twenty-five~~ thirty-seven thousand five hundred dollars or more and 1765
is less than one hundred fifty thousand dollars, theft from an 1766
elderly person or disabled adult is a felony of the second degree. 1767
If the value of the property or services stolen is one hundred 1768
fifty thousand dollars or more, theft from an elderly person or 1769
disabled adult is a felony of the first degree. 1770

(4) If the property stolen is a firearm or dangerous 1771
ordnance, a violation of this section is grand theft. Except as 1772
otherwise provided in this division, grand theft when the property 1773
stolen is a firearm or dangerous ordnance is a felony of the third 1774
degree, and there is a presumption in favor of the court imposing 1775
a prison term for the offense. If the firearm or dangerous 1776
ordnance was stolen from a federally licensed firearms dealer, 1777
grand theft when the property stolen is a firearm or dangerous 1778
ordnance is a felony of the first degree. The offender shall serve 1779
a prison term imposed for grand theft when the property stolen is 1780

a firearm or dangerous ordnance consecutively to any other prison 1781
term or mandatory prison term previously or subsequently imposed 1782
upon the offender. 1783

(5) If the property stolen is a motor vehicle, a violation of 1784
this section is grand theft of a motor vehicle, a felony of the 1785
fourth degree. 1786

(6) If the property stolen is any dangerous drug, a violation 1787
of this section is theft of drugs, a felony of the fourth degree, 1788
or, if the offender previously has been convicted of a felony drug 1789
abuse offense, a felony of the third degree. 1790

(7) If the property stolen is a police dog or horse or an 1791
assistance dog and the offender knows or should know that the 1792
property stolen is a police dog or horse or an assistance dog, a 1793
violation of this section is theft of a police dog or horse or an 1794
assistance dog, a felony of the third degree. 1795

(8) If the property stolen is anhydrous ammonia, a violation 1796
of this section is theft of anhydrous ammonia, a felony of the 1797
third degree. 1798

(9) In addition to the penalties described in division (B)(2) 1799
of this section, if the offender committed the violation by 1800
causing a motor vehicle to leave the premises of an establishment 1801
at which gasoline is offered for retail sale without the offender 1802
making full payment for gasoline that was dispensed into the fuel 1803
tank of the motor vehicle or into another container, the court may 1804
do one of the following: 1805

(a) Unless division (B)(9)(b) of this section applies, 1806
suspend for not more than six months the offender's driver's 1807
license, probationary driver's license, commercial driver's 1808
license, temporary instruction permit, or nonresident operating 1809
privilege; 1810

(b) If the offender's driver's license, probationary driver's 1811

license, commercial driver's license, temporary instruction 1812
permit, or nonresident operating privilege has previously been 1813
suspended pursuant to division (B)(9)(a) of this section, impose a 1814
class seven suspension of the offender's license, permit, or 1815
privilege from the range specified in division (A)(7) of section 1816
4510.02 of the Revised Code, provided that the suspension shall be 1817
for at least six months. 1818

(10) In addition to the penalties described in division 1819
(B)(2) of this section, if the offender committed the violation by 1820
stealing rented property or rental services, the court may order 1821
that the offender make restitution pursuant to section 2929.18 or 1822
2929.28 of the Revised Code. Restitution may include, but is not 1823
limited to, the cost of repairing or replacing the stolen 1824
property, or the cost of repairing the stolen property and any 1825
loss of revenue resulting from deprivation of the property due to 1826
theft of rental services that is less than or equal to the actual 1827
value of the property at the time it was rented. Evidence of 1828
intent to commit theft of rented property or rental services shall 1829
be determined pursuant to the provisions of section 2913.72 of the 1830
Revised Code. 1831

(C) The sentencing court that suspends an offender's license, 1832
permit, or nonresident operating privilege under division (B)(9) 1833
of this section may grant the offender limited driving privileges 1834
during the period of the suspension in accordance with Chapter 1835
4510. of the Revised Code. 1836

Sec. 2913.03. (A) No person shall knowingly use or operate an 1837
aircraft, motor vehicle, motorcycle, motorboat, or other 1838
motor-propelled vehicle without the consent of the owner or person 1839
authorized to give consent. 1840

(B) No person shall knowingly use or operate an aircraft, 1841
motor vehicle, motorboat, or other motor-propelled vehicle without 1842

the consent of the owner or person authorized to give consent, and 1843
either remove it from this state or keep possession of it for more 1844
than forty-eight hours. 1845

(C) The following are affirmative defenses to a charge under 1846
this section: 1847

(1) At the time of the alleged offense, the actor, though 1848
mistaken, reasonably believed that the actor was authorized to use 1849
or operate the property. 1850

(2) At the time of the alleged offense, the actor reasonably 1851
believed that the owner or person empowered to give consent would 1852
authorize the actor to use or operate the property. 1853

(D)(1) Whoever violates this section is guilty of 1854
unauthorized use of a vehicle. 1855

(2) Except as otherwise provided in division (D)(4) of this 1856
section, a violation of division (A) of this section is a 1857
misdemeanor of the first degree. 1858

(3) Except as otherwise provided in division (D)(4) of this 1859
section, a violation of division (B) of this section is a felony 1860
of the fifth degree. 1861

(4) If the victim of the offense is an elderly person or 1862
disabled adult and if the victim incurs a loss as a result of the 1863
violation, a violation of division (A) or (B) of this section is 1864
whichever of the following is applicable: 1865

(a) Except as otherwise provided in division (D)(4)(b), (c), 1866
or (d), ~~or (e)~~ of this section, a felony of the fifth degree; 1867

(b) If the loss to the victim is ~~five hundred~~ one thousand 1868
dollars or more and is less than ~~five~~ seven thousand five hundred 1869
dollars, a felony of the fourth degree; 1870

(c) If the loss to the victim is ~~five~~ seven thousand five 1871
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 1872

thousand five hundred dollars, a felony of the third degree; 1873

(d) If the loss to the victim is ~~twenty-five~~ thirty-seven 1874
thousand five hundred dollars or more, a felony of the second 1875
degree. 1876

Sec. 2913.04. (A) No person shall knowingly use or operate 1877
the property of another without the consent of the owner or person 1878
authorized to give consent. 1879

(B) No person, in any manner and by any means, including, but 1880
not limited to, computer hacking, shall knowingly gain access to, 1881
attempt to gain access to, or cause access to be gained to any 1882
computer, computer system, computer network, cable service, cable 1883
system, telecommunications device, telecommunications service, or 1884
information service without the consent of, or beyond the scope of 1885
the express or implied consent of, the owner of the computer, 1886
computer system, computer network, cable service, cable system, 1887
telecommunications device, telecommunications service, or 1888
information service or other person authorized to give consent. 1889

(C) No person shall knowingly gain access to, attempt to gain 1890
access to, cause access to be granted to, or disseminate 1891
information gained from access to the law enforcement automated 1892
database system created pursuant to section 5503.10 of the Revised 1893
Code without the consent of, or beyond the scope of the express or 1894
implied consent of, the chair of the law enforcement automated 1895
data system steering committee. 1896

(D) No person shall knowingly gain access to, attempt to gain 1897
access to, cause access to be granted to, or disseminate 1898
information gained from access to the Ohio law enforcement gateway 1899
established and operated pursuant to division (C)(1) of section 1900
109.57 of the Revised Code without the consent of, or beyond the 1901
scope of the express or implied consent of, the superintendent of 1902
the bureau of criminal identification and investigation. 1903

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

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

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

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

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

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

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

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

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

(a) Except as otherwise provided in division (F)(4)(b), (c),

or (d) of this section, a felony of the fifth degree; 1934

(b) If the value of the property or services or loss to the 1935
victim is ~~five hundred~~ one thousand dollars or more and is less 1936
than ~~five~~ seven thousand five hundred dollars, a felony of the 1937
fourth degree; 1938

(c) If the value of the property or services or loss to the 1939
victim is ~~five~~ seven thousand five hundred dollars or more and is 1940
less than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 1941
a felony of the third degree; 1942

(d) If the value of the property or services or loss to the 1943
victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars 1944
or more, a felony of the second degree. 1945

(G)(1) Whoever violates division (B) of this section is 1946
guilty of unauthorized use of computer, cable, or 1947
telecommunication property, and shall be punished as provided in 1948
division (G)(2), (3), or (4) of this section. 1949

(2) Except as otherwise provided in division (G)(3) or (4) of 1950
this section, unauthorized use of computer, cable, or 1951
telecommunication property is a felony of the fifth degree. 1952

(3) Except as otherwise provided in division (G)(4) of this 1953
section, if unauthorized use of computer, cable, or 1954
telecommunication property is committed for the purpose of 1955
devising or executing a scheme to defraud or to obtain property or 1956
services, for obtaining money, property, or services by false or 1957
fraudulent pretenses, or for committing any other criminal 1958
offense, unauthorized use of computer, cable, or telecommunication 1959
property is whichever of the following is applicable: 1960

(a) Except as otherwise provided in division (G)(3)(b) of 1961
this section, if the value of the property or services involved or 1962
the loss to the victim is ~~five~~ seven thousand five hundred dollars 1963
or more and less than one hundred fifty thousand dollars, a felony 1964

of the fourth degree; 1965

(b) If the value of the property or services involved or the 1966
loss to the victim is one hundred fifty thousand dollars or more, 1967
a felony of the third degree. 1968

(4) If the victim of the offense is an elderly person or 1969
disabled adult, unauthorized use of computer, cable, or 1970
telecommunication property is whichever of the following is 1971
applicable: 1972

(a) Except as otherwise provided in division (G)(4)(b), (c), 1973
or (d) of this section, a felony of the fifth degree; 1974

(b) If the value of the property or services or loss to the 1975
victim is ~~five hundred~~ one thousand dollars or more and is less 1976
than ~~five~~ seven thousand five hundred dollars, a felony of the 1977
fourth degree; 1978

(c) If the value of the property or services or loss to the 1979
victim is ~~five~~ seven thousand five hundred dollars or more and is 1980
less than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 1981
a felony of the third degree; 1982

(d) If the value of the property or services or loss to the 1983
victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars 1984
or more, a felony of the second degree. 1985

(H) Whoever violates division (C) of this section is guilty 1986
of unauthorized use of the law enforcement automated database 1987
system, a felony of the fifth degree. 1988

(I) Whoever violates division (D) of this section is guilty 1989
of unauthorized use of the Ohio law enforcement gateway, a felony 1990
of the fifth degree. 1991

(J) As used in this section: 1992

(1) "Cable operator" means any person or group of persons 1993
that does either of the following: 1994

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;	1995 1996 1997
(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.	1998 1999
(2) "Cable service" means any of the following:	2000
(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;	2001 2002 2003
(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division (J)(2)(a) of this section;	2004 2005 2006 2007
(c) Any cable television service.	2008
(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:	2009 2010 2011 2012 2013 2014
(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;	2015 2016
(b) Any facility that serves subscribers without using any public right-of-way;	2017 2018
(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);	2019 2020 2021
(d) Any open video system that complies with 47 U.S.C.A. 573;	2022
(e) Any facility of any electric utility used solely for operating its electric utility system.	2023 2024

Sec. 2913.11. (A) As used in this section:	2025
(1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:	2026 2027
(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or non-negotiable instrument;	2028 2029
(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.	2030 2031 2032
(2) "Issue a check" means causing any form of debit from a demand deposit account.	2033 2034
(B) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.	2035 2036 2037 2038 2039
(C) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored if either of the following occurs:	2040 2041 2042
(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later;	2043 2044
(2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser, or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.	2045 2046 2047 2048 2049 2050
(D) For purposes of this section, a person who issues or transfers a check, bill of exchange, or other draft is presumed to have the purpose to defraud if the drawer fails to comply with section 1349.16 of the Revised Code by doing any of the following	2051 2052 2053 2054

when opening a checking account intended for personal, family, or 2055
household purposes at a financial institution: 2056

(1) Falsely stating that the drawer has not been issued a 2057
valid driver's or commercial driver's license or identification 2058
card issued under section 4507.50 of the Revised Code; 2059

(2) Furnishing such license or card, or another 2060
identification document that contains false information; 2061

(3) Making a false statement with respect to the drawer's 2062
current address or any additional relevant information reasonably 2063
required by the financial institution. 2064

(E) In determining the value of the payment for purposes of 2065
division (F) of this section, the court may aggregate all checks 2066
and other negotiable instruments that the offender issued or 2067
transferred or caused to be issued or transferred in violation of 2068
division (A) of this section within a period of one hundred eighty 2069
consecutive days. 2070

(F) Whoever violates this section is guilty of passing bad 2071
checks. Except as otherwise provided in this division, passing bad 2072
checks is a misdemeanor of the first degree. If the check or 2073
checks or other negotiable instrument or instruments are issued or 2074
transferred to a single vendor or single other person for the 2075
payment of ~~five hundred~~ one thousand dollars or more but less than 2076
~~five~~ seven thousand ~~five hundred~~ dollars or if the check or checks 2077
or other negotiable instrument or instruments are issued or 2078
transferred to multiple vendors or persons for the payment of one 2079
thousand ~~five hundred~~ dollars or more but less than ~~five seven~~ 2080
thousand ~~five hundred~~ dollars, passing bad checks is a felony of 2081
the fifth degree. If the check or checks or other negotiable 2082
instrument or instruments are for the payment of ~~five seven~~ 2083
thousand ~~five hundred~~ dollars or more but less than one hundred 2084
~~fifty~~ thousand dollars, passing bad checks is a felony of the 2085

fourth degree. If the check or checks or other negotiable 2086
instrument or instruments are for the payment of one hundred fifty 2087
thousand dollars or more, passing bad checks is a felony of the 2088
third degree. 2089

Sec. 2913.21. (A) No person shall do any of the following: 2090

(1) Practice deception for the purpose of procuring the 2091
issuance of a credit card, when a credit card is issued in actual 2092
reliance thereon; 2093

(2) Knowingly buy or sell a credit card from or to a person 2094
other than the issuer. 2095

(B) No person, with purpose to defraud, shall do any of the 2096
following: 2097

(1) Obtain control over a credit card as security for a debt; 2098

(2) Obtain property or services by the use of a credit card, 2099
in one or more transactions, knowing or having reasonable cause to 2100
believe that the card has expired or been revoked, or was 2101
obtained, is retained, or is being used in violation of law; 2102

(3) Furnish property or services upon presentation of a 2103
credit card, knowing that the card is being used in violation of 2104
law; 2105

(4) Represent or cause to be represented to the issuer of a 2106
credit card that property or services have been furnished, knowing 2107
that the representation is false. 2108

(C) No person, with purpose to violate this section, shall 2109
receive, possess, control, or dispose of a credit card. 2110

(D)(1) Whoever violates this section is guilty of misuse of 2111
credit cards. 2112

(2) Except as otherwise provided in division (D)(4) of this 2113
section, a violation of division (A), (B)(1), or (C) of this 2114

section is a misdemeanor of the first degree. 2115

(3) Except as otherwise provided in this division or division 2116
(D)(4) of this section, a violation of division (B)(2), (3), or 2117
(4) of this section is a misdemeanor of the first degree. If the 2118
cumulative retail value of the property and services involved in 2119
one or more violations of division (B)(2), (3), or (4) of this 2120
section, which violations involve one or more credit card accounts 2121
and occur within a period of ninety consecutive days commencing on 2122
the date of the first violation, is ~~five hundred~~ one thousand 2123
dollars or more and is less than ~~five~~ seven thousand five hundred 2124
dollars, misuse of credit cards in violation of any of those 2125
divisions is a felony of the fifth degree. If the cumulative 2126
retail value of the property and services involved in one or more 2127
violations of division (B)(2), (3), or (4) of this section, which 2128
violations involve one or more credit card accounts and occur 2129
within a period of ninety consecutive days commencing on the date 2130
of the first violation, is ~~five~~ seven thousand five hundred 2131
dollars or more and is less than one hundred fifty thousand 2132
dollars, misuse of credit cards in violation of any of those 2133
divisions is a felony of the fourth degree. If the cumulative 2134
retail value of the property and services involved in one or more 2135
violations of division (B)(2), (3), or (4) of this section, which 2136
violations involve one or more credit card accounts and occur 2137
within a period of ninety consecutive days commencing on the date 2138
of the first violation, is one hundred fifty thousand dollars or 2139
more, misuse of credit cards in violation of any of those 2140
divisions is a felony of the third degree. 2141

(4) If the victim of the offense is an elderly person or 2142
disabled adult, and if the offense involves a violation of 2143
division (B)(1) or (2) of this section, division (D)(4) of this 2144
section applies. Except as otherwise provided in division (D)(4) 2145
of this section, a violation of division (B)(1) or (2) of this 2146

section is a felony of the fifth degree. If the debt for which the card is held as security or the cumulative retail value of the property or services involved in the violation is ~~five hundred one thousand~~ one thousand dollars or more and is less than ~~five seven thousand five hundred~~ five hundred dollars, a violation of either of those divisions is a felony of the fourth degree. If the debt for which the card is held as security or the cumulative retail value of the property or services involved in the violation is ~~five seven thousand five hundred~~ five hundred dollars or more and is less than ~~twenty-five thirty-seven thousand~~ five hundred dollars, a violation of either of those divisions is a felony of the third degree. If the debt for which the card is held as security or the cumulative retail value of the property or services involved in the violation is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more, a violation of either of those divisions is a felony of the second degree.

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

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

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

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

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

(1) Forge an identification card;

(2) Sell or otherwise distribute a card that purports to be

an identification card, knowing it to have been forged. 2177

As used in this division, "identification card" means a card 2178
that includes personal information or characteristics of an 2179
individual, a purpose of which is to establish the identity of the 2180
bearer described on the card, whether the words "identity," 2181
"identification," "identification card," or other similar words 2182
appear on the card. 2183

(C)(1)(a) Whoever violates division (A) of this section is 2184
guilty of forgery. 2185

(b) Except as otherwise provided in this division or division 2186
(C)(1)(c) of this section, forgery is a felony of the fifth 2187
degree. If property or services are involved in the offense or the 2188
victim suffers a loss, forgery is one of the following: 2189

(i) If the value of the property or services or the loss to 2190
the victim is ~~five~~ seven thousand five hundred dollars or more and 2191
is less than one hundred fifty thousand dollars, a felony of the 2192
fourth degree; 2193

(ii) If the value of the property or services or the loss to 2194
the victim is one hundred fifty thousand dollars or more, a felony 2195
of the third degree. 2196

(c) If the victim of the offense is an elderly person or 2197
disabled adult, division (C)(1)(c) of this section applies to the 2198
forgery. Except as otherwise provided in division (C)(1)(c) of 2199
this section, forgery is a felony of the fifth degree. If property 2200
or services are involved in the offense or if the victim suffers a 2201
loss, forgery is one of the following: 2202

(i) If the value of the property or services or the loss to 2203
the victim is ~~five hundred~~ one thousand dollars or more and is 2204
less than ~~five~~ seven thousand five hundred dollars, a felony of 2205
the fourth degree; 2206

(ii) If the value of the property or services or the loss to 2207
the victim is ~~five~~ seven thousand ~~five hundred~~ dollars or more and 2208
is less than ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ 2209
dollars, a felony of the third degree; 2210

(iii) If the value of the property or services or the loss to 2211
the victim is ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ 2212
dollars or more, a felony of the second degree. 2213

(2) Whoever violates division (B) of this section is guilty 2214
of forging identification cards or selling or distributing forged 2215
identification cards. Except as otherwise provided in this 2216
division, forging identification cards or selling or distributing 2217
forged identification cards is a misdemeanor of the first degree. 2218
If the offender previously has been convicted of a violation of 2219
division (B) of this section, forging identification cards or 2220
selling or distributing forged identification cards is a 2221
misdemeanor of the first degree and, in addition, the court shall 2222
impose upon the offender a fine of not less than two hundred fifty 2223
dollars. 2224

Sec. 2913.32. (A) No person, with purpose to defraud, or 2225
knowing that the person is facilitating a fraud, shall do any of 2226
the following: 2227

(1) Make or alter any object so that it appears to have value 2228
because of antiquity, rarity, curiosity, source, or authorship, 2229
which it does not in fact possess; 2230

(2) Practice deception in making, retouching, editing, or 2231
reproducing any photograph, movie film, video tape, phonograph 2232
record, or recording tape; 2233

(3) Falsely or fraudulently make, simulate, forge, alter, or 2234
counterfeit any wrapper, label, stamp, cork, or cap prescribed by 2235
the liquor control commission under Chapters 4301. and 4303. of 2236

the Revised Code, falsely or fraudulently cause to be made, 2237
simulated, forged, altered, or counterfeited any wrapper, label, 2238
stamp, cork, or cap prescribed by the liquor control commission 2239
under Chapters 4301. and 4303. of the Revised Code, or use more 2240
than once any wrapper, label, stamp, cork, or cap prescribed by 2241
the liquor control commission under Chapters 4301. and 4303. of 2242
the Revised Code. 2243

(4) Utter, or possess with purpose to utter, any object that 2244
the person knows to have been simulated as provided in division 2245
(A)(1), (2), or (3) of this section. 2246

(B) Whoever violates this section is guilty of criminal 2247
simulation. Except as otherwise provided in this division, 2248
criminal simulation is a misdemeanor of the first degree. If the 2249
loss to the victim is ~~five hundred~~ one thousand dollars or more 2250
and is less than ~~five~~ seven thousand five hundred dollars, 2251
criminal simulation is a felony of the fifth degree. If the loss 2252
to the victim is ~~five~~ seven thousand five hundred dollars or more 2253
and is less than one hundred fifty thousand dollars, criminal 2254
simulation is a felony of the fourth degree. If the loss to the 2255
victim is one hundred fifty thousand dollars or more, criminal 2256
simulation is a felony of the third degree. 2257

Sec. 2913.34. (A) No person shall knowingly do any of the 2258
following: 2259

(1) Attach, affix, or otherwise use a counterfeit mark in 2260
connection with the manufacture of goods or services, whether or 2261
not the goods or services are intended for sale or resale; 2262

(2) Possess, sell, or offer for sale tools, machines, 2263
instruments, materials, articles, or other items of personal 2264
property with the knowledge that they are designed for the 2265
production or reproduction of counterfeit marks; 2266

(3) Purchase or otherwise acquire goods, and keep or 2267
otherwise have the goods in the person's possession, with the 2268
knowledge that a counterfeit mark is attached to, affixed to, or 2269
otherwise used in connection with the goods and with the intent to 2270
sell or otherwise dispose of the goods; 2271

(4) Sell, offer for sale, or otherwise dispose of goods with 2272
the knowledge that a counterfeit mark is attached to, affixed to, 2273
or otherwise used in connection with the goods; 2274

(5) Sell, offer for sale, or otherwise provide services with 2275
the knowledge that a counterfeit mark is used in connection with 2276
that sale, offer for sale, or other provision of the services. 2277

(B)(1) Whoever violates this section is guilty of trademark 2278
counterfeiting. 2279

(2) Except as otherwise provided in this division, a 2280
violation of division (A)(1) of this section is a felony of the 2281
fifth degree. Except as otherwise provided in this division, if 2282
the cumulative sales price of the goods or services to which or in 2283
connection with which the counterfeit mark is attached, affixed, 2284
or otherwise used in the offense is five thousand dollars or more 2285
but less than one hundred thousand dollars or if the number of 2286
units of goods to which or in connection with which the 2287
counterfeit mark is attached, affixed, or otherwise used in the 2288
offense is more than one hundred units but less than one thousand 2289
units, a violation of division (A)(1) of this section is a felony 2290
of the fourth degree. If the cumulative sales price of the goods 2291
or services to which or in connection with which the counterfeit 2292
mark is attached, affixed, or otherwise used in the offense is one 2293
hundred thousand dollars or more or if the number of units of 2294
goods to which or in connection with which the counterfeit mark is 2295
attached, affixed, or otherwise used in the offense is one 2296
thousand units or more, a violation of division (A)(1) of this 2297
section is a felony of the third degree. 2298

(3) Except as otherwise provided in this division, a 2299
violation of division (A)(2) of this section is a misdemeanor of 2300
the first degree. If the circumstances of the violation indicate 2301
that the tools, machines, instruments, materials, articles, or 2302
other items of personal property involved in the violation were 2303
intended for use in the commission of a felony, a violation of 2304
division (A)(2) of this section is a felony of the fifth degree. 2305

(4) Except as otherwise provided in this division, a 2306
violation of division (A)(3), (4), or (5) of this section is a 2307
misdemeanor of the first degree. Except as otherwise provided in 2308
this division, if the cumulative sales price of the goods or 2309
services to which or in connection with which the counterfeit mark 2310
is attached, affixed, or otherwise used in the offense is ~~five~~ 2311
~~hundred~~ one thousand dollars or more but less than ~~five~~ seven 2312
thousand five hundred dollars, a violation of division (A)(3), 2313
(4), or (5) of this section is a felony of the fifth degree. 2314
Except as otherwise provided in this division, if the cumulative 2315
sales price of the goods or services to which or in connection 2316
with which the counterfeit mark is attached, affixed, or otherwise 2317
used in the offense is ~~five~~ seven thousand five hundred dollars or 2318
more but less than one hundred fifty thousand dollars or if the 2319
number of units of goods to which or in connection with which the 2320
counterfeit mark is attached, affixed, or otherwise used in the 2321
offense is more than one hundred units but less than one thousand 2322
units, a violation of division (A)(3), (4), or (5) of this section 2323
is a felony of the fourth degree. If the cumulative sales price of 2324
the goods or services to which or in connection with which the 2325
counterfeit mark is attached, affixed, or otherwise used in the 2326
offense is one hundred fifty thousand dollars or more or if the 2327
number of units of goods to which or in connection with which the 2328
counterfeit mark is attached, affixed, or otherwise used in the 2329
offense is one thousand units or more, a violation of division 2330
(A)(3), (4), or (5) of this section is a felony of the third 2331

degree. 2332

(C) A defendant may assert as an affirmative defense to a 2333
charge of a violation of this section defenses, affirmative 2334
defenses, and limitations on remedies that would be available in a 2335
civil, criminal, or administrative action or proceeding under the 2336
"Lanham Act," 60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, as 2337
amended, "The Trademark Counterfeiting Act of 1984," 98 Stat. 2338
2178, 18 U.S.C. 2320, as amended, Chapter 1329. or another section 2339
of the Revised Code, or common law. 2340

(D)(1) Law enforcement officers may seize pursuant to 2341
Criminal Rule 41 or Chapter 2933. or 2981. of the Revised Code 2342
either of the following: 2343

(a) Goods to which or in connection with which a person 2344
attached, affixed, otherwise used, or intended to attach, affix, 2345
or otherwise use a counterfeit mark in violation of this section; 2346

(b) Tools, machines, instruments, materials, articles, 2347
vehicles, or other items of personal property that are possessed, 2348
sold, offered for sale, or used in a violation of this section or 2349
in an attempt to commit or complicity in the commission of a 2350
violation of this section. 2351

(2) Notwithstanding any contrary provision of Chapter 2981. 2352
of the Revised Code, if a person is convicted of or pleads guilty 2353
to a violation of this section, an attempt to violate this 2354
section, or complicity in a violation of this section, the court 2355
involved shall declare that the goods described in division 2356
(D)(1)(a) of this section and the personal property described in 2357
division (D)(1)(b) of this section are contraband and are 2358
forfeited. Prior to the court's entry of judgment under Criminal 2359
Rule 32, the owner of a registered trademark or service mark that 2360
is the subject of the counterfeit mark may recommend a manner in 2361
which the forfeited goods and forfeited personal property should 2362

be disposed of. If that owner makes a timely recommendation of a 2363
manner of disposition, the court is not bound by the 2364
recommendation. If that owner makes a timely recommendation of a 2365
manner of disposition, the court may include in its entry of 2366
judgment an order that requires appropriate persons to dispose of 2367
the forfeited goods and forfeited personal property in the 2368
recommended manner. If that owner fails to make a timely 2369
recommendation of a manner of disposition or if that owner makes a 2370
timely recommendation of the manner of disposition but the court 2371
determines to not follow the recommendation, the court shall 2372
include in its entry of judgment an order that requires the law 2373
enforcement agency that employs the law enforcement officer who 2374
seized the forfeited goods or the forfeited personal property to 2375
destroy them or cause their destruction. 2376

(E) This section does not affect the rights of an owner of a 2377
trademark or a service mark, or the enforcement in a civil action 2378
or in administrative proceedings of the rights of an owner of a 2379
trademark or a service mark, under the "Lanham Act," 60 Stat. 2380
427-443 (1946), 15 U.S.C. 1051-1127, as amended, "The Trademark 2381
Counterfeiting Act of 1984," 92 Stat. 2178, 18 U.S.C. 2320, as 2382
amended, Chapter 1329. or another section of the Revised Code, or 2383
common law. 2384

(F) As used in this section: 2385

(1)(a) Except as provided in division (F)(1)(b) of this 2386
section, "counterfeit mark" means a spurious trademark or a 2387
spurious service mark that satisfies both of the following: 2388

(i) It is identical with or substantially indistinguishable 2389
from a mark that is registered on the principal register in the 2390
United States patent and trademark office for the same goods or 2391
services as the goods or services to which or in connection with 2392
which the spurious trademark or spurious service mark is attached, 2393
affixed, or otherwise used or from a mark that is registered with 2394

the secretary of state pursuant to sections 1329.54 to 1329.67 of 2395
the Revised Code for the same goods or services as the goods or 2396
services to which or in connection with which the spurious 2397
trademark or spurious service mark is attached, affixed, or 2398
otherwise used, and the owner of the registration uses the 2399
registered mark, whether or not the offender knows that the mark 2400
is registered in a manner described in division (F)(1)(a)(i) of 2401
this section. 2402

(ii) Its use is likely to cause confusion or mistake or to 2403
deceive other persons. 2404

(b) "Counterfeit mark" does not include a mark or other 2405
designation that is attached to, affixed to, or otherwise used in 2406
connection with goods or services if the holder of the right to 2407
use the mark or other designation authorizes the manufacturer, 2408
producer, or vendor of those goods or services to attach, affix, 2409
or otherwise use the mark or other designation in connection with 2410
those goods or services at the time of their manufacture, 2411
production, or sale. 2412

(2) "Cumulative sales price" means the product of the lowest 2413
single unit sales price charged or sought to be charged by an 2414
offender for goods to which or in connection with which a 2415
counterfeit mark is attached, affixed, or otherwise used or of the 2416
lowest single service transaction price charged or sought to be 2417
charged by an offender for services in connection with which a 2418
counterfeit mark is used, multiplied by the total number of those 2419
goods or services, whether or not units of goods are sold or are 2420
in an offender's possession, custody, or control. 2421

(3) "Registered trademark or service mark" means a trademark 2422
or service mark that is registered in a manner described in 2423
division (F)(1) of this section. 2424

(4) "Trademark" and "service mark" have the same meanings as 2425

in section 1329.54 of the Revised Code. 2426

Sec. 2913.40. (A) As used in this section: 2427

(1) "Statement or representation" means any oral, written, 2428
electronic, electronic impulse, or magnetic communication that is 2429
used to identify an item of goods or a service for which 2430
reimbursement may be made under the medical assistance program or 2431
that states income and expense and is or may be used to determine 2432
a rate of reimbursement under the medical assistance program. 2433

(2) "Medical assistance program" means the program 2434
established by the department of job and family services to 2435
provide medical assistance under section 5111.01 of the Revised 2436
Code and the medicaid program of Title XIX of the "Social Security 2437
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 2438

(3) "Provider" means any person who has signed a provider 2439
agreement with the department of job and family services to 2440
provide goods or services pursuant to the medical assistance 2441
program or any person who has signed an agreement with a party to 2442
such a provider agreement under which the person agrees to provide 2443
goods or services that are reimbursable under the medical 2444
assistance program. 2445

(4) "Provider agreement" means an oral or written agreement 2446
between the department of job and family services and a person in 2447
which the person agrees to provide goods or services under the 2448
medical assistance program. 2449

(5) "Recipient" means any individual who receives goods or 2450
services from a provider under the medical assistance program. 2451

(6) "Records" means any medical, professional, financial, or 2452
business records relating to the treatment or care of any 2453
recipient, to goods or services provided to any recipient, or to 2454
rates paid for goods or services provided to any recipient and any 2455

records that are required by the rules of the director of job and 2456
family services to be kept for the medical assistance program. 2457

(B) No person shall knowingly make or cause to be made a 2458
false or misleading statement or representation for use in 2459
obtaining reimbursement from the medical assistance program. 2460

(C) No person, with purpose to commit fraud or knowing that 2461
the person is facilitating a fraud, shall do either of the 2462
following: 2463

(1) Contrary to the terms of the person's provider agreement, 2464
charge, solicit, accept, or receive for goods or services that the 2465
person provides under the medical assistance program any property, 2466
money, or other consideration in addition to the amount of 2467
reimbursement under the medical assistance program and the 2468
person's provider agreement for the goods or services and any 2469
cost-sharing expenses authorized by section 5111.0112 of the 2470
Revised Code or rules adopted pursuant to section 5111.01, 2471
5111.011, or 5111.02 of the Revised Code. 2472

(2) Solicit, offer, or receive any remuneration, other than 2473
any cost-sharing expenses authorized by section 5111.0112 of the 2474
Revised Code or rules adopted under section 5111.01, 5111.011, or 2475
5111.02 of the Revised Code, in cash or in kind, including, but 2476
not limited to, a kickback or rebate, in connection with the 2477
furnishing of goods or services for which whole or partial 2478
reimbursement is or may be made under the medical assistance 2479
program. 2480

(D) No person, having submitted a claim for or provided goods 2481
or services under the medical assistance program, shall do either 2482
of the following for a period of at least six years after a 2483
reimbursement pursuant to that claim, or a reimbursement for those 2484
goods or services, is received under the medical assistance 2485
program: 2486

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

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

(E) Whoever violates this section is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value of property, services, or funds obtained in violation of this section is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand five hundred dollars, medicaid fraud is a felony of the fifth degree. If the value of property, services, or funds obtained in violation of this section is ~~five~~ seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, medicaid fraud is a felony of the fourth degree. If the value of the property, services, or funds obtained in violation of this section is one hundred fifty thousand dollars or more, medicaid fraud is a felony of the third degree.

(F) Upon application of the governmental agency, office, or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the medical assistance program to which the person is not entitled to pay to the applicant its cost of investigating and prosecuting the case. The costs of investigation and prosecution that a defendant is ordered to pay pursuant to this division shall be in addition to any other penalties for the receipt of that reimbursement that are provided in this section, section 5111.03 of the Revised Code, or

any other provision of law. 2519

(G) The provisions of this section are not intended to be 2520
exclusive remedies and do not preclude the use of any other 2521
criminal or civil remedy for any act that is in violation of this 2522
section. 2523

Sec. 2913.401. (A) As used in this section: 2524

(1) "Medicaid benefits" means benefits under the medical 2525
assistance program established under Chapter 5111. of the Revised 2526
Code. 2527

(2) "Property" means any real or personal property or other 2528
asset in which a person has any legal title or interest. 2529

(B) No person shall knowingly do any of the following in an 2530
application for medicaid benefits or in a document that requires a 2531
disclosure of assets for the purpose of determining eligibility to 2532
receive medicaid benefits: 2533

(1) Make or cause to be made a false or misleading statement; 2534

(2) Conceal an interest in property; 2535

(3)(a) Except as provided in division (B)(3)(b) of this 2536
section, fail to disclose a transfer of property that occurred 2537
during the period beginning thirty-six months before submission of 2538
the application or document and ending on the date the application 2539
or document was submitted; 2540

(b) Fail to disclose a transfer of property that occurred 2541
during the period beginning sixty months before submission of the 2542
application or document and ending on the date the application or 2543
document was submitted and that was made to an irrevocable trust a 2544
portion of which is not distributable to the applicant for 2545
medicaid benefits or the recipient of medicaid benefits or to a 2546
revocable trust. 2547

(C)(1) Whoever violates this section is guilty of medicaid 2548
eligibility fraud. Except as otherwise provided in this division, 2549
a violation of this section is a misdemeanor of the first degree. 2550
If the value of the medicaid benefits paid as a result of the 2551
violation is ~~five hundred~~ one thousand dollars or more and is less 2552
than ~~five~~ seven thousand five hundred dollars, a violation of this 2553
section is a felony of the fifth degree. If the value of the 2554
medicaid benefits paid as a result of the violation is ~~five~~ seven 2555
thousand five hundred dollars or more and is less than one hundred 2556
fifty thousand dollars, a violation of this section is a felony of 2557
the fourth degree. If the value of the medicaid benefits paid as a 2558
result of the violation is one hundred fifty thousand dollars or 2559
more, a violation of this section is a felony of the third degree. 2560

(2) In addition to imposing a sentence under division (C)(1) 2561
of this section, the court shall order that a person who is guilty 2562
of medicaid eligibility fraud make restitution in the full amount 2563
of any medicaid benefits paid on behalf of an applicant for or 2564
recipient of medicaid benefits for which the applicant or 2565
recipient was not eligible, plus interest at the rate applicable 2566
to judgments on unreimbursed amounts from the date on which the 2567
benefits were paid to the date on which restitution is made. 2568

(3) The remedies and penalties provided in this section are 2569
not exclusive and do not preclude the use of any other criminal or 2570
civil remedy for any act that is in violation of this section. 2571

(D) This section does not apply to a person who fully 2572
disclosed in an application for medicaid benefits or in a document 2573
that requires a disclosure of assets for the purpose of 2574
determining eligibility to receive medicaid benefits all of the 2575
interests in property of the applicant for or recipient of 2576
medicaid benefits, all transfers of property by the applicant for 2577
or recipient of medicaid benefits, and the circumstances of all 2578
those transfers. 2579

(E) Any amounts of medicaid benefits recovered as restitution 2580
under this section and any interest on those amounts shall be 2581
credited to the general revenue fund, and any applicable federal 2582
share shall be returned to the appropriate agency or department of 2583
the United States. 2584

Sec. 2913.42. (A) No person, knowing the person has no 2585
privilege to do so, and with purpose to defraud or knowing that 2586
the person is facilitating a fraud, shall do any of the following: 2587

(1) Falsify, destroy, remove, conceal, alter, deface, or 2588
mutilate any writing, computer software, data, or record; 2589

(2) Utter any writing or record, knowing it to have been 2590
tampered with as provided in division (A)(1) of this section. 2591

(B)(1) Whoever violates this section is guilty of tampering 2592
with records. 2593

(2) Except as provided in division (B)(4) of this section, if 2594
the offense does not involve data or computer software, tampering 2595
with records is whichever of the following is applicable: 2596

(a) If division (B)(2)(b) of this section does not apply, a 2597
misdemeanor of the first degree; 2598

(b) If the writing or record is a will unrevoked at the time 2599
of the offense, a felony of the fifth degree. 2600

(3) Except as provided in division (B)(4) of this section, if 2601
the offense involves a violation of division (A) of this section 2602
involving data or computer software, tampering with records is 2603
whichever of the following is applicable: 2604

(a) Except as otherwise provided in division (B)(3)(b), (c), 2605
or (d) of this section, a misdemeanor of the first degree; 2606

(b) If the value of the data or computer software involved in 2607
the offense or the loss to the victim is ~~five hundred~~ one thousand 2608

dollars or more and is less than ~~five~~ seven thousand five hundred 2609
dollars, a felony of the fifth degree; 2610

(c) If the value of the data or computer software involved in 2611
the offense or the loss to the victim is ~~five~~ seven thousand five 2612
hundred dollars or more and is less than one hundred fifty 2613
thousand dollars, a felony of the fourth degree; 2614

(d) If the value of the data or computer software involved in 2615
the offense or the loss to the victim is one hundred fifty 2616
thousand dollars or more or if the offense is committed for the 2617
purpose of devising or executing a scheme to defraud or to obtain 2618
property or services and the value of the property or services or 2619
the loss to the victim is ~~five~~ seven thousand five hundred dollars 2620
or more, a felony of the third degree. 2621

(4) If the writing, data, computer software, or record is 2622
kept by or belongs to a local, state, or federal governmental 2623
entity, a felony of the third degree. 2624

Sec. 2913.421. (A) As used in this section: 2625

(1) "Computer," "computer network," and "computer system" 2626
have the same meanings as in section 2913.01 of the Revised Code. 2627

(2) "Commercial electronic mail message" means any electronic 2628
mail message the primary purpose of which is the commercial 2629
advertisement or promotion of a commercial product or service, 2630
including content on an internet web site operated for a 2631
commercial purpose, but does not include a transactional or 2632
relationship message. The inclusion of a reference to a commercial 2633
entity or a link to the web site of a commercial entity does not, 2634
by itself, cause that message to be treated as a commercial 2635
electronic mail message for the purpose of this section, if the 2636
contents or circumstances of the message indicate a primary 2637
purpose other than commercial advertisement or promotion of a 2638

commercial product or service. 2639

(3) "Domain name" means any alphanumeric designation that is 2640
registered with or assigned by any domain name registrar, domain 2641
name registry, or other domain name registration authority as part 2642
of an electronic address on the internet. 2643

(4) "Electronic mail," "originating address," and "receiving 2644
address" have the same meanings as in section 2307.64 of the 2645
Revised Code. 2646

(5) "Electronic mail message" means each electronic mail 2647
addressed to a discrete addressee. 2648

(6) "Electronic mail service provider" means any person, 2649
including an internet service provider, that is an intermediary in 2650
sending and receiving electronic mail and that provides to the 2651
public electronic mail accounts or online user accounts from which 2652
electronic mail may be sent. 2653

(7) "Header information" means the source, destination, and 2654
routing information attached to an electronic mail message, 2655
including the originating domain name, the originating address, 2656
and technical information that authenticates the sender of an 2657
electronic mail message for computer network security or computer 2658
network management purposes. 2659

(8) "Initiate the transmission" or "initiated" means to 2660
originate or transmit a commercial electronic mail message or to 2661
procure the origination or transmission of that message, 2662
regardless of whether the message reaches its intended recipients, 2663
but does not include actions that constitute routine conveyance of 2664
such message. 2665

(9) "Internet" has the same meaning as in section 341.42 of 2666
the Revised Code. 2667

(10) "Internet protocol address" means the string of numbers 2668

by which locations on the internet are identified by routers or 2669
other computers connected to the internet. 2670

(11) "Materially falsify" means to alter or conceal in a 2671
manner that would impair the ability of a recipient of an 2672
electronic mail message, an electronic mail service provider 2673
processing an electronic mail message on behalf of a recipient, a 2674
person alleging a violation of this section, or a law enforcement 2675
agency to identify, locate, or respond to the person that 2676
initiated the electronic mail message or to investigate an alleged 2677
violation of this section. 2678

(12) "Multiple" means more than ten commercial electronic 2679
mail messages during a twenty-four-hour period, more than one 2680
hundred commercial electronic mail messages during a thirty-day 2681
period, or more than one thousand commercial electronic mail 2682
messages during a one-year period. 2683

(13) "Recipient" means a person who receives a commercial 2684
electronic mail message at any one of the following receiving 2685
addresses: 2686

(a) A receiving address furnished by an electronic mail 2687
service provider that bills for furnishing and maintaining that 2688
receiving address to a mailing address within this state; 2689

(b) A receiving address ordinarily accessed from a computer 2690
located within this state or by a person domiciled within this 2691
state; 2692

(c) Any other receiving address with respect to which this 2693
section can be imposed consistent with the United States 2694
Constitution. 2695

(14) "Routine conveyance" means the transmission, routing, 2696
relaying, handling, or storing, through an automated technical 2697
process, of an electronic mail message for which another person 2698
has identified the recipients or provided the recipient addresses. 2699

(15) "Transactional or relationship message" means an 2700
electronic mail message the primary purpose of which is to do any 2701
of the following: 2702

(a) Facilitate, complete, or confirm a commercial transaction 2703
that the recipient has previously agreed to enter into with the 2704
sender; 2705

(b) Provide warranty information, product recall information, 2706
or safety or security information with respect to a commercial 2707
product or service used or purchased by the recipient; 2708

(c) Provide notification concerning a change in the terms or 2709
features of; a change in the recipient's standing or status with 2710
respect to; or, at regular periodic intervals, account balance 2711
information or other type of account statement with respect to, a 2712
subscription, membership, account, loan, or comparable ongoing 2713
commercial relationship involving the ongoing purchase or use by 2714
the recipient of products or services offered by the sender; 2715

(d) Provide information directly related to an employment 2716
relationship or related benefit plan in which the recipient is 2717
currently involved, participating, or enrolled; 2718

(e) Deliver goods or services, including product updates or 2719
upgrades, that the recipient is entitled to receive under the 2720
terms of a transaction that the recipient has previously agreed to 2721
enter into with the sender. 2722

(B) No person, with regard to commercial electronic mail 2723
messages sent from or to a computer in this state, shall do any of 2724
the following: 2725

(1) Knowingly use a computer to relay or retransmit multiple 2726
commercial electronic mail messages, with the intent to deceive or 2727
mislead recipients or any electronic mail service provider, as to 2728
the origin of those messages; 2729

(2) Knowingly and materially falsify header information in 2730
multiple commercial electronic mail messages and purposely 2731
initiate the transmission of those messages; 2732

(3) Knowingly register, using information that materially 2733
falsifies the identity of the actual registrant, for five or more 2734
electronic mail accounts or online user accounts or two or more 2735
domain names and purposely initiate the transmission of multiple 2736
commercial electronic mail messages from one, or any combination, 2737
of those accounts or domain names; 2738

(4) Knowingly falsely represent the right to use five or more 2739
internet protocol addresses, and purposely initiate the 2740
transmission of multiple commercial electronic mail messages from 2741
those addresses. 2742

(C)(1) Whoever violates division (B) of this section is 2743
guilty of illegally transmitting multiple commercial electronic 2744
mail messages. Except as otherwise provided in division (C)(2) or 2745
(E) of this section, illegally transmitting multiple commercial 2746
electronic mail messages is a felony of the fifth degree. 2747

(2) Illegally transmitting multiple commercial electronic 2748
mail messages is a felony of the fourth degree if any of the 2749
following apply: 2750

(a) Regarding a violation of division (B)(3) of this section, 2751
the offender, using information that materially falsifies the 2752
identity of the actual registrant, knowingly registers for twenty 2753
or more electronic mail accounts or online user accounts or ten or 2754
more domain names, and purposely initiates, or conspires to 2755
initiate, the transmission of multiple commercial electronic mail 2756
messages from the accounts or domain names. 2757

(b) Regarding any violation of division (B) of this section, 2758
the volume of commercial electronic mail messages the offender 2759
transmitted in committing the violation exceeds two hundred and 2760

fifty during any twenty-four-hour period, two thousand five 2761
hundred during any thirty-day period, or twenty-five thousand 2762
during any one-year period. 2763

(c) Regarding any violation of division (B) of this section, 2764
during any one-year period the aggregate loss to the victim or 2765
victims of the violation is ~~five hundred~~ one thousand dollars or 2766
more, or during any one-year period the aggregate value of the 2767
property or services obtained by any offender as a result of the 2768
violation is ~~five hundred~~ one thousand dollars or more. 2769

(d) Regarding any violation of division (B) of this section, 2770
the offender committed the violation with three or more other 2771
persons with respect to whom the offender was the organizer or 2772
leader of the activity that resulted in the violation. 2773

(e) Regarding any violation of division (B) of this section, 2774
the offender knowingly assisted in the violation through the 2775
provision or selection of electronic mail addresses to which the 2776
commercial electronic mail message was transmitted, if that 2777
offender knew that the electronic mail addresses of the recipients 2778
were obtained using an automated means from an internet web site 2779
or proprietary online service operated by another person, and that 2780
web site or online service included, at the time the electronic 2781
mail addresses were obtained, a notice stating that the operator 2782
of that web site or online service will not transfer addresses 2783
maintained by that web site or online service to any other party 2784
for the purposes of initiating the transmission of, or enabling 2785
others to initiate the transmission of, electronic mail messages. 2786

(f) Regarding any violation of division (B) of this section, 2787
the offender knowingly assisted in the violation through the 2788
provision or selection of electronic mail addresses of the 2789
recipients obtained using an automated means that generates 2790
possible electronic mail addresses by combining names, letters, or 2791
numbers into numerous permutations. 2792

(D)(1) No person, with regard to commercial electronic mail 2793
messages sent from or to a computer in this state, shall knowingly 2794
access a computer without authorization and purposely initiate the 2795
transmission of multiple commercial electronic mail messages from 2796
or through the computer. 2797

(2) Except as otherwise provided in division (E) of this 2798
section, whoever violates division (D)(1) of this section is 2799
guilty of unauthorized access of a computer, a felony of the 2800
fourth degree. 2801

(E) Illegally transmitting multiple commercial electronic 2802
mail messages and unauthorized access of a computer in violation 2803
of this section are felonies of the third degree if the offender 2804
previously has been convicted of a violation of this section, or a 2805
violation of a law of another state or the United States regarding 2806
the transmission of electronic mail messages or unauthorized 2807
access to a computer, or if the offender committed the violation 2808
of this section in the furtherance of a felony. 2809

(F)(1) The attorney general or an electronic mail service 2810
provider that is injured by a violation of this section may bring 2811
a civil action in an appropriate court of common pleas of this 2812
state seeking relief from any person whose conduct violated this 2813
section. The civil action may be commenced at any time within one 2814
year of the date after the act that is the basis of the civil 2815
action. 2816

(2) In a civil action brought by the attorney general 2817
pursuant to division (F)(1) of this section for a violation of 2818
this section, the court may award temporary, preliminary, or 2819
permanent injunctive relief. The court also may impose a civil 2820
penalty against the offender, as the court considers just, in an 2821
amount that is the lesser of: (a) twenty-five thousand dollars for 2822
each day a violation occurs, or (b) not less than two dollars but 2823
not more than eight dollars for each commercial electronic mail 2824

message initiated in violation of this section. 2825

(3) In a civil action brought by an electronic mail service 2826
provider pursuant to division (F)(1) of this section for a 2827
violation of this section, the court may award temporary, 2828
preliminary, or permanent injunctive relief, and also may award 2829
damages in an amount equal to the greater of the following: 2830

(a) The sum of the actual damages incurred by the electronic 2831
mail service provider as a result of a violation of this section, 2832
plus any receipts of the offender that are attributable to a 2833
violation of this section and that were not taken into account in 2834
computing actual damages; 2835

(b) Statutory damages, as the court considers just, in an 2836
amount that is the lesser of: (i) twenty-five thousand dollars for 2837
each day a violation occurs, or (ii) not less than two dollars but 2838
not more than eight dollars for each commercial electronic mail 2839
message initiated in violation of this section. 2840

(4) In assessing damages awarded under division (F)(3) of 2841
this section, the court may consider whether the offender has 2842
established and implemented, with due care, commercially 2843
reasonable practices and procedures designed to effectively 2844
prevent the violation, or the violation occurred despite 2845
commercially reasonable efforts to maintain the practices and 2846
procedures established. 2847

(G) Any equipment, software, or other technology of a person 2848
who violates this section that is used or intended to be used in 2849
the commission of a violation of this section, and any real or 2850
personal property that constitutes or is traceable to the gross 2851
proceeds obtained from the commission of a violation of this 2852
section, is contraband and is subject to seizure and forfeiture 2853
pursuant to Chapter 2981. of the Revised Code. 2854

(H) The attorney general may bring a civil action, pursuant 2855

to the "CAN-SPAM Act of 2003," Pub. L. No. 108-187, 117 Stat. 2856
2699, 15 U.S.C. 7701 et seq., on behalf of the residents of the 2857
state in a district court of the United States that has 2858
jurisdiction for a violation of the CAN-SPAM Act of 2003, but the 2859
attorney general shall not bring a civil action under both this 2860
division and division (F) of this section. If a federal court 2861
dismisses a civil action brought under this division for reasons 2862
other than upon the merits, a civil action may be brought under 2863
division (F) of this section in the appropriate court of common 2864
pleas of this state. 2865

(I) Nothing in this section shall be construed: 2866

(1) To require an electronic mail service provider to block, 2867
transmit, route, relay, handle, or store certain types of 2868
electronic mail messages; 2869

(2) To prevent or limit, in any way, an electronic mail 2870
service provider from adopting a policy regarding electronic mail, 2871
including a policy of declining to transmit certain types of 2872
electronic mail messages, or from enforcing such policy through 2873
technical means, through contract, or pursuant to any remedy 2874
available under any other federal, state, or local criminal or 2875
civil law; 2876

(3) To render lawful any policy adopted under division (I)(2) 2877
of this section that is unlawful under any other law. 2878

Sec. 2913.43. (A) No person, by deception, shall cause 2879
another to execute any writing that disposes of or encumbers 2880
property, or by which a pecuniary obligation is incurred. 2881

(B)(1) Whoever violates this section is guilty of securing 2882
writings by deception. 2883

(2) Except as otherwise provided in this division or division 2884
(B)(3) of this section, securing writings by deception is a 2885

misdemeanor of the first degree. If the value of the property or 2886
the obligation involved is ~~five hundred~~ one thousand dollars or 2887
more and less than ~~five~~ seven thousand five hundred dollars, 2888
securing writings by deception is a felony of the fifth degree. If 2889
the value of the property or the obligation involved is ~~five~~ seven 2890
thousand five hundred dollars or more and is less than one hundred 2891
fifty thousand dollars, securing writings by deception is a felony 2892
of the fourth degree. If the value of the property or the 2893
obligation involved is one hundred fifty thousand dollars or more, 2894
securing writings by deception is a felony of the third degree. 2895

(3) If the victim of the offense is an elderly person or 2896
disabled adult, division (B)(3) of this section applies. Except as 2897
otherwise provided in division (B)(3) of this section, securing 2898
writings by deception is a felony of the fifth degree. If the 2899
value of the property or obligation involved is ~~five hundred~~ one 2900
thousand dollars or more and is less than ~~five~~ seven thousand five 2901
hundred dollars, securing writings by deception is a felony of the 2902
fourth degree. If the value of the property or obligation involved 2903
is ~~five~~ seven thousand five hundred dollars or more and is less 2904
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 2905
securing writings by deception is a felony of the third degree. If 2906
the value of the property or obligation involved is ~~twenty-five~~ 2907
thirty-seven thousand five hundred dollars or more, securing 2908
writings by deception is a felony of the second degree. 2909
2910

Sec. 2913.45. (A) No person, with purpose to defraud one or 2911
more of the person's creditors, shall do any of the following: 2912

(1) Remove, conceal, destroy, encumber, convey, or otherwise 2913
deal with any of the person's property; 2914

(2) Misrepresent or refuse to disclose to a fiduciary 2915
appointed to administer or manage the person's affairs or estate, 2916

the existence, amount, or location of any of the person's 2917
property, or any other information regarding such property that 2918
the person is legally required to furnish to the fiduciary. 2919

(B) Whoever violates this section is guilty of defrauding 2920
creditors. Except as otherwise provided in this division, 2921
defrauding creditors is a misdemeanor of the first degree. If the 2922
value of the property involved is ~~five hundred~~ one thousand 2923
dollars or more and is less than ~~five~~ seven thousand five hundred 2924
dollars, defrauding creditors is a felony of the fifth degree. If 2925
the value of the property involved is ~~five~~ seven thousand five 2926
hundred dollars or more and is less than one hundred fifty 2927
thousand dollars, defrauding creditors is a felony of the fourth 2928
degree. If the value of the property involved is one hundred fifty 2929
thousand dollars or more, defrauding creditors is a felony of the 2930
third degree. 2931

Sec. 2913.46. (A)(1) As used in this section: 2932

(a) "Electronically transferred benefit" means the transfer 2933
of supplemental nutrition assistance program benefits or WIC 2934
program benefits through the use of an access device. 2935

(b) "WIC program benefits" includes money, coupons, delivery 2936
verification receipts, other documents, food, or other property 2937
received directly or indirectly pursuant to section 17 of the 2938
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 2939
amended. 2940

(c) "Access device" means any card, plate, code, account 2941
number, or other means of access that can be used, alone or in 2942
conjunction with another access device, to obtain payments, 2943
allotments, benefits, money, goods, or other things of value or 2944
that can be used to initiate a transfer of funds pursuant to 2945
section 5101.33 of the Revised Code and the Food and Nutrition Act 2946
of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program 2947

administered by any department of this state or any county or 2948
local agency pursuant to section 17 of the "Child Nutrition Act of 2949
1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access 2950
device" may include any electronic debit card or other means 2951
authorized by section 5101.33 of the Revised Code. 2952

(d) "Aggregate value of supplemental nutrition assistance 2953
program benefits, WIC program benefits, and electronically 2954
transferred benefits involved in the violation" means the total 2955
face value of any supplemental nutrition assistance program 2956
benefits, plus the total face value of WIC program coupons or 2957
delivery verification receipts, plus the total value of other WIC 2958
program benefits, plus the total value of any electronically 2959
transferred benefit or other access device, involved in the 2960
violation. 2961

(e) "Total value of any electronically transferred benefit or 2962
other access device" means the total value of the payments, 2963
allotments, benefits, money, goods, or other things of value that 2964
may be obtained, or the total value of funds that may be 2965
transferred, by use of any electronically transferred benefit or 2966
other access device at the time of violation. 2967

(2) If supplemental nutrition assistance program benefits, 2968
WIC program benefits, or electronically transferred benefits or 2969
other access devices of various values are used, transferred, 2970
bought, acquired, altered, purchased, possessed, presented for 2971
redemption, or transported in violation of this section over a 2972
period of twelve months, the course of conduct may be charged as 2973
one offense and the values of supplemental nutrition assistance 2974
program benefits, WIC program benefits, or any electronically 2975
transferred benefits or other access devices may be aggregated in 2976
determining the degree of the offense. 2977

(B) No individual shall knowingly possess, buy, sell, use, 2978
alter, accept, or transfer supplemental nutrition assistance 2979

program benefits, WIC program benefits, or any electronically 2980
transferred benefit in any manner not authorized by the Food and 2981
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or section 17 of the 2982
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 2983
amended. 2984

(C) No organization, as defined in division (D) of section 2985
2901.23 of the Revised Code, shall do either of the following: 2986

(1) Knowingly allow an employee or agent to sell, transfer, 2987
or trade items or services, the purchase of which is prohibited by 2988
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq. or 2989
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 2990
U.S.C. 1786, as amended, in exchange for supplemental nutrition 2991
assistance program benefits, WIC program benefits, or any 2992
electronically transferred benefit; 2993

(2) Negligently allow an employee or agent to sell, transfer, 2994
or exchange supplemental nutrition assistance program benefits, 2995
WIC program benefits, or any electronically transferred benefit 2996
for anything of value. 2997

(D) Whoever violates this section is guilty of illegal use of 2998
supplemental nutrition assistance program benefits or WIC program 2999
benefits. Except as otherwise provided in this division, illegal 3000
use of supplemental nutrition assistance program benefits or WIC 3001
program benefits is a felony of the fifth degree. If the aggregate 3002
value of the supplemental nutrition assistance program benefits, 3003
WIC program benefits, and electronically transferred benefits 3004
involved in the violation is ~~five hundred~~ one thousand dollars or 3005
more and is less than ~~five~~ seven thousand ~~five hundred~~ dollars, 3006
illegal use of supplemental nutrition assistance program benefits 3007
or WIC program benefits is a felony of the fourth degree. If the 3008
aggregate value of the supplemental nutrition assistance program 3009
benefits, WIC program benefits, and electronically transferred 3010
benefits involved in the violation is ~~five~~ seven thousand ~~five~~ 3011

hundred dollars or more and is less than one hundred fifty 3012
thousand dollars, illegal use of supplemental nutrition assistance 3013
program benefits or WIC program benefits is a felony of the third 3014
degree. If the aggregate value of the supplemental nutrition 3015
assistance program benefits, WIC program benefits, and 3016
electronically transferred benefits involved in the violation is 3017
one hundred fifty thousand dollars or more, illegal use of 3018
supplemental nutrition assistance program benefits or WIC program 3019
benefits is a felony of the second degree. 3020

Sec. 2913.47. (A) As used in this section: 3021

(1) "Data" has the same meaning as in section 2913.01 of the 3022
Revised Code and additionally includes any other representation of 3023
information, knowledge, facts, concepts, or instructions that are 3024
being or have been prepared in a formalized manner. 3025

(2) "Deceptive" means that a statement, in whole or in part, 3026
would cause another to be deceived because it contains a 3027
misleading representation, withholds information, prevents the 3028
acquisition of information, or by any other conduct, act, or 3029
omission creates, confirms, or perpetuates a false impression, 3030
including, but not limited to, a false impression as to law, 3031
value, state of mind, or other objective or subjective fact. 3032

(3) "Insurer" means any person that is authorized to engage 3033
in the business of insurance in this state under Title XXXIX of 3034
the Revised Code, the Ohio fair plan underwriting association 3035
created under section 3929.43 of the Revised Code, any health 3036
insuring corporation, and any legal entity that is self-insured 3037
and provides benefits to its employees or members. 3038

(4) "Policy" means a policy, certificate, contract, or plan 3039
that is issued by an insurer. 3040

(5) "Statement" includes, but is not limited to, any notice, 3041

letter, or memorandum; proof of loss; bill of lading; receipt for 3042
payment; invoice, account, or other financial statement; estimate 3043
of property damage; bill for services; diagnosis or prognosis; 3044
prescription; hospital, medical, or dental chart or other record; 3045
x-ray, photograph, videotape, or movie film; test result; other 3046
evidence of loss, injury, or expense; computer-generated document; 3047
and data in any form. 3048

(B) No person, with purpose to defraud or knowing that the 3049
person is facilitating a fraud, shall do either of the following: 3050

(1) Present to, or cause to be presented to, an insurer any 3051
written or oral statement that is part of, or in support of, an 3052
application for insurance, a claim for payment pursuant to a 3053
policy, or a claim for any other benefit pursuant to a policy, 3054
knowing that the statement, or any part of the statement, is false 3055
or deceptive; 3056

(2) Assist, aid, abet, solicit, procure, or conspire with 3057
another to prepare or make any written or oral statement that is 3058
intended to be presented to an insurer as part of, or in support 3059
of, an application for insurance, a claim for payment pursuant to 3060
a policy, or a claim for any other benefit pursuant to a policy, 3061
knowing that the statement, or any part of the statement, is false 3062
or deceptive. 3063

(C) Whoever violates this section is guilty of insurance 3064
fraud. Except as otherwise provided in this division, insurance 3065
fraud is a misdemeanor of the first degree. If the amount of the 3066
claim that is false or deceptive is ~~five hundred~~ one thousand 3067
dollars or more and is less than ~~five~~ seven thousand five hundred 3068
dollars, insurance fraud is a felony of the fifth degree. If the 3069
amount of the claim that is false or deceptive is ~~five~~ seven 3070
thousand five hundred dollars or more and is less than one hundred 3071
fifty thousand dollars, insurance fraud is a felony of the fourth 3072
degree. If the amount of the claim that is false or deceptive is 3073

one hundred fifty thousand dollars or more, insurance fraud is a 3074
felony of the third degree. 3075

(D) This section shall not be construed to abrogate, waive, 3076
or modify division (A) of section 2317.02 of the Revised Code. 3077

Sec. 2913.48. (A) No person, with purpose to defraud or 3078
knowing that the person is facilitating a fraud, shall do any of 3079
the following: 3080

(1) Receive workers' compensation benefits to which the 3081
person is not entitled; 3082

(2) Make or present or cause to be made or presented a false 3083
or misleading statement with the purpose to secure payment for 3084
goods or services rendered under Chapter 4121., 4123., 4127., or 3085
4131. of the Revised Code or to secure workers' compensation 3086
benefits; 3087

(3) Alter, falsify, destroy, conceal, or remove any record or 3088
document that is necessary to fully establish the validity of any 3089
claim filed with, or necessary to establish the nature and 3090
validity of all goods and services for which reimbursement or 3091
payment was received or is requested from, the bureau of workers' 3092
compensation, or a self-insuring employer under Chapter 4121., 3093
4123., 4127., or 4131. of the Revised Code; 3094

(4) Enter into an agreement or conspiracy to defraud the 3095
bureau or a self-insuring employer by making or presenting or 3096
causing to be made or presented a false claim for workers' 3097
compensation benefits; 3098

(5) Make or present or cause to be made or presented a false 3099
statement concerning manual codes, classification of employees, 3100
payroll, paid compensation, or number of personnel, when 3101
information of that nature is necessary to determine the actual 3102
workers' compensation premium or assessment owed to the bureau by 3103

an employer; 3104

(6) Alter, forge, or create a workers' compensation 3105
certificate to falsely show current or correct workers' 3106
compensation coverage; 3107

(7) Fail to secure or maintain workers' compensation coverage 3108
as required by Chapter 4123. of the Revised Code with the intent 3109
to defraud the bureau of workers' compensation. 3110

(B) Whoever violates this section is guilty of workers' 3111
compensation fraud. Except as otherwise provided in this division, 3112
a violation of this section is a misdemeanor of the first degree. 3113
If the value of premiums and assessments unpaid pursuant to 3114
actions described in division (A)(5), (6), or (7) of this section, 3115
or of goods, services, property, or money stolen is ~~five hundred~~ 3116
one thousand dollars or more and is less than ~~five~~ seven thousand 3117
five hundred dollars, a violation of this section is a felony of 3118
the fifth degree. If the value of premiums and assessments unpaid 3119
pursuant to actions described in division (A)(5), (6), or (7) of 3120
this section, or of goods, services, property, or money stolen is 3121
~~five seven~~ thousand five hundred dollars or more and is less than 3122
one hundred fifty thousand dollars, a violation of this section is 3123
a felony of the fourth degree. If the value of premiums and 3124
assessments unpaid pursuant to actions described in division 3125
(A)(5), (6), or (7) of this section, or of goods, services, 3126
property, or money stolen is one hundred fifty thousand dollars or 3127
more, a violation of this section is a felony of the third degree. 3128

(C) Upon application of the governmental body that conducted 3129
the investigation and prosecution of a violation of this section, 3130
the court shall order the person who is convicted of the violation 3131
to pay the governmental body its costs of investigating and 3132
prosecuting the case. These costs are in addition to any other 3133
costs or penalty provided in the Revised Code or any other section 3134
of law. 3135

(D) The remedies and penalties provided in this section are	3136
not exclusive remedies and penalties and do not preclude the use	3137
of any other criminal or civil remedy or penalty for any act that	3138
is in violation of this section.	3139
(E) As used in this section:	3140
(1) "False" means wholly or partially untrue or deceptive.	3141
(2) "Goods" includes, but is not limited to, medical	3142
supplies, appliances, rehabilitative equipment, and any other	3143
apparatus or furnishing provided or used in the care, treatment,	3144
or rehabilitation of a claimant for workers' compensation	3145
benefits.	3146
(3) "Services" includes, but is not limited to, any service	3147
provided by any health care provider to a claimant for workers'	3148
compensation benefits and any and all services provided by the	3149
bureau as part of workers' compensation insurance coverage.	3150
(4) "Claim" means any attempt to cause the bureau, an	3151
independent third party with whom the administrator or an employer	3152
contracts under section 4121.44 of the Revised Code, or a	3153
self-insuring employer to make payment or reimbursement for	3154
workers' compensation benefits.	3155
(5) "Employment" means participating in any trade,	3156
occupation, business, service, or profession for substantial	3157
gainful remuneration.	3158
(6) "Employer," "employee," and "self-insuring employer" have	3159
the same meanings as in section 4123.01 of the Revised Code.	3160
(7) "Remuneration" includes, but is not limited to, wages,	3161
commissions, rebates, and any other reward or consideration.	3162
(8) "Statement" includes, but is not limited to, any oral,	3163
written, electronic, electronic impulse, or magnetic communication	3164
notice, letter, memorandum, receipt for payment, invoice, account,	3165

financial statement, or bill for services; a diagnosis, prognosis, 3166
prescription, hospital, medical, or dental chart or other record; 3167
and a computer generated document. 3168

(9) "Records" means any medical, professional, financial, or 3169
business record relating to the treatment or care of any person, 3170
to goods or services provided to any person, or to rates paid for 3171
goods or services provided to any person, or any record that the 3172
administrator of workers' compensation requires pursuant to rule. 3173

(10) "Workers' compensation benefits" means any compensation 3174
or benefits payable under Chapter 4121., 4123., 4127., or 4131. of 3175
the Revised Code. 3176

Sec. 2913.49. (A) As used in this section, "personal 3177
identifying information" includes, but is not limited to, the 3178
following: the name, address, telephone number, driver's license, 3179
driver's license number, commercial driver's license, commercial 3180
driver's license number, state identification card, state 3181
identification card number, social security card, social security 3182
number, birth certificate, place of employment, employee 3183
identification number, mother's maiden name, demand deposit 3184
account number, savings account number, money market account 3185
number, mutual fund account number, other financial account 3186
number, personal identification number, password, or credit card 3187
number of a living or dead individual. 3188

(B) No person, without the express or implied consent of the 3189
other person, shall use, obtain, or possess any personal 3190
identifying information of another person with intent to do either 3191
of the following: 3192

(1) Hold the person out to be the other person; 3193

(2) Represent the other person's personal identifying 3194
information as the person's own personal identifying information. 3195

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

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

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

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

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

(a) The person or entity using, obtaining, possessing, or creating the personal identifying information or permitting it to be used is a law enforcement agency, authorized fraud personnel, or a representative of or attorney for a law enforcement agency or authorized fraud personnel and is using, obtaining, possessing, or creating the personal identifying information or permitting it to be used, with prior consent given as specified in this division, in a bona fide investigation, an information security evaluation, a pretext calling evaluation, or a similar matter. The prior consent required under this division shall be given by the person whose personal identifying information is being used, obtained,

possessed, or created or is being permitted to be used or, if the 3227
person whose personal identifying information is being used, 3228
obtained, possessed, or created or is being permitted to be used 3229
is deceased, by that deceased person's executor, or a member of 3230
that deceased person's family, or that deceased person's attorney. 3231
The prior consent required under this division may be given orally 3232
or in writing by the person whose personal identifying information 3233
is being used, obtained, possessed, or created or is being 3234
permitted to be used or that person's executor, or family member, 3235
or attorney. 3236

(b) The personal identifying information was obtained, 3237
possessed, used, created, or permitted to be used for a lawful 3238
purpose, provided that division (F)(2)(b) of this section does not 3239
apply if the person or entity using, obtaining, possessing, or 3240
creating the personal identifying information or permitting it to 3241
be used is a law enforcement agency, authorized fraud personnel, 3242
or a representative of or attorney for a law enforcement agency or 3243
authorized fraud personnel that is using, obtaining, possessing, 3244
or creating the ~~personnel~~ personal identifying information or 3245
permitting it to be used in an investigation, an information 3246
security evaluation, a pretext calling evaluation, or similar 3247
matter. 3248

(G) It is not a defense to a charge under this section that 3249
the person whose personal identifying information was obtained, 3250
possessed, used, created, or permitted to be used was deceased at 3251
the time of the offense. 3252

(H)(1) If an offender commits a violation of division (B), 3253
(D), or (E) of this section and the violation occurs as part of a 3254
course of conduct involving other violations of division (B), (D), 3255
or (E) of this section or violations of, attempts to violate, 3256
conspiracies to violate, or complicity in violations of division 3257
(C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 3258

2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in determining the degree of the offense pursuant to division (I) of this section, may aggregate all credit, property, or services obtained or sought to be obtained by the offender and all debts or other legal obligations avoided or sought to be avoided by the offender in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim.

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

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

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

services, debt, or other legal obligation involved in the 3291
violation or course of conduct is ~~five~~ seven thousand five hundred 3292
dollars or more and is less than one hundred fifty thousand 3293
dollars, except as otherwise provided in division (I)(3) of this 3294
section, identity fraud is a felony of the third degree. If the 3295
value of the credit, property, services, debt, or other legal 3296
obligation involved in the violation or course of conduct is one 3297
hundred fifty thousand dollars or more, except as otherwise 3298
provided in division (I)(3) of this section, identity fraud is a 3299
felony of the second degree. 3300

(3) If the victim of the offense is an elderly person or 3301
disabled adult, a violation of this section is identity fraud 3302
against an elderly person or disabled adult. Except as otherwise 3303
provided in this division, identity fraud against an elderly 3304
person or disabled adult is a felony of the fifth degree. If the 3305
value of the credit, property, services, debt, or other legal 3306
obligation involved in the violation or course of conduct is ~~five~~ 3307
~~hundred~~ one thousand dollars or more and is less than ~~five~~ seven 3308
thousand five hundred dollars, identity fraud against an elderly 3309
person or disabled adult is a felony of the third degree. If the 3310
value of the credit, property, services, debt, or other legal 3311
obligation involved in the violation or course of conduct is ~~five~~ 3312
seven thousand five hundred dollars or more and is less than one 3313
hundred fifty thousand dollars, identity fraud against an elderly 3314
person or disabled adult is a felony of the second degree. If the 3315
value of the credit, property, services, debt, or other legal 3316
obligation involved in the violation or course of conduct is one 3317
hundred fifty thousand dollars or more, identity fraud against an 3318
elderly person or disabled adult is a felony of the first degree. 3319

Sec. 2913.51. (A) No person shall receive, retain, or dispose 3320
of property of another knowing or having reasonable cause to 3321
believe that the property has been obtained through commission of 3322

a theft offense. 3323

(B) It is not a defense to a charge of receiving stolen 3324
property in violation of this section that the property was 3325
obtained by means other than through the commission of a theft 3326
offense if the property was explicitly represented to the accused 3327
person as being obtained through the commission of a theft 3328
offense. 3329

(C) Whoever violates this section is guilty of receiving 3330
stolen property. Except as otherwise provided in this division, 3331
receiving stolen property is a misdemeanor of the first degree. If 3332
the value of the property involved is ~~five hundred~~ one thousand 3333
dollars or more and is less than ~~five~~ seven thousand five hundred 3334
dollars, if the property involved is any of the property listed in 3335
section 2913.71 of the Revised Code, receiving stolen property is 3336
a felony of the fifth degree. If the property involved is a motor 3337
vehicle, as defined in section 4501.01 of the Revised Code, if the 3338
property involved is a dangerous drug, as defined in section 3339
4729.01 of the Revised Code, if the value of the property involved 3340
is ~~five~~ seven thousand five hundred dollars or more and is less 3341
than one hundred fifty thousand dollars, or if the property 3342
involved is a firearm or dangerous ordnance, as defined in section 3343
2923.11 of the Revised Code, receiving stolen property is a felony 3344
of the fourth degree. If the value of the property involved is one 3345
hundred fifty thousand dollars or more, receiving stolen property 3346
is a felony of the third degree. 3347

Sec. 2913.61. (A) When a person is charged with a theft 3348
offense, or with a violation of division (A)(1) of section 1716.14 3349
of the Revised Code involving a victim who is an elderly person or 3350
disabled adult that involves property or services valued at ~~five~~ 3351
~~hundred~~ one thousand dollars or more, property or services valued 3352
at ~~five hundred~~ one thousand dollars or more and less than ~~five~~ 3353

seven thousand five hundred dollars, property or services valued 3354
at one thousand five hundred dollars or more and less than seven 3355
thousand five hundred dollars, property or services valued at ~~five~~ 3356
seven thousand five hundred dollars or more and less than 3357
~~twenty-five~~ thirty-seven thousand five hundred dollars, property 3358
or services valued at seven thousand five hundred dollars or more 3359
and less than one hundred fifty thousand dollars, property or 3360
services valued at ~~twenty-five~~ thirty-seven thousand five hundred 3361
dollars or more and less than one hundred fifty thousand dollars, 3362
~~or~~ property or services valued at thirty-seven thousand five 3363
hundred dollars or more, property or services valued at one 3364
hundred fifty thousand dollars or more, property or services 3365
valued at one hundred fifty thousand dollars or more and less than 3366
seven hundred fifty thousand dollars, property or services valued 3367
at seven hundred fifty thousand dollars or more and less than one 3368
million five hundred thousand dollars, or property or services 3369
valued at one million five hundred thousand dollars or more, the 3370
jury or court trying the accused shall determine the value of the 3371
property or services as of the time of the offense and, if a 3372
guilty verdict is returned, shall return the finding of value as 3373
part of the verdict. In any case in which the jury or court 3374
determines that the value of the property or services at the time 3375
of the offense was ~~five hundred~~ one thousand dollars or more, it 3376
is unnecessary to find and return the exact value, and it is 3377
sufficient if the finding and return is to the effect that the 3378
value of the property or services involved was ~~five hundred~~ one 3379
thousand dollars or more and less than five seven thousand five 3380
hundred dollars, was one thousand dollars or more and less than 3381
seven thousand five hundred dollars, was five seven thousand five 3382
hundred dollars or more and less than ~~twenty-five~~ thirty-seven 3383
thousand five hundred dollars, was seven thousand five hundred 3384
dollars or more and less than thirty-seven thousand five hundred 3385
dollars, was seven thousand five hundred dollars or more and less 3386

than one hundred fifty thousand dollars, was ~~twenty-five~~ 3387
thirty-seven thousand five hundred dollars or more and less than 3388
one hundred fifty thousand dollars, ~~or was thirty-seven thousand~~ 3389
five hundred dollars or more and less than one hundred fifty 3390
thousand dollars, was one hundred fifty thousand dollars or more, 3391
was one hundred fifty thousand dollars or more and less than seven 3392
hundred fifty thousand dollars, was seven hundred fifty thousand 3393
dollars or more and less than one million five hundred thousand 3394
dollars, or was one million five hundred thousand dollars or more, 3395
whichever is relevant regarding the offense. 3396

(B) If more than one item of property or services is involved 3397
in a theft offense or in a violation of division (A)(1) of section 3398
1716.14 of the Revised Code involving a victim who is an elderly 3399
person or disabled adult, the value of the property or services 3400
involved for the purpose of determining the value as required by 3401
division (A) of this section is the aggregate value of all 3402
property or services involved in the offense. 3403

(C)(1) When a series of offenses under section 2913.02 of the 3404
Revised Code, or a series of violations of, attempts to commit a 3405
violation of, conspiracies to violate, or complicity in violations 3406
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3407
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3408
2913.31 or 2913.43 of the Revised Code involving a victim who is 3409
an elderly person or disabled adult, is committed by the offender 3410
in the offender's same employment, capacity, or relationship to 3411
another, all of those offenses shall be tried as a single offense. 3412
The value of the property or services involved in the series of 3413
offenses for the purpose of determining the value as required by 3414
division (A) of this section is the aggregate value of all 3415
property and services involved in all offenses in the series. 3416

(2) If an offender commits a series of offenses under section 3417
2913.02 of the Revised Code that involves a common course of 3418

conduct to defraud multiple victims, all of the offenses may be 3419
tried as a single offense. If an offender is being tried for the 3420
commission of a series of violations of, attempts to commit a 3421
violation of, conspiracies to violate, or complicity in violations 3422
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3423
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3424
2913.31 or 2913.43 of the Revised Code, whether committed against 3425
one victim or more than one victim, involving a victim who is an 3426
elderly person or disabled adult, pursuant to a scheme or course 3427
of conduct, all of those offenses may be tried as a single 3428
offense. If the offenses are tried as a single offense, the value 3429
of the property or services involved for the purpose of 3430
determining the value as required by division (A) of this section 3431
is the aggregate value of all property and services involved in 3432
all of the offenses in the course of conduct. 3433

(3) When a series of two or more offenses under section 3434
2913.40, 2913.48, or 2921.41 of the Revised Code is committed by 3435
the offender in the offender's same employment, capacity, or 3436
relationship to another, all of those offenses may be tried as a 3437
single offense. If the offenses are tried as a single offense, the 3438
value of the property or services involved for the purpose of 3439
determining the value as required by division (A) of this section 3440
is the aggregate value of all property and services involved in 3441
all of the offenses in the series of two or more offenses. 3442

(4) In prosecuting a single offense under division (C)(1), 3443
(2), or (3) of this section, it is not necessary to separately 3444
allege and prove each offense in the series. Rather, it is 3445
sufficient to allege and prove that the offender, within a given 3446
span of time, committed one or more theft offenses or violations 3447
of section 2913.40, 2913.48, or 2921.41 of the Revised Code in the 3448
offender's same employment, capacity, or relationship to another 3449
as described in division (C)(1) or (3) of this section, or 3450

committed one or more theft offenses that involve a common course 3451
of conduct to defraud multiple victims or a scheme or course of 3452
conduct as described in division (C)(2) of this section. While it 3453
is not necessary to separately allege and prove each offense in 3454
the series in order to prosecute a single offense under division 3455
(C)(1), (2), or (3) of this section, it remains necessary in 3456
prosecuting them as a single offense to prove the aggregate value 3457
of the property or services in order to meet the requisite 3458
statutory offense level sought by the prosecution. 3459

(D) The following criteria shall be used in determining the 3460
value of property or services involved in a theft offense: 3461

(1) The value of an heirloom, memento, collector's item, 3462
antique, museum piece, manuscript, document, record, or other 3463
thing that has intrinsic worth to its owner and that either is 3464
irreplaceable or is replaceable only on the expenditure of 3465
substantial time, effort, or money, is the amount that would 3466
compensate the owner for its loss. 3467

(2) The value of personal effects and household goods, and of 3468
materials, supplies, equipment, and fixtures used in the 3469
profession, business, trade, occupation, or avocation of its 3470
owner, which property is not covered under division (D)(1) of this 3471
section and which retains substantial utility for its purpose 3472
regardless of its age or condition, is the cost of replacing the 3473
property with new property of like kind and quality. 3474

(3) The value of any real or personal property that is not 3475
covered under division (D)(1) or (2) of this section, and the 3476
value of services, is the fair market value of the property or 3477
services. As used in this section, "fair market value" is the 3478
money consideration that a buyer would give and a seller would 3479
accept for property or services, assuming that the buyer is 3480
willing to buy and the seller is willing to sell, that both are 3481
fully informed as to all facts material to the transaction, and 3482

that neither is under any compulsion to act. 3483

(E) Without limitation on the evidence that may be used to 3484
establish the value of property or services involved in a theft 3485
offense: 3486

(1) When the property involved is personal property held for 3487
sale at wholesale or retail, the price at which the property was 3488
held for sale is prima-facie evidence of its value. 3489

(2) When the property involved is a security or commodity 3490
traded on an exchange, the closing price or, if there is no 3491
closing price, the asked price, given in the latest market 3492
quotation prior to the offense is prima-facie evidence of the 3493
value of the security or commodity. 3494

(3) When the property involved is livestock, poultry, or raw 3495
agricultural products for which a local market price is available, 3496
the latest local market price prior to the offense is prima-facie 3497
evidence of the value of the livestock, poultry, or products. 3498

(4) When the property involved is a negotiable instrument, 3499
the face value is prima-facie evidence of the value of the 3500
instrument. 3501

(5) When the property involved is a warehouse receipt, bill 3502
of lading, pawn ticket, claimcheck, or other instrument entitling 3503
the holder or bearer to receive property, the face value or, if 3504
there is no face value, the value of the property covered by the 3505
instrument less any payment necessary to receive the property is 3506
prima-facie evidence of the value of the instrument. 3507

(6) When the property involved is a ticket of admission, 3508
ticket for transportation, coupon, token, or other instrument 3509
entitling the holder or bearer to receive property or services, 3510
the face value or, if there is no face value, the value of the 3511
property or services that may be received by the instrument is 3512
prima-facie evidence of the value of the instrument. 3513

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

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

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

(1) The subject of a bet;

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

(3) A scheme or game of chance;

(4) Bingo.

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

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

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

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

gambling offense or of any theft offense, as defined in section 3543
2913.01 of the Revised Code, cheating is a felony of the fifth 3544
degree. 3545

(2) Whoever violates division (B) of this section is guilty 3546
of corrupting sports. Corrupting sports is a felony of the fifth 3547
degree on a first offense and a felony of the fourth degree on 3548
each subsequent offense. 3549

Sec. 2917.21. (A) No person shall knowingly make or cause to 3550
be made a telecommunication, or knowingly permit a 3551
telecommunication to be made from a telecommunications device 3552
under the person's control, to another, if the caller does any of 3553
the following: 3554

(1) Fails to identify the caller to the recipient of the 3555
telecommunication and makes the telecommunication with purpose to 3556
harass or abuse any person at the premises to which the 3557
telecommunication is made, whether or not actual communication 3558
takes place between the caller and a recipient; 3559

(2) Describes, suggests, requests, or proposes that the 3560
caller, the recipient of the telecommunication, or any other 3561
person engage in sexual activity, and the recipient or another 3562
person at the premises to which the telecommunication is made has 3563
requested, in a previous telecommunication or in the immediate 3564
telecommunication, that the caller not make a telecommunication to 3565
the recipient or to the premises to which the telecommunication is 3566
made; 3567

(3) During the telecommunication, violates section 2903.21 of 3568
the Revised Code; 3569

(4) Knowingly states to the recipient of the 3570
telecommunication that the caller intends to cause damage to or 3571
destroy public or private property, and the recipient, any member 3572

of the recipient's family, or any other person who resides at the 3573
premises to which the telecommunication is made owns, leases, 3574
resides, or works in, will at the time of the destruction or 3575
damaging be near or in, has the responsibility of protecting, or 3576
insures the property that will be destroyed or damaged; 3577

(5) Knowingly makes the telecommunication to the recipient of 3578
the telecommunication, to another person at the premises to which 3579
the telecommunication is made, or to those premises, and the 3580
recipient or another person at those premises previously has told 3581
the caller not to make a telecommunication to those premises or to 3582
any persons at those premises. 3583

(B) No person shall make or cause to be made a 3584
telecommunication, or permit a telecommunication to be made from a 3585
telecommunications device under the person's control, with purpose 3586
to abuse, threaten, or harass another person. 3587

(C)(1) Whoever violates this section is guilty of 3588
telecommunications harassment. 3589

(2) A violation of division (A)(1), (2), (3), or (5) or (B) 3590
of this section is a misdemeanor of the first degree on a first 3591
offense and a felony of the fifth degree on each subsequent 3592
offense. 3593

(3) Except as otherwise provided in division (C)(3) of this 3594
section, a violation of division (A)(4) of this section is a 3595
misdemeanor of the first degree on a first offense and a felony of 3596
the fifth degree on each subsequent offense. If a violation of 3597
division (A)(4) of this section results in economic harm of ~~five~~ 3598
~~hundred one thousand~~ dollars or more but less than ~~five seven~~ 3599
thousand five hundred dollars, telecommunications harassment is a 3600
felony of the fifth degree. If a violation of division (A)(4) of 3601
this section results in economic harm of ~~five seven~~ thousand five 3602
hundred dollars or more but less than one hundred fifty thousand 3603

dollars, telecommunications harassment is a felony of the fourth 3604
degree. If a violation of division (A)(4) of this section results 3605
in economic harm of one hundred fifty thousand dollars or more, 3606
telecommunications harassment is a felony of the third degree. 3607

(D) No cause of action may be asserted in any court of this 3608
state against any provider of a telecommunications service or 3609
information service, or against any officer, employee, or agent of 3610
a telecommunication service or information service, for any 3611
injury, death, or loss to person or property that allegedly arises 3612
out of the provider's, officer's, employee's, or agent's provision 3613
of information, facilities, or assistance in accordance with the 3614
terms of a court order that is issued in relation to the 3615
investigation or prosecution of an alleged violation of this 3616
section. A provider of a telecommunications service or information 3617
service, or an officer, employee, or agent of a telecommunications 3618
service or information service, is immune from any civil or 3619
criminal liability for injury, death, or loss to person or 3620
property that allegedly arises out of the provider's, officer's, 3621
employee's, or agent's provision of information, facilities, or 3622
assistance in accordance with the terms of a court order that is 3623
issued in relation to the investigation or prosecution of an 3624
alleged violation of this section. 3625

(E) As used in this section: 3626

(1) "Economic harm" means all direct, incidental, and 3627
consequential pecuniary harm suffered by a victim as a result of 3628
criminal conduct. "Economic harm" includes, but is not limited to, 3629
all of the following: 3630

(a) All wages, salaries, or other compensation lost as a 3631
result of the criminal conduct; 3632

(b) The cost of all wages, salaries, or other compensation 3633
paid to employees for time those employees are prevented from 3634

working as a result of the criminal conduct; 3635

(c) The overhead costs incurred for the time that a business 3636
is shut down as a result of the criminal conduct; 3637

(d) The loss of value to tangible or intangible property that 3638
was damaged as a result of the criminal conduct. 3639

(2) "Caller" means the person described in division (A) of 3640
this section who makes or causes to be made a telecommunication or 3641
who permits a telecommunication to be made from a 3642
telecommunications device under that person's control. 3643

(3) "Telecommunication" and "telecommunications device" have 3644
the same meanings as in section 2913.01 of the Revised Code. 3645

(4) "Sexual activity" has the same meaning as in section 3646
2907.01 of the Revised Code. 3647

(F) Nothing in this section prohibits a person from making a 3648
telecommunication to a debtor that is in compliance with the "Fair 3649
Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C. 3650
1692, as amended, or the "Telephone Consumer Protection Act," 105 3651
Stat. 2395 (1991), 47 U.S.C. 227, as amended. 3652

Sec. 2917.31. (A) No person shall cause the evacuation of any 3653
public place, or otherwise cause serious public inconvenience or 3654
alarm, by doing any of the following: 3655

(1) Initiating or circulating a report or warning of an 3656
alleged or impending fire, explosion, crime, or other catastrophe, 3657
knowing that such report or warning is false; 3658

(2) Threatening to commit any offense of violence; 3659

(3) Committing any offense, with reckless disregard of the 3660
likelihood that its commission will cause serious public 3661
inconvenience or alarm. 3662

(B) Division (A)(1) of this section does not apply to any 3663

person conducting an authorized fire or emergency drill. 3664

(C)(1) Whoever violates this section is guilty of inducing 3665
panic. 3666

(2) Except as otherwise provided in division (C)(3), (4), 3667
(5), (6), (7), or (8) of this section, inducing panic is a 3668
misdemeanor of the first degree. 3669

(3) Except as otherwise provided in division (C)(4), (5), 3670
(6), (7), or (8) of this section, if a violation of this section 3671
results in physical harm to any person, inducing panic is a felony 3672
of the fourth degree. 3673

(4) Except as otherwise provided in division (C)(5), (6), 3674
(7), or (8) of this section, if a violation of this section 3675
results in economic harm, the penalty shall be determined as 3676
follows: 3677

(a) If the violation results in economic harm of ~~five hundred~~ 3678
one thousand dollars or more but less than ~~five~~ seven thousand 3679
five hundred dollars and if division (C)(3) of this section does 3680
not apply, inducing panic is a felony of the fifth degree. 3681

(b) If the violation results in economic harm of ~~five~~ seven 3682
thousand five hundred dollars or more but less than one hundred 3683
fifty thousand dollars, inducing panic is a felony of the fourth 3684
degree. 3685

(c) If the violation results in economic harm of one hundred 3686
fifty thousand dollars or more, inducing panic is a felony of the 3687
third degree. 3688

(5) If the public place involved in a violation of division 3689
(A)(1) of this section is a school or an institution of higher 3690
education, inducing panic is a felony of the second degree. 3691

(6) If the violation pertains to a purported, threatened, or 3692
actual use of a weapon of mass destruction, and except as 3693

otherwise provided in division (C)(5), (7), or (8) of this 3694
section, inducing panic is a felony of the fourth degree. 3695

(7) If the violation pertains to a purported, threatened, or 3696
actual use of a weapon of mass destruction, and except as 3697
otherwise provided in division (C)(5) of this section, if a 3698
violation of this section results in physical harm to any person, 3699
inducing panic is a felony of the third degree. 3700

(8) If the violation pertains to a purported, threatened, or 3701
actual use of a weapon of mass destruction, and except as 3702
otherwise provided in division (C)(5) of this section, if a 3703
violation of this section results in economic harm of one hundred 3704
thousand dollars or more, inducing panic is a felony of the third 3705
degree. 3706

(D)(1) It is not a defense to a charge under this section 3707
that pertains to a purported or threatened use of a weapon of mass 3708
destruction that the offender did not possess or have the ability 3709
to use a weapon of mass destruction or that what was represented 3710
to be a weapon of mass destruction was not a weapon of mass 3711
destruction. 3712

(2) Any act that is a violation of this section and any other 3713
section of the Revised Code may be prosecuted under this section, 3714
the other section, or both sections. 3715

(E) As used in this section: 3716

(1) "Economic harm" means any of the following: 3717

(a) All direct, incidental, and consequential pecuniary harm 3718
suffered by a victim as a result of criminal conduct. "Economic 3719
harm" as described in this division includes, but is not limited 3720
to, all of the following: 3721

(i) All wages, salaries, or other compensation lost as a 3722
result of the criminal conduct; 3723

(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	3724 3725 3726
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	3727 3728
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	3729 3730
(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.	3731 3732 3733 3734 3735 3736 3737
(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.	3738 3739 3740 3741 3742 3743
(3) "Weapon of mass destruction" means any of the following:	3744
(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;	3745 3746 3747
(b) Any weapon involving a disease organism or biological agent;	3748 3749
(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;	3750 3751
(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of	3752 3753

"destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:	3754 3755
(i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;	3756 3757 3758 3759
(ii) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (E)(3)(d)(i) of this section and from which an item or device described in that division may be readily assembled.	3760 3761 3762 3763 3764
(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.	3765 3766
(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.	3767 3768
(6) "Institution of higher education" means any of the following:	3769 3770
(a) A state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college;	3771 3772 3773
(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	3774 3775 3776 3777
(c) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	3778 3779 3780
Sec. 2917.32. (A) No person shall do any of the following:	3781
(1) Initiate or circulate a report or warning of an alleged	3782

or impending fire, explosion, crime, or other catastrophe, knowing 3783
that the report or warning is false and likely to cause public 3784
inconvenience or alarm; 3785

(2) Knowingly cause a false alarm of fire or other emergency 3786
to be transmitted to or within any organization, public or 3787
private, for dealing with emergencies involving a risk of physical 3788
harm to persons or property; 3789

(3) Report to any law enforcement agency an alleged offense 3790
or other incident within its concern, knowing that such offense 3791
did not occur. 3792

(B) This section does not apply to any person conducting an 3793
authorized fire or emergency drill. 3794

(C)(1) Whoever violates this section is guilty of making 3795
false alarms. 3796

(2) Except as otherwise provided in division (C)(3), (4), 3797
(5), or (6) of this section, making false alarms is a misdemeanor 3798
of the first degree. 3799

(3) Except as otherwise provided in division (C)(4) of this 3800
section, if a violation of this section results in economic harm 3801
of ~~five hundred~~ one thousand dollars or more but less than ~~five~~ 3802
seven thousand five hundred dollars, making false alarms is a 3803
felony of the fifth degree. 3804

(4) If a violation of this section pertains to a purported, 3805
threatened, or actual use of a weapon of mass destruction, making 3806
false alarms is a felony of the third degree. 3807

(5) If a violation of this section results in economic harm 3808
of ~~five~~ seven thousand five hundred dollars or more but less than 3809
one hundred fifty thousand dollars and if division (C)(4) of this 3810
section does not apply, making false alarms is a felony of the 3811
fourth degree. 3812

(6) If a violation of this section results in economic harm 3813
of one hundred fifty thousand dollars or more, making false alarms 3814
is a felony of the third degree. 3815

(D)(1) It is not a defense to a charge under this section 3816
that pertains to a purported or threatened use of a weapon of mass 3817
destruction that the offender did not possess or have the ability 3818
to use a weapon of mass destruction or that what was represented 3819
to be a weapon of mass destruction was not a weapon of mass 3820
destruction. 3821

(2) Any act that is a violation of this section and any other 3822
section of the Revised Code may be prosecuted under this section, 3823
the other section, or both sections. 3824

(E) As used in this section, "economic harm" and "weapon of 3825
mass destruction" have the same meanings as in section 2917.31 of 3826
the Revised Code. 3827

Sec. 2919.21. (A) No person shall abandon, or fail to provide 3828
adequate support to: 3829

(1) The person's spouse, as required by law; 3830

(2) The person's child who is under age eighteen, or mentally 3831
or physically handicapped child who is under age twenty-one; 3832

(3) The person's aged or infirm parent or adoptive parent, 3833
who from lack of ability and means is unable to provide adequately 3834
for the parent's own support. 3835

(B) No person shall abandon, or fail to provide support as 3836
established by a court order to, another person whom, by court 3837
order or decree, the person is legally obligated to support. 3838

(C) No person shall aid, abet, induce, cause, encourage, or 3839
contribute to a child or a ward of the juvenile court becoming a 3840
dependent child, as defined in section 2151.04 of the Revised 3841
Code, or a neglected child, as defined in section 2151.03 of the 3842

Revised Code. 3843

(D) It is an affirmative defense to a charge of failure to 3844
provide adequate support under division (A) of this section or a 3845
charge of failure to provide support established by a court order 3846
under division (B) of this section that the accused was unable to 3847
provide adequate support or the established support but did 3848
provide the support that was within the accused's ability and 3849
means. 3850

(E) It is an affirmative defense to a charge under division 3851
(A)(3) of this section that the parent abandoned the accused or 3852
failed to support the accused as required by law, while the 3853
accused was under age eighteen, or was mentally or physically 3854
handicapped and under age twenty-one. 3855

(F) It is not a defense to a charge under division (B) of 3856
this section that the person whom a court has ordered the accused 3857
to support is being adequately supported by someone other than the 3858
accused. 3859

(G)(1) Except as otherwise provided in this division, whoever 3860
violates division (A) or (B) of this section is guilty of 3861
nonsupport of dependents, a misdemeanor of the first degree. If 3862
the offender previously has been convicted of or pleaded guilty to 3863
a violation of division (A)(2) or (B) of this section or if the 3864
offender has failed to provide support under division (A)(2) or 3865
(B) of this section for a total accumulated period of twenty-six 3866
weeks out of one hundred four consecutive weeks, whether or not 3867
the twenty-six weeks were consecutive, then a violation of 3868
division (A)(2) or (B) of this section is a felony of the fifth 3869
degree. If the offender previously has been convicted of or 3870
pleaded guilty to a felony violation of this section, a violation 3871
of division (A)(2) or (B) of this section is a felony of the 3872
fourth degree. ~~If~~ 3873

If the violation of division (A) or (B) of this section is a 3874
felony, all of the following apply to the sentencing of the 3875
offender: 3876

(a) Except as otherwise provided in division (G)(1)(b) of 3877
this section, the court in imposing sentence on the offender shall 3878
first consider placing the offender on one or more community 3879
control sanctions under section 2929.16, 2929.17, or 2929.18 of 3880
the Revised Code, with an emphasis under the sanctions on 3881
intervention for nonsupport, obtaining or maintaining employment, 3882
or another related condition. 3883

(b) The preference for placement on community control 3884
sanctions described in division (G)(1)(a) of this section does not 3885
apply to any offender to whom one or more of the following 3886
applies: 3887

(i) The court determines that the imposition of a prison term 3888
on the offender is consistent with the purposes and principles of 3889
sentencing set forth in section 2929.11 of the Revised Code. 3890

(ii) The offender previously was convicted of or pleaded 3891
guilty to a violation of this section that was a felony, the 3892
conviction or guilty plea occurred on or after the effective date 3893
of this amendment, and the offender was sentenced to a prison term 3894
for that violation. 3895

(iii) The offender previously was convicted of or pleaded 3896
guilty to a violation of this section that was a felony, the 3897
conviction or guilty plea occurred on or after the effective date 3898
of this amendment, the offender was sentenced to one or more 3899
community control sanctions of a type described in division 3900
(G)(1)(a) of this section for that violation, and the offender 3901
failed to comply with the conditions of any of those community 3902
control sanctions. 3903

(2) If the offender is guilty of nonsupport of dependents by 3904

reason of failing to provide support to the offender's child as 3905
required by a child support order issued on or after April 15, 3906
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 3907
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 3115.31 of the 3908
Revised Code, the court, in addition to any other sentence 3909
imposed, shall assess all court costs arising out of the charge 3910
against the person and require the person to pay any reasonable 3911
attorney's fees of any adverse party other than the state, as 3912
determined by the court, that arose in relation to the charge. 3913

~~(2)~~(3) Whoever violates division (C) of this section is 3914
guilty of contributing to the nonsupport of dependents, a 3915
misdemeanor of the first degree. Each day of violation of division 3916
(C) of this section is a separate offense. 3917

Sec. 2921.13. (A) No person shall knowingly make a false 3918
statement, or knowingly swear or affirm the truth of a false 3919
statement previously made, when any of the following applies: 3920

(1) The statement is made in any official proceeding. 3921

(2) The statement is made with purpose to incriminate 3922
another. 3923

(3) The statement is made with purpose to mislead a public 3924
official in performing the public official's official function. 3925

(4) The statement is made with purpose to secure the payment 3926
of unemployment compensation; Ohio works first; prevention, 3927
retention, and contingency benefits and services; disability 3928
financial assistance; retirement benefits; economic development 3929
assistance, as defined in section 9.66 of the Revised Code; or 3930
other benefits administered by a governmental agency or paid out 3931
of a public treasury. 3932

(5) The statement is made with purpose to secure the issuance 3933
by a governmental agency of a license, permit, authorization, 3934

certificate, registration, release, or provider agreement. 3935

(6) The statement is sworn or affirmed before a notary public 3936
or another person empowered to administer oaths. 3937

(7) The statement is in writing on or in connection with a 3938
report or return that is required or authorized by law. 3939

(8) The statement is in writing and is made with purpose to 3940
induce another to extend credit to or employ the offender, to 3941
confer any degree, diploma, certificate of attainment, award of 3942
excellence, or honor on the offender, or to extend to or bestow 3943
upon the offender any other valuable benefit or distinction, when 3944
the person to whom the statement is directed relies upon it to 3945
that person's detriment. 3946

(9) The statement is made with purpose to commit or 3947
facilitate the commission of a theft offense. 3948

(10) The statement is knowingly made to a probate court in 3949
connection with any action, proceeding, or other matter within its 3950
jurisdiction, either orally or in a written document, including, 3951
but not limited to, an application, petition, complaint, or other 3952
pleading, or an inventory, account, or report. 3953

(11) The statement is made on an account, form, record, 3954
stamp, label, or other writing that is required by law. 3955

(12) The statement is made in connection with the purchase of 3956
a firearm, as defined in section 2923.11 of the Revised Code, and 3957
in conjunction with the furnishing to the seller of the firearm of 3958
a fictitious or altered driver's or commercial driver's license or 3959
permit, a fictitious or altered identification card, or any other 3960
document that contains false information about the purchaser's 3961
identity. 3962

(13) The statement is made in a document or instrument of 3963
writing that purports to be a judgment, lien, or claim of 3964

indebtedness and is filed or recorded with the secretary of state, 3965
a county recorder, or the clerk of a court of record. 3966

(14) The statement is made in an application filed with a 3967
county sheriff pursuant to section 2923.125 of the Revised Code in 3968
order to obtain or renew a license to carry a concealed handgun or 3969
is made in an affidavit submitted to a county sheriff to obtain a 3970
temporary emergency license to carry a concealed handgun under 3971
section 2923.1213 of the Revised Code. 3972

(15) The statement is required under section 5743.71 of the 3973
Revised Code in connection with the person's purchase of 3974
cigarettes or tobacco products in a delivery sale. 3975

(B) No person, in connection with the purchase of a firearm, 3976
as defined in section 2923.11 of the Revised Code, shall knowingly 3977
furnish to the seller of the firearm a fictitious or altered 3978
driver's or commercial driver's license or permit, a fictitious or 3979
altered identification card, or any other document that contains 3980
false information about the purchaser's identity. 3981

(C) No person, in an attempt to obtain a license to carry a 3982
concealed handgun under section 2923.125 of the Revised Code, 3983
shall knowingly present to a sheriff a fictitious or altered 3984
document that purports to be certification of the person's 3985
competence in handling a handgun as described in division (B)(3) 3986
of section 2923.125 of the Revised Code. 3987

(D) It is no defense to a charge under division (A)(6) of 3988
this section that the oath or affirmation was administered or 3989
taken in an irregular manner. 3990

(E) If contradictory statements relating to the same fact are 3991
made by the offender within the period of the statute of 3992
limitations for falsification, it is not necessary for the 3993
prosecution to prove which statement was false but only that one 3994
or the other was false. 3995

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 3996
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 3997
of falsification, a misdemeanor of the first degree. 3998

(2) Whoever violates division (A)(9) of this section is 3999
guilty of falsification in a theft offense. Except as otherwise 4000
provided in this division, falsification in a theft offense is a 4001
misdemeanor of the first degree. If the value of the property or 4002
services stolen is ~~five hundred~~ one thousand dollars or more and 4003
is less than ~~five~~ seven thousand ~~five hundred~~ dollars, 4004
falsification in a theft offense is a felony of the fifth degree. 4005
If the value of the property or services stolen is ~~five~~ seven 4006
thousand ~~five hundred~~ dollars or more and is less than one hundred 4007
fifty thousand dollars, falsification in a theft offense is a 4008
felony of the fourth degree. If the value of the property or 4009
services stolen is one hundred fifty thousand dollars or more, 4010
falsification in a theft offense is a felony of the third degree. 4011

(3) Whoever violates division (A)(12) or (B) of this section 4012
is guilty of falsification to purchase a firearm, a felony of the 4013
fifth degree. 4014

(4) Whoever violates division (A)(14) or (C) of this section 4015
is guilty of falsification to obtain a concealed handgun license, 4016
a felony of the fourth degree. 4017

(G) A person who violates this section is liable in a civil 4018
action to any person harmed by the violation for injury, death, or 4019
loss to person or property incurred as a result of the commission 4020
of the offense and for reasonable attorney's fees, court costs, 4021
and other expenses incurred as a result of prosecuting the civil 4022
action commenced under this division. A civil action under this 4023
division is not the exclusive remedy of a person who incurs 4024
injury, death, or loss to person or property as a result of a 4025
violation of this section. 4026

Sec. 2921.34. (A)(1) No person, knowing the person is under 4027
detention, other than supervised release detention, or being 4028
reckless in that regard, shall purposely break or attempt to break 4029
the detention, or purposely fail to return to detention, either 4030
following temporary leave granted for a specific purpose or 4031
limited period, or at the time required when serving a sentence in 4032
intermittent confinement. 4033

(2)(a) Division (A)(2)(b) of this section applies to any 4034
person who is sentenced to a prison term pursuant to division 4035
(A)(3) or (B) of section 2971.03 of the Revised Code. 4036

(b) No person to whom this division applies, for whom the 4037
requirement that the entire prison term imposed upon the person 4038
pursuant to division (A)(3) or (B) of section 2971.03 of the 4039
Revised Code be served in a state correctional institution has 4040
been modified pursuant to section 2971.05 of the Revised Code, and 4041
who, pursuant to that modification, is restricted to a geographic 4042
area, knowing that the person is under a geographic restriction or 4043
being reckless in that regard, shall purposely leave the 4044
geographic area to which the restriction applies or purposely fail 4045
to return to that geographic area following a temporary leave 4046
granted for a specific purpose or for a limited period of time. 4047

(3) No person, knowing the person is under supervised release 4048
detention or being reckless in that regard, shall purposely break 4049
or attempt to break the supervised release detention or purposely 4050
fail to return to the supervised release detention, either 4051
following temporary leave granted for a specific purpose or 4052
limited period, or at the time required when serving a sentence in 4053
intermittent confinement. 4054

(B) Irregularity in bringing about or maintaining detention, 4055
or lack of jurisdiction of the committing or detaining authority, 4056
is not a defense to a charge under this section if the detention 4057

is pursuant to judicial order or in a detention facility. In the 4058
case of any other detention, irregularity or lack of jurisdiction 4059
is an affirmative defense only if either of the following occurs: 4060

(1) The escape involved no substantial risk of harm to the 4061
person or property of another. 4062

(2) The detaining authority knew or should have known there 4063
was no legal basis or authority for the detention. 4064

(C) Whoever violates this section is guilty of escape. 4065

(1) If the offender violates division (A)(1) or (2) of this 4066
section, if the offender, at the time of the commission of the 4067
offense, was under detention as an alleged or adjudicated 4068
delinquent child or unruly child, and if the act for which the 4069
offender was under detention would not be a felony if committed by 4070
an adult, escape is a misdemeanor of the first degree. 4071

(2) If the offender violates division (A)(1) or (2) of this 4072
section and if either the offender, at the time of the commission 4073
of the offense, was under detention in any other manner or ~~if~~ the 4074
offender is a person for whom the requirement that the entire 4075
prison term imposed upon the person pursuant to division (A)(3) or 4076
(B) of section 2971.03 of the Revised Code be served in a state 4077
correctional institution has been modified pursuant to section 4078
2971.05 of the Revised Code, escape is one of the following: 4079

(a) A felony of the second degree, when the most serious 4080
offense for which the person was under detention or for which the 4081
person had been sentenced to the prison term under division 4082
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 4083
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4084
is aggravated murder, murder, or a felony of the first or second 4085
degree or, if the person was under detention as an alleged or 4086
adjudicated delinquent child, when the most serious act for which 4087
the person was under detention would be aggravated murder, murder, 4088

or a felony of the first or second degree if committed by an adult; 4089
4090

(b) A felony of the third degree, when the most serious offense for which the person was under detention or for which the person had been sentenced to the prison term under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code is a felony of the third, fourth, or fifth degree or an unclassified felony or, if the person was under detention as an alleged or adjudicated delinquent child, when the most serious act for which the person was under detention would be a felony of the third, fourth, or fifth degree or an unclassified felony if committed by an adult; 4091
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(c) A felony of the fifth degree, when any of the following applies: 4102
4103

(i) The most serious offense for which the person was under detention is a misdemeanor. 4104
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(ii) The person was found not guilty by reason of insanity, and the person's detention consisted of hospitalization, institutionalization, or confinement in a facility under an order made pursuant to or under authority of section 2945.40, 2945.401, or 2945.402 of the Revised Code. 4106
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(d) A misdemeanor of the first degree, when the most serious offense for which the person was under detention is a misdemeanor and when the person fails to return to detention at a specified time following temporary leave granted for a specific purpose or limited period or at the time required when serving a sentence in intermittent confinement. 4111
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(3) If the offender violates division (A)(3) of this section, except as otherwise provided in this division, escape is a felony of the fifth degree. If the offender violates division (A)(3) of 4117
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4119

this section and if, at the time of the commission of the offense, 4120
the most serious offense for which the offender was under 4121
supervised release detention was aggravated murder, murder, any 4122
other offense for which a sentence of life imprisonment was 4123
imposed, or a felony of the first or second degree, escape is a 4124
felony of the fourth degree. 4125

(D) As used in this section, "supervised release detention" 4126
means detention that is supervision of a person by an employee of 4127
the department of rehabilitation and correction while the person 4128
is on any type of release from a state correctional institution, 4129
other than transitional control under section 2967.26 of the 4130
Revised Code or placement in a community-based correctional 4131
facility by the parole board under section 2967.28 of the Revised 4132
Code. 4133

Sec. 2921.41. (A) No public official or party official shall 4134
commit any theft offense, as defined in division (K) of section 4135
2913.01 of the Revised Code, when either of the following applies: 4136

(1) The offender uses the offender's office in aid of 4137
committing the offense or permits or assents to its use in aid of 4138
committing the offense; 4139

(2) The property or service involved is owned by this state, 4140
any other state, the United States, a county, a municipal 4141
corporation, a township, or any political subdivision, department, 4142
or agency of any of them, is owned by a political party, or is 4143
part of a political campaign fund. 4144

(B) Whoever violates this section is guilty of theft in 4145
office. Except as otherwise provided in this division, theft in 4146
office is a felony of the fifth degree. If the value of property 4147
or services stolen is ~~five hundred~~ one thousand dollars or more 4148
and is less than ~~five~~ seven thousand five hundred dollars, theft 4149
in office is a felony of the fourth degree. If the value of 4150

property or services stolen is ~~five~~ seven thousand five hundred 4151
dollars or more, theft in office is a felony of the third degree. 4152

(C)(1) A public official or party official who pleads guilty 4153
to theft in office and whose plea is accepted by the court or a 4154
public official or party official against whom a verdict or 4155
finding of guilt for committing theft in office is returned is 4156
forever disqualified from holding any public office, employment, 4157
or position of trust in this state. 4158

(2)(a) A court that imposes sentence for a violation of this 4159
section based on conduct described in division (A)(2) of this 4160
section shall require the public official or party official who is 4161
convicted of or pleads guilty to the offense to make restitution 4162
for all of the property or the service that is the subject of the 4163
offense, in addition to the term of imprisonment and any fine 4164
imposed. A court that imposes sentence for a violation of this 4165
section based on conduct described in division (A)(1) of this 4166
section and that determines at trial that this state or a 4167
political subdivision of this state if the offender is a public 4168
official, or a political party in the United States or this state 4169
if the offender is a party official, suffered actual loss as a 4170
result of the offense shall require the offender to make 4171
restitution to the state, political subdivision, or political 4172
party for all of the actual loss experienced, in addition to the 4173
term of imprisonment and any fine imposed. 4174

(b)(i) In any case in which a sentencing court is required to 4175
order restitution under division (C)(2)(a) of this section and in 4176
which the offender, at the time of the commission of the offense 4177
or at any other time, was a member of the public employees 4178
retirement system, the Ohio police and fire pension fund, the 4179
state teachers retirement system, the school employees retirement 4180
system, or the state highway patrol retirement system; was an 4181
electing employee, as defined in section 3305.01 of the Revised 4182

Code, participating in an alternative retirement plan provided 4183
pursuant to Chapter 3305. of the Revised Code; was a participating 4184
employee or continuing member, as defined in section 148.01 of the 4185
Revised Code, in a deferred compensation program offered by the 4186
Ohio public employees deferred compensation board; was an officer 4187
or employee of a municipal corporation who was a participant in a 4188
deferred compensation program offered by that municipal 4189
corporation; was an officer or employee of a government unit, as 4190
defined in section 148.06 of the Revised Code, who was a 4191
participant in a deferred compensation program offered by that 4192
government unit, or was a participating employee, continuing 4193
member, or participant in any deferred compensation program 4194
described in this division and a member of a retirement system 4195
specified in this division or a retirement system of a municipal 4196
corporation, the entity to which restitution is to be made may 4197
file a motion with the sentencing court specifying any retirement 4198
system, any provider as defined in section 3305.01 of the Revised 4199
Code, and any deferred compensation program of which the offender 4200
was a member, electing employee, participating employee, 4201
continuing member, or participant and requesting the court to 4202
issue an order requiring the specified retirement system, the 4203
specified provider under the alternative retirement plan, or the 4204
specified deferred compensation program, or, if more than one is 4205
specified in the motion, the applicable combination of these, to 4206
withhold the amount required as restitution from any payment that 4207
is to be made under a pension, annuity, or allowance, under an 4208
option in the alternative retirement plan, under a participant 4209
account, as defined in section 148.01 of the Revised Code, or 4210
under any other type of benefit, other than a survivorship 4211
benefit, that has been or is in the future granted to the 4212
offender, from any payment of accumulated employee contributions 4213
standing to the offender's credit with that retirement system, 4214
that provider of the option under the alternative retirement plan, 4215

or that deferred compensation program, or, if more than one is 4216
specified in the motion, the applicable combination of these, and 4217
from any payment of any other amounts to be paid to the offender 4218
upon the offender's withdrawal of the offender's contributions 4219
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 4220
the Revised Code. A motion described in this division may be filed 4221
at any time subsequent to the conviction of the offender or entry 4222
of a guilty plea. Upon the filing of the motion, the clerk of the 4223
court in which the motion is filed shall notify the offender, the 4224
specified retirement system, the specified provider under the 4225
alternative retirement plan, or the specified deferred 4226
compensation program, or, if more than one is specified in the 4227
motion, the applicable combination of these, in writing, of all of 4228
the following: that the motion was filed; that the offender will 4229
be granted a hearing on the issuance of the requested order if the 4230
offender files a written request for a hearing with the clerk 4231
prior to the expiration of thirty days after the offender receives 4232
the notice; that, if a hearing is requested, the court will 4233
schedule a hearing as soon as possible and notify the offender, 4234
any specified retirement system, any specified provider under an 4235
alternative retirement plan, and any specified deferred 4236
compensation program of the date, time, and place of the hearing; 4237
that, if a hearing is conducted, it will be limited only to a 4238
consideration of whether the offender can show good cause why the 4239
requested order should not be issued; that, if a hearing is 4240
conducted, the court will not issue the requested order if the 4241
court determines, based on evidence presented at the hearing by 4242
the offender, that there is good cause for the requested order not 4243
to be issued; that the court will issue the requested order if a 4244
hearing is not requested or if a hearing is conducted but the 4245
court does not determine, based on evidence presented at the 4246
hearing by the offender, that there is good cause for the 4247
requested order not to be issued; and that, if the requested order 4248

is issued, any retirement system, any provider under an 4249
alternative retirement plan, and any deferred compensation program 4250
specified in the motion will be required to withhold the amount 4251
required as restitution from payments to the offender. 4252

(ii) In any case in which a sentencing court is required to 4253
order restitution under division (C)(2)(a) of this section and in 4254
which a motion requesting the issuance of a withholding order as 4255
described in division (C)(2)(b)(i) of this section is filed, the 4256
offender may receive a hearing on the motion by delivering a 4257
written request for a hearing to the court prior to the expiration 4258
of thirty days after the offender's receipt of the notice provided 4259
pursuant to division (C)(2)(b)(i) of this section. If a request 4260
for a hearing is made by the offender within the prescribed time, 4261
the court shall schedule a hearing as soon as possible after the 4262
request is made and shall notify the offender, the specified 4263
retirement system, the specified provider under the alternative 4264
retirement plan, or the specified deferred compensation program, 4265
or, if more than one is specified in the motion, the applicable 4266
combination of these, of the date, time, and place of the hearing. 4267
A hearing scheduled under this division shall be limited to a 4268
consideration of whether there is good cause, based on evidence 4269
presented by the offender, for the requested order not to be 4270
issued. If the court determines, based on evidence presented by 4271
the offender, that there is good cause for the order not to be 4272
issued, the court shall deny the motion and shall not issue the 4273
requested order. If the offender does not request a hearing within 4274
the prescribed time or if the court conducts a hearing but does 4275
not determine, based on evidence presented by the offender, that 4276
there is good cause for the order not to be issued, the court 4277
shall order the specified retirement system, the specified 4278
provider under the alternative retirement plan, or the specified 4279
deferred compensation program, or, if more than one is specified 4280
in the motion, the applicable combination of these, to withhold 4281

the amount required as restitution under division (C)(2)(a) of 4282
this section from any payments to be made under a pension, 4283
annuity, or allowance, under a participant account, as defined in 4284
section 148.01 of the Revised Code, under an option in the 4285
alternative retirement plan, or under any other type of benefit, 4286
other than a survivorship benefit, that has been or is in the 4287
future granted to the offender, from any payment of accumulated 4288
employee contributions standing to the offender's credit with that 4289
retirement system, that provider under the alternative retirement 4290
plan, or that deferred compensation program, or, if more than one 4291
is specified in the motion, the applicable combination of these, 4292
and from any payment of any other amounts to be paid to the 4293
offender upon the offender's withdrawal of the offender's 4294
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 4295
or 5505. of the Revised Code, and to continue the withholding for 4296
that purpose, in accordance with the order, out of each payment to 4297
be made on or after the date of issuance of the order, until 4298
further order of the court. Upon receipt of an order issued under 4299
this division, the public employees retirement system, the Ohio 4300
police and fire pension fund, the state teachers retirement 4301
system, the school employees retirement system, the state highway 4302
patrol retirement system, a municipal corporation retirement 4303
system, the provider under the alternative retirement plan, and 4304
the deferred compensation program offered by the Ohio public 4305
employees deferred compensation board, a municipal corporation, or 4306
a government unit, as defined in section 148.06 of the Revised 4307
Code, whichever are applicable, shall withhold the amount required 4308
as restitution, in accordance with the order, from any such 4309
payments and immediately shall forward the amount withheld to the 4310
clerk of the court in which the order was issued for payment to 4311
the entity to which restitution is to be made. 4312

(iii) Service of a notice required by division (C)(2)(b)(i) 4313
or (ii) of this section shall be effected in the same manner as 4314

provided in the Rules of Civil Procedure for the service of 4315
process. 4316

(D) Upon the filing of charges against a person under this 4317
section, the prosecutor, as defined in section 2935.01 of the 4318
Revised Code, who is assigned the case shall send written notice 4319
that charges have been filed against that person to the public 4320
employees retirement system, the Ohio police and fire pension 4321
fund, the state teachers retirement system, the school employees 4322
retirement system, the state highway patrol retirement system, the 4323
provider under an alternative retirement plan, any municipal 4324
corporation retirement system in this state, and the deferred 4325
compensation program offered by the Ohio public employees deferred 4326
compensation board, a municipal corporation, or a government unit, 4327
as defined in section 148.06 of the Revised Code. The written 4328
notice shall specifically identify the person charged. 4329

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the 4330
Revised Code: 4331

(A) "Beneficial interest" means any of the following: 4332

(1) The interest of a person as a beneficiary under a trust 4333
in which the trustee holds title to personal or real property; 4334

(2) The interest of a person as a beneficiary under any other 4335
trust arrangement under which any other person holds title to 4336
personal or real property for the benefit of such person; 4337

(3) The interest of a person under any other form of express 4338
fiduciary arrangement under which any other person holds title to 4339
personal or real property for the benefit of such person. 4340

"Beneficial interest" does not include the interest of a 4341
stockholder in a corporation or the interest of a partner in 4342
either a general or limited partnership. 4343

(B) "Costs of investigation and prosecution" and "costs of 4344

investigation and litigation" mean all of the costs incurred by 4345
the state or a county or municipal corporation under sections 4346
2923.31 to 2923.36 of the Revised Code in the prosecution and 4347
investigation of any criminal action or in the litigation and 4348
investigation of any civil action, and includes, but is not 4349
limited to, the costs of resources and personnel. 4350

(C) "Enterprise" includes any individual, sole 4351
proprietorship, partnership, limited partnership, corporation, 4352
trust, union, government agency, or other legal entity, or any 4353
organization, association, or group of persons associated in fact 4354
although not a legal entity. "Enterprise" includes illicit as well 4355
as licit enterprises. 4356

(D) "Innocent person" includes any bona fide purchaser of 4357
property that is allegedly involved in a violation of section 4358
2923.32 of the Revised Code, including any person who establishes 4359
a valid claim to or interest in the property in accordance with 4360
division (E) of section 2981.04 of the Revised Code, and any 4361
victim of an alleged violation of that section or of any 4362
underlying offense involved in an alleged violation of that 4363
section. 4364

(E) "Pattern of corrupt activity" means two or more incidents 4365
of corrupt activity, whether or not there has been a prior 4366
conviction, that are related to the affairs of the same 4367
enterprise, are not isolated, and are not so closely related to 4368
each other and connected in time and place that they constitute a 4369
single event. 4370

At least one of the incidents forming the pattern shall occur 4371
on or after January 1, 1986. Unless any incident was an aggravated 4372
murder or murder, the last of the incidents forming the pattern 4373
shall occur within six years after the commission of any prior 4374
incident forming the pattern, excluding any period of imprisonment 4375
served by any person engaging in the corrupt activity. 4376

For the purposes of the criminal penalties that may be 4377
imposed pursuant to section 2923.32 of the Revised Code, at least 4378
one of the incidents forming the pattern shall constitute a felony 4379
under the laws of this state in existence at the time it was 4380
committed or, if committed in violation of the laws of the United 4381
States or of any other state, shall constitute a felony under the 4382
law of the United States or the other state and would be a 4383
criminal offense under the law of this state if committed in this 4384
state. 4385

(F) "Pecuniary value" means money, a negotiable instrument, a 4386
commercial interest, or anything of value, as defined in section 4387
1.03 of the Revised Code, or any other property or service that 4388
has a value in excess of one hundred dollars. 4389

(G) "Person" means any person, as defined in section 1.59 of 4390
the Revised Code, and any governmental officer, employee, or 4391
entity. 4392

(H) "Personal property" means any personal property, any 4393
interest in personal property, or any right, including, but not 4394
limited to, bank accounts, debts, corporate stocks, patents, or 4395
copyrights. Personal property and any beneficial interest in 4396
personal property are deemed to be located where the trustee of 4397
the property, the personal property, or the instrument evidencing 4398
the right is located. 4399

(I) "Corrupt activity" means engaging in, attempting to 4400
engage in, conspiring to engage in, or soliciting, coercing, or 4401
intimidating another person to engage in any of the following: 4402

(1) Conduct defined as "racketeering activity" under the 4403
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 4404
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 4405

(2) Conduct constituting any of the following: 4406

(a) A violation of section 1315.55, 1322.02, 2903.01, 4407

2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 4408
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 4409
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 4410
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 4411
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 4412
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 4413
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 4414
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 4415
section 1707.44; division (A)(1) or (2) of section 2923.20; 4416
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 4417
4719.06; division (C), (D), or (E) of section 4719.07; section 4418
4719.08; or division (A) of section 4719.09 of the Revised Code. 4419

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 4420
3769.19 of the Revised Code as it existed prior to July 1, 1996, 4421
any violation of section 2915.02 of the Revised Code that occurs 4422
on or after July 1, 1996, and that, had it occurred prior to that 4423
date, would have been a violation of section 3769.11 of the 4424
Revised Code as it existed prior to that date, or any violation of 4425
section 2915.05 of the Revised Code that occurs on or after July 4426
1, 1996, and that, had it occurred prior to that date, would have 4427
been a violation of section 3769.15, 3769.16, or 3769.19 of the 4428
Revised Code as it existed prior to that date. 4429

(c) Any violation of section 2907.21, 2907.22, 2907.31, 4430
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 4431
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 4432
of the Revised Code, any violation of section 2925.11 of the 4433
Revised Code that is a felony of the first, second, third, or 4434
fourth degree and that occurs on or after July 1, 1996, any 4435
violation of section 2915.02 of the Revised Code that occurred 4436
prior to July 1, 1996, any violation of section 2915.02 of the 4437
Revised Code that occurs on or after July 1, 1996, and that, had 4438
it occurred prior to that date, would not have been a violation of 4439

section 3769.11 of the Revised Code as it existed prior to that 4440
date, any violation of section 2915.06 of the Revised Code as it 4441
existed prior to July 1, 1996, or any violation of division (B) of 4442
section 2915.05 of the Revised Code as it exists on and after July 4443
1, 1996, when the proceeds of the violation, the payments made in 4444
the violation, the amount of a claim for payment or for any other 4445
benefit that is false or deceptive and that is involved in the 4446
violation, or the value of the contraband or other property 4447
illegally possessed, sold, or purchased in the violation exceeds 4448
~~five hundred~~ one thousand dollars, or any combination of 4449
violations described in division (I)(2)(c) of this section when 4450
the total proceeds of the combination of violations, payments made 4451
in the combination of violations, amount of the claims for payment 4452
or for other benefits that is false or deceptive and that is 4453
involved in the combination of violations, or value of the 4454
contraband or other property illegally possessed, sold, or 4455
purchased in the combination of violations exceeds ~~five hundred~~ 4456
one thousand dollars; 4457

(d) Any violation of section 5743.112 of the Revised Code 4458
when the amount of unpaid tax exceeds one hundred dollars; 4459

(e) Any violation or combination of violations of section 4460
2907.32 of the Revised Code involving any material or performance 4461
containing a display of bestiality or of sexual conduct, as 4462
defined in section 2907.01 of the Revised Code, that is explicit 4463
and depicted with clearly visible penetration of the genitals or 4464
clearly visible penetration by the penis of any orifice when the 4465
total proceeds of the violation or combination of violations, the 4466
payments made in the violation or combination of violations, or 4467
the value of the contraband or other property illegally possessed, 4468
sold, or purchased in the violation or combination of violations 4469
exceeds ~~five hundred~~ one thousand dollars; 4470

(f) Any combination of violations described in division 4471

(I)(2)(c) of this section and violations of section 2907.32 of the Revised Code involving any material or performance containing a display of bestiality or of sexual conduct, as defined in section 2907.01 of the Revised Code, that is explicit and depicted with clearly visible penetration of the genitals or clearly visible penetration by the penis of any orifice when the total proceeds of the combination of violations, payments made in the combination of violations, amount of the claims for payment or for other benefits that is false or deceptive and that is involved in the combination of violations, or value of the contraband or other property illegally possessed, sold, or purchased in the combination of violations exceeds ~~five hundred~~ one thousand dollars;

(g) Any violation of section 2905.32 of the Revised Code to the extent the violation is not based solely on the same conduct that constitutes corrupt activity pursuant to division (I)(2)(c) of this section due to the conduct being in violation of section 2907.21 of the Revised Code.

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

(4) Animal or ecological terrorism;

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

(i) Organized retail theft;

(ii) Conduct that constitutes one or more violations of any law of any state other than this state, that is substantially similar to organized retail theft, and that if committed in this state would be organized retail theft, if the defendant was convicted of or pleaded guilty to the conduct in a criminal proceeding in the other state.

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

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

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

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

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

(3) Any successor trustee.

"Trustee" does not include an assignee or trustee for an
insolvent debtor or an executor, administrator, administrator with
the will annexed, testamentary trustee, guardian, or committee,

appointed by, under the control of, or accountable to a court. 4534

(L) "Unlawful debt" means any money or other thing of value 4535
constituting principal or interest of a debt that is legally 4536
unenforceable in this state in whole or in part because the debt 4537
was incurred or contracted in violation of any federal or state 4538
law relating to the business of gambling activity or relating to 4539
the business of lending money at an usurious rate unless the 4540
creditor proves, by a preponderance of the evidence, that the 4541
usurious rate was not intentionally set and that it resulted from 4542
a good faith error by the creditor, notwithstanding the 4543
maintenance of procedures that were adopted by the creditor to 4544
avoid an error of that nature. 4545

(M) "Animal activity" means any activity that involves the 4546
use of animals or animal parts, including, but not limited to, 4547
hunting, fishing, trapping, traveling, camping, the production, 4548
preparation, or processing of food or food products, clothing or 4549
garment manufacturing, medical research, other research, 4550
entertainment, recreation, agriculture, biotechnology, or service 4551
activity that involves the use of animals or animal parts. 4552

(N) "Animal facility" means a vehicle, building, structure, 4553
nature preserve, or other premises in which an animal is lawfully 4554
kept, handled, housed, exhibited, bred, or offered for sale, 4555
including, but not limited to, a zoo, rodeo, circus, amusement 4556
park, hunting preserve, or premises in which a horse or dog event 4557
is held. 4558

(O) "Animal or ecological terrorism" means the commission of 4559
any felony that involves causing or creating a substantial risk of 4560
physical harm to any property of another, the use of a deadly 4561
weapon or dangerous ordnance, or purposely, knowingly, or 4562
recklessly causing serious physical harm to property and that 4563
involves an intent to obstruct, impede, or deter any person from 4564
participating in a lawful animal activity, from mining, foresting, 4565

harvesting, gathering, or processing natural resources, or from 4566
being lawfully present in or on an animal facility or research 4567
facility. 4568

(P) "Research facility" means a place, laboratory, 4569
institution, medical care facility, government facility, or public 4570
or private educational institution in which a scientific test, 4571
experiment, or investigation involving the use of animals or other 4572
living organisms is lawfully carried out, conducted, or attempted. 4573

(Q) "Organized retail theft" means the theft of retail 4574
property with a retail value of ~~five hundred~~ one thousand dollars 4575
or more from one or more retail establishments with the intent to 4576
sell, deliver, or transfer that property to a retail property 4577
fence. 4578

(R) "Retail property" means any tangible personal property 4579
displayed, held, stored, or offered for sale in or by a retail 4580
establishment. 4581

(S) "Retail property fence" means a person who possesses, 4582
procures, receives, or conceals retail property that was 4583
represented to the person as being stolen or that the person knows 4584
or believes to be stolen. 4585

(T) "Retail value" means the full retail value of the retail 4586
property. In determining whether the retail value of retail 4587
property equals or exceeds ~~five hundred~~ one thousand dollars, the 4588
value of all retail property stolen from the retail establishment 4589
or retail establishments by the same person or persons within any 4590
one-hundred-eighty-day period shall be aggregated. 4591

Sec. 2925.01. As used in this chapter: 4592

(A) "Administer," "controlled substance," "dispense," 4593
"distribute," "hypodermic," "manufacturer," "official written 4594
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 4595

"schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

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

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

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

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

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

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

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

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture,

preparation, or substance that is or contains any amount of a 4626
schedule II opiate or opium derivative; 4627

(e) An amount equal to or exceeding five grams or ten unit 4628
doses of a compound, mixture, preparation, or substance that is or 4629
contains any amount of phencyclidine; 4630

(f) An amount equal to or exceeding one hundred twenty grams 4631
or thirty times the maximum daily dose in the usual dose range 4632
specified in a standard pharmaceutical reference manual of a 4633
compound, mixture, preparation, or substance that is or contains 4634
any amount of a schedule II stimulant that is in a final dosage 4635
form manufactured by a person authorized by the "Federal Food, 4636
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 4637
amended, and the federal drug abuse control laws, as defined in 4638
section 3719.01 of the Revised Code, that is or contains any 4639
amount of a schedule II depressant substance or a schedule II 4640
hallucinogenic substance; 4641

(g) An amount equal to or exceeding three grams of a 4642
compound, mixture, preparation, or substance that is or contains 4643
any amount of a schedule II stimulant, or any of its salts or 4644
isomers, that is not in a final dosage form manufactured by a 4645
person authorized by the Federal Food, Drug, and Cosmetic Act and 4646
the federal drug abuse control laws. 4647

(2) An amount equal to or exceeding one hundred twenty grams 4648
or thirty times the maximum daily dose in the usual dose range 4649
specified in a standard pharmaceutical reference manual of a 4650
compound, mixture, preparation, or substance that is or contains 4651
any amount of a schedule III or IV substance other than an 4652
anabolic steroid or a schedule III opiate or opium derivative; 4653

(3) An amount equal to or exceeding twenty grams or five 4654
times the maximum daily dose in the usual dose range specified in 4655
a standard pharmaceutical reference manual of a compound, mixture, 4656

preparation, or substance that is or contains any amount of a 4657
schedule III opiate or opium derivative; 4658

(4) An amount equal to or exceeding two hundred fifty 4659
milliliters or two hundred fifty grams of a compound, mixture, 4660
preparation, or substance that is or contains any amount of a 4661
schedule V substance; 4662

(5) An amount equal to or exceeding two hundred solid dosage 4663
units, sixteen grams, or sixteen milliliters of a compound, 4664
mixture, preparation, or substance that is or contains any amount 4665
of a schedule III anabolic steroid. 4666

(E) "Unit dose" means an amount or unit of a compound, 4667
mixture, or preparation containing a controlled substance that is 4668
separately identifiable and in a form that indicates that it is 4669
the amount or unit by which the controlled substance is separately 4670
administered to or taken by an individual. 4671

(F) "Cultivate" includes planting, watering, fertilizing, or 4672
tilling. 4673

(G) "Drug abuse offense" means any of the following: 4674

(1) A violation of division (A) of section 2913.02 that 4675
constitutes theft of drugs, or a violation of section 2925.02, 4676
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 4677
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 4678
2925.37 of the Revised Code; 4679

(2) A violation of an existing or former law of this or any 4680
other state or of the United States that is substantially 4681
equivalent to any section listed in division (G)(1) of this 4682
section; 4683

(3) An offense under an existing or former law of this or any 4684
other state, or of the United States, of which planting, 4685
cultivating, harvesting, processing, making, manufacturing, 4686

producing, shipping, transporting, delivering, acquiring, 4687
possessing, storing, distributing, dispensing, selling, inducing 4688
another to use, administering to another, using, or otherwise 4689
dealing with a controlled substance is an element; 4690

(4) A conspiracy to commit, attempt to commit, or complicity 4691
in committing or attempting to commit any offense under division 4692
(G)(1), (2), or (3) of this section. 4693

(H) "Felony drug abuse offense" means any drug abuse offense 4694
that would constitute a felony under the laws of this state, any 4695
other state, or the United States. 4696

(I) "Harmful intoxicant" does not include beer or 4697
intoxicating liquor but means any of the following: 4698

(1) Any compound, mixture, preparation, or substance the gas, 4699
fumes, or vapor of which when inhaled can induce intoxication, 4700
excitement, giddiness, irrational behavior, depression, 4701
stupefaction, paralysis, unconsciousness, asphyxiation, or other 4702
harmful physiological effects, and includes, but is not limited 4703
to, any of the following: 4704

(a) Any volatile organic solvent, plastic cement, model 4705
cement, fingernail polish remover, lacquer thinner, cleaning 4706
fluid, gasoline, or other preparation containing a volatile 4707
organic solvent; 4708

(b) Any aerosol propellant; 4709

(c) Any fluorocarbon refrigerant; 4710

(d) Any anesthetic gas. 4711

(2) Gamma Butyrolactone; 4712

(3) 1,4 Butanediol. 4713

(J) "Manufacture" means to plant, cultivate, harvest, 4714
process, make, prepare, or otherwise engage in any part of the 4715
production of a drug, by propagation, extraction, chemical 4716

synthesis, or compounding, or any combination of the same, and 4717
includes packaging, repackaging, labeling, and other activities 4718
incident to production. 4719

(K) "Possess" or "possession" means having control over a 4720
thing or substance, but may not be inferred solely from mere 4721
access to the thing or substance through ownership or occupation 4722
of the premises upon which the thing or substance is found. 4723

(L) "Sample drug" means a drug or pharmaceutical preparation 4724
that would be hazardous to health or safety if used without the 4725
supervision of a licensed health professional authorized to 4726
prescribe drugs, or a drug of abuse, and that, at one time, had 4727
been placed in a container plainly marked as a sample by a 4728
manufacturer. 4729

(M) "Standard pharmaceutical reference manual" means the 4730
current edition, with cumulative changes if any, of any of the 4731
following reference works: 4732

(1) "The National Formulary"; 4733

(2) "The United States Pharmacopeia," prepared by authority 4734
of the United States Pharmacopeial Convention, Inc.; 4735

(3) Other standard references that are approved by the state 4736
board of pharmacy. 4737

(N) "Juvenile" means a person under eighteen years of age. 4738

(O) "Counterfeit controlled substance" means any of the 4739
following: 4740

(1) Any drug that bears, or whose container or label bears, a 4741
trademark, trade name, or other identifying mark used without 4742
authorization of the owner of rights to that trademark, trade 4743
name, or identifying mark; 4744

(2) Any unmarked or unlabeled substance that is represented 4745
to be a controlled substance manufactured, processed, packed, or 4746

distributed by a person other than the person that manufactured, 4747
processed, packed, or distributed it; 4748

(3) Any substance that is represented to be a controlled 4749
substance but is not a controlled substance or is a different 4750
controlled substance; 4751

(4) Any substance other than a controlled substance that a 4752
reasonable person would believe to be a controlled substance 4753
because of its similarity in shape, size, and color, or its 4754
markings, labeling, packaging, distribution, or the price for 4755
which it is sold or offered for sale. 4756

(P) An offense is "committed in the vicinity of a school" if 4757
the offender commits the offense on school premises, in a school 4758
building, or within one thousand feet of the boundaries of any 4759
school premises, regardless of whether the offender knows the 4760
offense is being committed on school premises, in a school 4761
building, or within one thousand feet of the boundaries of any 4762
school premises. 4763

(Q) "School" means any school operated by a board of 4764
education, any community school established under Chapter 3314. of 4765
the Revised Code, or any nonpublic school for which the state 4766
board of education prescribes minimum standards under section 4767
3301.07 of the Revised Code, whether or not any instruction, 4768
extracurricular activities, or training provided by the school is 4769
being conducted at the time a criminal offense is committed. 4770

(R) "School premises" means either of the following: 4771

(1) The parcel of real property on which any school is 4772
situated, whether or not any instruction, extracurricular 4773
activities, or training provided by the school is being conducted 4774
on the premises at the time a criminal offense is committed; 4775

(2) Any other parcel of real property that is owned or leased 4776
by a board of education of a school, the governing authority of a 4777

community school established under Chapter 3314. of the Revised 4778
Code, or the governing body of a nonpublic school for which the 4779
state board of education prescribes minimum standards under 4780
section 3301.07 of the Revised Code and on which some of the 4781
instruction, extracurricular activities, or training of the school 4782
is conducted, whether or not any instruction, extracurricular 4783
activities, or training provided by the school is being conducted 4784
on the parcel of real property at the time a criminal offense is 4785
committed. 4786

(S) "School building" means any building in which any of the 4787
instruction, extracurricular activities, or training provided by a 4788
school is conducted, whether or not any instruction, 4789
extracurricular activities, or training provided by the school is 4790
being conducted in the school building at the time a criminal 4791
offense is committed. 4792

(T) "Disciplinary counsel" means the disciplinary counsel 4793
appointed by the board of commissioners on grievances and 4794
discipline of the supreme court under the Rules for the Government 4795
of the Bar of Ohio. 4796

(U) "Certified grievance committee" means a duly constituted 4797
and organized committee of the Ohio state bar association or of 4798
one or more local bar associations of the state of Ohio that 4799
complies with the criteria set forth in Rule V, section 6 of the 4800
Rules for the Government of the Bar of Ohio. 4801

(V) "Professional license" means any license, permit, 4802
certificate, registration, qualification, admission, temporary 4803
license, temporary permit, temporary certificate, or temporary 4804
registration that is described in divisions (W)(1) to (36) of this 4805
section and that qualifies a person as a professionally licensed 4806
person. 4807

(W) "Professionally licensed person" means any of the 4808

following:	4809
(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;	4810 4811 4812
(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;	4813 4814 4815 4816
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	4817 4818 4819
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	4820 4821 4822
(5) A person licensed under Chapter 4707. of the Revised Code;	4823 4824
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	4825 4826 4827
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	4828 4829 4830
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license,	4831 4832 4833 4834 4835 4836 4837 4838

independent contractor's license, or tanning facility permit under	4839
Chapter 4713. of the Revised Code;	4840
(9) A person who has been issued a license to practice	4841
dentistry, a general anesthesia permit, a conscious intravenous	4842
sedation permit, a limited resident's license, a limited teaching	4843
license, a dental hygienist's license, or a dental hygienist's	4844
teacher's certificate under Chapter 4715. of the Revised Code;	4845
(10) A person who has been issued an embalmer's license, a	4846
funeral director's license, a funeral home license, or a crematory	4847
license, or who has been registered for an embalmer's or funeral	4848
director's apprenticeship under Chapter 4717. of the Revised Code;	4849
(11) A person who has been licensed as a registered nurse or	4850
practical nurse, or who has been issued a certificate for the	4851
practice of nurse-midwifery under Chapter 4723. of the Revised	4852
Code;	4853
(12) A person who has been licensed to practice optometry or	4854
to engage in optical dispensing under Chapter 4725. of the Revised	4855
Code;	4856
(13) A person licensed to act as a pawnbroker under Chapter	4857
4727. of the Revised Code;	4858
(14) A person licensed to act as a precious metals dealer	4859
under Chapter 4728. of the Revised Code;	4860
(15) A person licensed as a pharmacist, a pharmacy intern, a	4861
wholesale distributor of dangerous drugs, or a terminal	4862
distributor of dangerous drugs under Chapter 4729. of the Revised	4863
Code;	4864
(16) A person who is authorized to practice as a physician	4865
assistant under Chapter 4730. of the Revised Code;	4866
(17) A person who has been issued a certificate to practice	4867
medicine and surgery, osteopathic medicine and surgery, a limited	4868

branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	4869 4870
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	4871 4872
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	4873 4874
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	4875 4876
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	4877 4878
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	4879 4880
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	4881 4882
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	4883 4884
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	4885 4886
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	4887 4888 4889 4890
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	4891 4892 4893
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	4894 4895 4896
(29) A person licensed and registered to practice as a	4897

nursing home administrator under Chapter 4751. of the Revised Code;	4898 4899
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	4900 4901 4902
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	4903 4904
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	4905 4906 4907 4908
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	4909 4910
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	4911 4912 4913
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	4914 4915
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	4916 4917 4918
(X) "Cocaine" means any of the following:	4919
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	4920 4921
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	4922 4923 4924 4925
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section	4926 4927

that is chemically equivalent to or identical with any of those 4928
substances, except that the substances shall not include 4929
decocainized coca leaves or extraction of coca leaves if the 4930
extractions do not contain cocaine or ecgonine. 4931

(Y) "L.S.D." means lysergic acid diethylamide. 4932

(Z) "Hashish" means the resin or a preparation of the resin 4933
contained in marihuana, whether in solid form or in a liquid 4934
concentrate, liquid extract, or liquid distillate form. 4935

(AA) "Marihuana" has the same meaning as in section 3719.01 4936
of the Revised Code, except that it does not include hashish. 4937

(BB) An offense is "committed in the vicinity of a juvenile" 4938
if the offender commits the offense within one hundred feet of a 4939
juvenile or within the view of a juvenile, regardless of whether 4940
the offender knows the age of the juvenile, whether the offender 4941
knows the offense is being committed within one hundred feet of or 4942
within view of the juvenile, or whether the juvenile actually 4943
views the commission of the offense. 4944

(CC) "Presumption for a prison term" or "presumption that a 4945
prison term shall be imposed" means a presumption, as described in 4946
division (D) of section 2929.13 of the Revised Code, that a prison 4947
term is a necessary sanction for a felony in order to comply with 4948
the purposes and principles of sentencing under section 2929.11 of 4949
the Revised Code. 4950

(DD) "Major drug offender" has the same meaning as in section 4951
2929.01 of the Revised Code. 4952

(EE) "Minor drug possession offense" means either of the 4953
following: 4954

(1) A violation of section 2925.11 of the Revised Code as it 4955
existed prior to July 1, 1996; 4956

(2) A violation of section 2925.11 of the Revised Code as it 4957

exists on and after July 1, 1996, that is a misdemeanor or a 4958
felony of the fifth degree. 4959

(FF) "Mandatory prison term" has the same meaning as in 4960
section 2929.01 of the Revised Code. 4961

~~(GG) "Crack cocaine" means a compound, mixture, preparation,~~ 4962
~~or substance that is or contains any amount of cocaine that is~~ 4963
~~analytically identified as the base form of cocaine or that is in~~ 4964
~~a form that resembles rocks or pebbles generally intended for~~ 4965
~~individual use.~~ 4966

~~(HH)~~ "Adulterate" means to cause a drug to be adulterated as 4967
described in section 3715.63 of the Revised Code. 4968

~~(II)~~(HH) "Public premises" means any hotel, restaurant, 4969
tavern, store, arena, hall, or other place of public 4970
accommodation, business, amusement, or resort. 4971

~~(JJ)~~(II) "Methamphetamine" means methamphetamine, any salt, 4972
isomer, or salt of an isomer of methamphetamine, or any compound, 4973
mixture, preparation, or substance containing methamphetamine or 4974
any salt, isomer, or salt of an isomer of methamphetamine. 4975

~~(KK)~~(JJ) "Lawful prescription" means a prescription that is 4976
issued for a legitimate medical purpose by a licensed health 4977
professional authorized to prescribe drugs, that is not altered or 4978
forged, and that was not obtained by means of deception or by the 4979
commission of any theft offense. 4980

~~(LL)~~(KK) "Deception" and "theft offense" have the same 4981
meanings as in section 2913.01 of the Revised Code. 4982

Sec. 2925.03. (A) No person shall knowingly do any of the 4983
following: 4984

(1) Sell or offer to sell a controlled substance; 4985

(2) Prepare for shipment, ship, transport, deliver, prepare 4986

for distribution, or distribute a controlled substance, when the 4987
offender knows or has reasonable cause to believe that the 4988
controlled substance is intended for sale or resale by the 4989
offender or another person. 4990

(B) This section does not apply to any of the following: 4991

(1) Manufacturers, licensed health professionals authorized 4992
to prescribe drugs, pharmacists, owners of pharmacies, and other 4993
persons whose conduct is in accordance with Chapters 3719., 4715., 4994
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 4995

(2) If the offense involves an anabolic steroid, any person 4996
who is conducting or participating in a research project involving 4997
the use of an anabolic steroid if the project has been approved by 4998
the United States food and drug administration; 4999

(3) Any person who sells, offers for sale, prescribes, 5000
dispenses, or administers for livestock or other nonhuman species 5001
an anabolic steroid that is expressly intended for administration 5002
through implants to livestock or other nonhuman species and 5003
approved for that purpose under the "Federal Food, Drug, and 5004
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5005
and is sold, offered for sale, prescribed, dispensed, or 5006
administered for that purpose in accordance with that act. 5007

(C) Whoever violates division (A) of this section is guilty 5008
of one of the following: 5009

(1) If the drug involved in the violation is any compound, 5010
mixture, preparation, or substance included in schedule I or 5011
schedule II, with the exception of marihuana, cocaine, L.S.D., 5012
heroin, and hashish, whoever violates division (A) of this section 5013
is guilty of aggravated trafficking in drugs. The penalty for the 5014
offense shall be determined as follows: 5015

(a) Except as otherwise provided in division (C)(1)(b), (c), 5016
(d), (e), or (f) of this section, aggravated trafficking in drugs 5017

is a felony of the fourth degree, and division (C) of section 5018
2929.13 of the Revised Code applies in determining whether to 5019
impose a prison term on the offender. 5020

(b) Except as otherwise provided in division (C)(1)(c), (d), 5021
(e), or (f) of this section, if the offense was committed in the 5022
vicinity of a school or in the vicinity of a juvenile, aggravated 5023
trafficking in drugs is a felony of the third degree, and division 5024
(C) of section 2929.13 of the Revised Code applies in determining 5025
whether to impose a prison term on the offender. 5026

(c) Except as otherwise provided in this division, if the 5027
amount of the drug involved equals or exceeds the bulk amount but 5028
is less than five times the bulk amount, aggravated trafficking in 5029
drugs is a felony of the third degree, and the court shall impose 5030
as a mandatory prison term one of the prison terms prescribed for 5031
a felony of the third degree. If the amount of the drug involved 5032
is within that range and if the offense was committed in the 5033
vicinity of a school or in the vicinity of a juvenile, aggravated 5034
trafficking in drugs is a felony of the second degree, and the 5035
court shall impose as a mandatory prison term one of the prison 5036
terms prescribed for a felony of the second degree. 5037

(d) Except as otherwise provided in this division, if the 5038
amount of the drug involved equals or exceeds five times the bulk 5039
amount but is less than fifty times the bulk amount, aggravated 5040
trafficking in drugs is a felony of the second degree, and the 5041
court shall impose as a mandatory prison term one of the prison 5042
terms prescribed for a felony of the second degree. If the amount 5043
of the drug involved is within that range and if the offense was 5044
committed in the vicinity of a school or in the vicinity of a 5045
juvenile, aggravated trafficking in drugs is a felony of the first 5046
degree, and the court shall impose as a mandatory prison term one 5047
of the prison terms prescribed for a felony of the first degree. 5048

(e) If the amount of the drug involved equals or exceeds 5049

fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

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

(a) Except as otherwise provided in division (C)(2)(b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division (C) 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)(2)(c), (d), 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 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 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 mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section

is guilty of trafficking in marihuana. The penalty for the offense 5114
shall be determined as follows: 5115

(a) Except as otherwise provided in division (C)(3)(b), (c), 5116
(d), (e), (f), ~~or~~ (g), or (h) of this section, trafficking in 5117
marihuana is a felony of the fifth degree, and division ~~(C)~~(B) of 5118
section 2929.13 of the Revised Code applies in determining whether 5119
to impose a prison term on the offender. 5120

(b) Except as otherwise provided in division (C)(3)(c), (d), 5121
(e), (f), ~~or~~ (g), or (h) of this section, if the offense was 5122
committed in the vicinity of a school or in the vicinity of a 5123
juvenile, trafficking in marihuana is a felony of the fourth 5124
degree, and division ~~(C)~~(B) of section 2929.13 of the Revised Code 5125
applies in determining whether to impose a prison term on the 5126
offender. 5127

(c) Except as otherwise provided in this division, if the 5128
amount of the drug involved equals or exceeds two hundred grams 5129
but is less than one thousand grams, trafficking in marihuana is a 5130
felony of the fourth degree, and division ~~(C)~~(B) of section 5131
2929.13 of the Revised Code applies in determining whether to 5132
impose a prison term on the offender. If the amount of the drug 5133
involved is within that range and if the offense was committed in 5134
the vicinity of a school or in the vicinity of a juvenile, 5135
trafficking in marihuana is a felony of the third degree, and 5136
division (C) of section 2929.13 of the Revised Code applies in 5137
determining whether to impose a prison term on the offender. 5138

(d) Except as otherwise provided in this division, if the 5139
amount of the drug involved equals or exceeds one thousand grams 5140
but is less than five thousand grams, trafficking in marihuana is 5141
a felony of the third degree, and division (C) of section 2929.13 5142
of the Revised Code applies in determining whether to impose a 5143
prison term on the offender. If the amount of the drug involved is 5144
within that range and if the offense was committed in the vicinity 5145

of a school or in the vicinity of a juvenile, trafficking in 5146
marihuana is a felony of the second degree, and there is a 5147
presumption that a prison term shall be imposed for the offense. 5148

(e) Except as otherwise provided in this division, if the 5149
amount of the drug involved equals or exceeds five thousand grams 5150
but is less than twenty thousand grams, trafficking in marihuana 5151
is a felony of the third degree, and there is a presumption that a 5152
prison term shall be imposed for the offense. If the amount of the 5153
drug involved is within that range and if the offense was 5154
committed in the vicinity of a school or in the vicinity of a 5155
juvenile, trafficking in marihuana is a felony of the second 5156
degree, and there is a presumption that a prison term shall be 5157
imposed for the offense. 5158

(f) Except as otherwise provided in this division, if the 5159
amount of the drug involved equals or exceeds twenty thousand 5160
grams but is less than forty thousand grams, trafficking in 5161
marihuana is a felony of the second degree, and the court shall 5162
impose a mandatory prison term of five, six, seven, or eight 5163
years. If the amount of the drug involved is within that range and 5164
if the offense was committed in the vicinity of a school or in the 5165
vicinity of a juvenile, trafficking in marihuana is a felony of 5166
the first degree, and the court shall impose as a mandatory prison 5167
term the maximum prison term prescribed for a felony of the first 5168
degree. 5169

(g) Except as otherwise provided in this division, if the 5170
amount of the drug involved equals or exceeds forty thousand 5171
grams, trafficking in marihuana is a felony of the second degree, 5172
and the court shall impose as a mandatory prison term the maximum 5173
prison term prescribed for a felony of the second degree. If the 5174
amount of the drug involved equals or exceeds ~~twenty~~ forty 5175
thousand grams and if the offense was committed in the vicinity of 5176
a school or in the vicinity of a juvenile, trafficking in 5177

marihuana is a felony of the first degree, and the court shall 5178
impose as a mandatory prison term the maximum prison term 5179
prescribed for a felony of the first degree. 5180

~~(g)~~(h) Except as otherwise provided in this division, if the 5181
offense involves a gift of twenty grams or less of marihuana, 5182
trafficking in marihuana is a minor misdemeanor upon a first 5183
offense and a misdemeanor of the third degree upon a subsequent 5184
offense. If the offense involves a gift of twenty grams or less of 5185
marihuana and if the offense was committed in the vicinity of a 5186
school or in the vicinity of a juvenile, trafficking in marihuana 5187
is a misdemeanor of the third degree. 5188

(4) If the drug involved in the violation is cocaine or a 5189
compound, mixture, preparation, or substance containing cocaine, 5190
whoever violates division (A) of this section is guilty of 5191
trafficking in cocaine. The penalty for the offense shall be 5192
determined as follows: 5193

(a) Except as otherwise provided in division (C)(4)(b), (c), 5194
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 5195
felony of the fifth degree, and division (C) of section 2929.13 of 5196
the Revised Code applies in determining whether to impose a prison 5197
term on the offender. 5198

(b) Except as otherwise provided in division (C)(4)(c), (d), 5199
(e), (f), or (g) of this section, if the offense was committed in 5200
the vicinity of a school or in the vicinity of a juvenile, 5201
trafficking in cocaine is a felony of the fourth degree, and 5202
division (C) of section 2929.13 of the Revised Code applies in 5203
determining whether to impose a prison term on the offender. 5204

(c) Except as otherwise provided in this division, if the 5205
amount of the drug involved equals or exceeds five grams but is 5206
less than ten grams of cocaine ~~that is not crack cocaine or equals~~ 5207
~~or exceeds one gram but is less than five grams of crack cocaine,~~ 5208

trafficking in cocaine is a felony of the fourth degree, and there 5209
is a presumption for a prison term for the offense. If the amount 5210
of the drug involved is within ~~one of those ranges~~ that range and 5211
if the offense was committed in the vicinity of a school or in the 5212
vicinity of a juvenile, trafficking in cocaine is a felony of the 5213
third degree, and there is a presumption for a prison term for the 5214
offense. 5215

(d) Except as otherwise provided in this division, if the 5216
amount of the drug involved equals or exceeds ten grams but is 5217
less than ~~one hundred~~ twenty grams of cocaine ~~that is not crack~~ 5218
~~cocaine or equals or exceeds five grams but is less than ten grams~~ 5219
~~of crack cocaine~~, trafficking in cocaine is a felony of the third 5220
degree, and the court shall impose as a mandatory prison term one 5221
of the prison terms prescribed for a felony of the third degree. 5222
If the amount of the drug involved is within ~~one of those ranges~~ 5223
that range and if the offense was committed in the vicinity of a 5224
school or in the vicinity of a juvenile, trafficking in cocaine is 5225
a felony of the second degree, and the court shall impose as a 5226
mandatory prison term one of the prison terms prescribed for a 5227
felony of the second degree. 5228

(e) Except as otherwise provided in this division, if the 5229
amount of the drug involved equals or exceeds ~~one hundred~~ twenty 5230
grams but is less than ~~five hundred~~ twenty-seven grams of cocaine 5231
~~that is not crack cocaine or equals or exceeds ten grams but is~~ 5232
~~less than twenty-five grams of crack cocaine~~, trafficking in 5233
cocaine is a felony of the second degree, and the court shall 5234
impose as a mandatory prison term one of the prison terms 5235
prescribed for a felony of the second degree. If the amount of the 5236
drug involved is within ~~one of those ranges~~ that range and if the 5237
offense was committed in the vicinity of a school or in the 5238
vicinity of a juvenile, trafficking in cocaine is a felony of the 5239
first degree, and the court shall impose as a mandatory prison 5240

term one of the prison terms prescribed for a felony of the first 5241
degree. 5242

(f) If the amount of the drug involved equals or exceeds ~~five~~ 5243
~~hundred twenty-seven~~ grams but is less than one ~~thousand~~ hundred 5244
grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 5245
~~twenty-five grams but is less than one hundred grams of crack~~ 5246
~~cocaine~~ and regardless of whether the offense was committed in the 5247
vicinity of a school or in the vicinity of a juvenile, trafficking 5248
in cocaine is a felony of the first degree, and the court shall 5249
impose as a mandatory prison term one of the prison terms 5250
prescribed for a felony of the first degree. 5251

(g) If the amount of the drug involved equals or exceeds one 5252
~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or~~ 5253
~~equals or exceeds one hundred grams of crack cocaine~~ and 5254
regardless of whether the offense was committed in the vicinity of 5255
a school or in the vicinity of a juvenile, trafficking in cocaine 5256
is a felony of the first degree, the offender is a major drug 5257
offender, and the court shall impose as a mandatory prison term 5258
the maximum prison term prescribed for a felony of the first 5259
degree and may impose an additional mandatory prison term 5260
prescribed for a major drug offender under division (D)(3)(b) of 5261
section 2929.14 of the Revised Code. 5262

(5) If the drug involved in the violation is L.S.D. or a 5263
compound, mixture, preparation, or substance containing L.S.D., 5264
whoever violates division (A) of this section is guilty of 5265
trafficking in L.S.D. The penalty for the offense shall be 5266
determined as follows: 5267

(a) Except as otherwise provided in division (C)(5)(b), (c), 5268
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 5269
felony of the fifth degree, and division (C) of section 2929.13 of 5270
the Revised Code applies in determining whether to impose a prison 5271
term on the offender. 5272

(b) Except as otherwise provided in division (C)(5)(c), (d), 5273
(e), (f), or (g) of this section, if the offense was committed in 5274
the vicinity of a school or in the vicinity of a juvenile, 5275
trafficking in L.S.D. is a felony of the fourth degree, and 5276
division (C) of section 2929.13 of the Revised Code applies in 5277
determining whether to impose a prison term on the offender. 5278

(c) Except as otherwise provided in this division, if the 5279
amount of the drug involved equals or exceeds ten unit doses but 5280
is less than fifty unit doses of L.S.D. in a solid form or equals 5281
or exceeds one gram but is less than five grams of L.S.D. in a 5282
liquid concentrate, liquid extract, or liquid distillate form, 5283
trafficking in L.S.D. is a felony of the fourth degree, and there 5284
is a presumption for a prison term for the offense. If the amount 5285
of the drug involved is within that range and if the offense was 5286
committed in the vicinity of a school or in the vicinity of a 5287
juvenile, trafficking in L.S.D. is a felony of the third degree, 5288
and there is a presumption for a prison term for the offense. 5289

(d) Except as otherwise provided in this division, if the 5290
amount of the drug involved equals or exceeds fifty unit doses but 5291
is less than two hundred fifty unit doses of L.S.D. in a solid 5292
form or equals or exceeds five grams but is less than twenty-five 5293
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 5294
distillate form, trafficking in L.S.D. is a felony of the third 5295
degree, and the court shall impose as a mandatory prison term one 5296
of the prison terms prescribed for a felony of the third degree. 5297
If the amount of the drug involved is within that range and if the 5298
offense was committed in the vicinity of a school or in the 5299
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 5300
second degree, and the court shall impose as a mandatory prison 5301
term one of the prison terms prescribed for a felony of the second 5302
degree. 5303

(e) Except as otherwise provided in this division, if the 5304

amount of the drug involved equals or exceeds two hundred fifty 5305
unit doses but is less than one thousand unit doses of L.S.D. in a 5306
solid form or equals or exceeds twenty-five grams but is less than 5307
one hundred grams of L.S.D. in a liquid concentrate, liquid 5308
extract, or liquid distillate form, trafficking in L.S.D. is a 5309
felony of the second degree, and the court shall impose as a 5310
mandatory prison term one of the prison terms prescribed for a 5311
felony of the second degree. If the amount of the drug involved is 5312
within that range and if the offense was committed in the vicinity 5313
of a school or in the vicinity of a juvenile, trafficking in 5314
L.S.D. is a felony of the first degree, and the court shall impose 5315
as a mandatory prison term one of the prison terms prescribed for 5316
a felony of the first degree. 5317

(f) If the amount of the drug involved equals or exceeds one 5318
thousand unit doses but is less than five thousand unit doses of 5319
L.S.D. in a solid form or equals or exceeds one hundred grams but 5320
is less than five hundred grams of L.S.D. in a liquid concentrate, 5321
liquid extract, or liquid distillate form and regardless of 5322
whether the offense was committed in the vicinity of a school or 5323
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 5324
of the first degree, and the court shall impose as a mandatory 5325
prison term one of the prison terms prescribed for a felony of the 5326
first degree. 5327

(g) If the amount of the drug involved equals or exceeds five 5328
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5329
five hundred grams of L.S.D. in a liquid concentrate, liquid 5330
extract, or liquid distillate form and regardless of whether the 5331
offense was committed in the vicinity of a school or in the 5332
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 5333
first degree, the offender is a major drug offender, and the court 5334
shall impose as a mandatory prison term the maximum prison term 5335
prescribed for a felony of the first degree and may impose an 5336

additional mandatory prison term prescribed for a major drug 5337
offender under division (D)(3)(b) of section 2929.14 of the 5338
Revised Code. 5339

(6) If the drug involved in the violation is heroin or a 5340
compound, mixture, preparation, or substance containing heroin, 5341
whoever violates division (A) of this section is guilty of 5342
trafficking in heroin. The penalty for the offense shall be 5343
determined as follows: 5344

(a) Except as otherwise provided in division (C)(6)(b), (c), 5345
(d), (e), (f), or (g) of this section, trafficking in heroin is a 5346
felony of the fifth degree, and division (C) of section 2929.13 of 5347
the Revised Code applies in determining whether to impose a prison 5348
term on the offender. 5349

(b) Except as otherwise provided in division (C)(6)(c), (d), 5350
(e), (f), or (g) of this section, if the offense was committed in 5351
the vicinity of a school or in the vicinity of a juvenile, 5352
trafficking in heroin is a felony of the fourth degree, and 5353
division (C) of section 2929.13 of the Revised Code applies in 5354
determining whether to impose a prison term on the offender. 5355

(c) Except as otherwise provided in this division, if the 5356
amount of the drug involved equals or exceeds ten unit doses but 5357
is less than fifty unit doses or equals or exceeds one gram but is 5358
less than five grams, trafficking in heroin is a felony of the 5359
fourth degree, and there is a presumption for a prison term for 5360
the offense. If the amount of the drug involved is within that 5361
range and if the offense was committed in the vicinity of a school 5362
or in the vicinity of a juvenile, trafficking in heroin is a 5363
felony of the third degree, and there is a presumption for a 5364
prison term for the offense. 5365

(d) Except as otherwise provided in this division, if the 5366
amount of the drug involved equals or exceeds fifty unit doses but 5367

is less than one hundred unit doses or equals or exceeds five 5368
grams but is less than ten grams, trafficking in heroin is a 5369
felony of the third degree, and there is a presumption for a 5370
prison term for the offense. If the amount of the drug involved is 5371
within that range and if the offense was committed in the vicinity 5372
of a school or in the vicinity of a juvenile, trafficking in 5373
heroin is a felony of the second degree, and there is a 5374
presumption for a prison term for the offense. 5375

(e) Except as otherwise provided in this division, if the 5376
amount of the drug involved equals or exceeds one hundred unit 5377
doses but is less than five hundred unit doses or equals or 5378
exceeds ten grams but is less than fifty grams, trafficking in 5379
heroin is a felony of the second degree, and the court shall 5380
impose as a mandatory prison term one of the prison terms 5381
prescribed for a felony of the second degree. If the amount of the 5382
drug involved is within that range and if the offense was 5383
committed in the vicinity of a school or in the vicinity of a 5384
juvenile, trafficking in heroin is a felony of the first degree, 5385
and the court shall impose as a mandatory prison term one of the 5386
prison terms prescribed for a felony of the first degree. 5387

(f) If the amount of the drug involved equals or exceeds five 5388
hundred unit doses but is less than two thousand five hundred unit 5389
doses or equals or exceeds fifty grams but is less than two 5390
hundred fifty grams and regardless of whether the offense was 5391
committed in the vicinity of a school or in the vicinity of a 5392
juvenile, trafficking in heroin is a felony of the first degree, 5393
and the court shall impose as a mandatory prison term one of the 5394
prison terms prescribed for a felony of the first degree. 5395

(g) If the amount of the drug involved equals or exceeds two 5396
thousand five hundred unit doses or equals or exceeds two hundred 5397
fifty grams and regardless of whether the offense was committed in 5398
the vicinity of a school or in the vicinity of a juvenile, 5399

trafficking in heroin is a felony of the first degree, the 5400
offender is a major drug offender, and the court shall impose as a 5401
mandatory prison term the maximum prison term prescribed for a 5402
felony of the first degree and may impose an additional mandatory 5403
prison term prescribed for a major drug offender under division 5404
(D)(3)(b) of section 2929.14 of the Revised Code. 5405

(7) If the drug involved in the violation is hashish or a 5406
compound, mixture, preparation, or substance containing hashish, 5407
whoever violates division (A) of this section is guilty of 5408
trafficking in hashish. The penalty for the offense shall be 5409
determined as follows: 5410

(a) Except as otherwise provided in division (C)(7)(b), (c), 5411
(d), (e), ~~or (f)~~, or (g) of this section, trafficking in hashish 5412
is a felony of the fifth degree, and division ~~(C)(B)~~ of section 5413
2929.13 of the Revised Code applies in determining whether to 5414
impose a prison term on the offender. 5415

(b) Except as otherwise provided in division (C)(7)(c), (d), 5416
(e), ~~or (f)~~, or (g) of this section, if the offense was committed 5417
in the vicinity of a school or in the vicinity of a juvenile, 5418
trafficking in hashish is a felony of the fourth degree, and 5419
division ~~(C)(B)~~ of section 2929.13 of the Revised Code applies in 5420
determining whether to impose a prison term on the offender. 5421

(c) Except as otherwise provided in this division, if the 5422
amount of the drug involved equals or exceeds ten grams but is 5423
less than fifty grams of hashish in a solid form or equals or 5424
exceeds two grams but is less than ten grams of hashish in a 5425
liquid concentrate, liquid extract, or liquid distillate form, 5426
trafficking in hashish is a felony of the fourth degree, and 5427
division ~~(C)(B)~~ of section 2929.13 of the Revised Code applies in 5428
determining whether to impose a prison term on the offender. If 5429
the amount of the drug involved is within that range and if the 5430
offense was committed in the vicinity of a school or in the 5431

vicinity of a juvenile, trafficking in hashish is a felony of the 5432
third degree, and division (C) of section 2929.13 of the Revised 5433
Code applies in determining whether to impose a prison term on the 5434
offender. 5435

(d) Except as otherwise provided in this division, if the 5436
amount of the drug involved equals or exceeds fifty grams but is 5437
less than two hundred fifty grams of hashish in a solid form or 5438
equals or exceeds ten grams but is less than fifty grams of 5439
hashish in a liquid concentrate, liquid extract, or liquid 5440
distillate form, trafficking in hashish is a felony of the third 5441
degree, and division (C) of section 2929.13 of the Revised Code 5442
applies in determining whether to impose a prison term on the 5443
offender. If the amount of the drug involved is within that range 5444
and if the offense was committed in the vicinity of a school or in 5445
the vicinity of a juvenile, trafficking in hashish is a felony of 5446
the second degree, and there is a presumption that a prison term 5447
shall be imposed for the offense. 5448

(e) Except as otherwise provided in this division, if the 5449
amount of the drug involved equals or exceeds two hundred fifty 5450
grams but is less than one thousand grams of hashish in a solid 5451
form or equals or exceeds fifty grams but is less than two hundred 5452
grams of hashish in a liquid concentrate, liquid extract, or 5453
liquid distillate form, trafficking in hashish is a felony of the 5454
third degree, and there is a presumption that a prison term shall 5455
be imposed for the offense. If the amount of the drug involved is 5456
within that range and if the offense was committed in the vicinity 5457
of a school or in the vicinity of a juvenile, trafficking in 5458
hashish is a felony of the second degree, and there is a 5459
presumption that a prison term shall be imposed for the offense. 5460

(f) Except as otherwise provided in this division, if the 5461
amount of the drug involved equals or exceeds one thousand grams 5462
but is less than two thousand grams of hashish in a solid form or 5463

equals or exceeds two hundred grams but is less than four hundred 5464
grams of hashish in a liquid concentrate, liquid extract, or 5465
liquid distillate form trafficking in hashish is a felony of the 5466
second degree, and the court shall impose a mandatory prison term 5467
of five, six, seven, or eight years. If the amount of the drug 5468
involved is within that range and if the offense was committed in 5469
the vicinity of a school or in the vicinity of a juvenile, 5470
trafficking in hashish is a felony of the first degree, and the 5471
court shall impose as a mandatory prison term the maximum prison 5472
term prescribed for a felony of the first degree. 5473

(g) Except as otherwise provided in this division, if the 5474
amount of the drug involved equals or exceeds two thousand grams 5475
of hashish in a solid form or equals or exceeds four hundred grams 5476
of hashish in a liquid concentrate, liquid extract, or liquid 5477
distillate form, trafficking in hashish is a felony of the second 5478
degree, and the court shall impose as a mandatory prison term the 5479
maximum prison term prescribed for a felony of the second degree. 5480
If the amount of the drug involved ~~is within that range~~ equals or 5481
exceeds two thousand grams of hashish in a solid form or equals or 5482
exceeds four hundred grams of hashish in a liquid concentrate, 5483
liquid extract, or liquid distillate form and if the offense was 5484
committed in the vicinity of a school or in the vicinity of a 5485
juvenile, trafficking in hashish is a felony of the first degree, 5486
and the court shall impose as a mandatory prison term the maximum 5487
prison term prescribed for a felony of the first degree. 5488

(D) In addition to any prison term authorized or required by 5489
division (C) of this section and sections 2929.13 and 2929.14 of 5490
the Revised Code, and in addition to any other sanction imposed 5491
for the offense under this section or sections 2929.11 to 2929.18 5492
of the Revised Code, the court that sentences an offender who is 5493
convicted of or pleads guilty to a violation of division (A) of 5494
this section shall do all of the following that are applicable 5495

regarding the offender: 5496

(1) If the violation of division (A) of this section is a 5497
felony of the first, second, or third degree, the court shall 5498
impose upon the offender the mandatory fine specified for the 5499
offense under division (B)(1) of section 2929.18 of the Revised 5500
Code unless, as specified in that division, the court determines 5501
that the offender is indigent. Except as otherwise provided in 5502
division (H)(1) of this section, a mandatory fine or any other 5503
fine imposed for a violation of this section is subject to 5504
division (F) of this section. If a person is charged with a 5505
violation of this section that is a felony of the first, second, 5506
or third degree, posts bail, and forfeits the bail, the clerk of 5507
the court shall pay the forfeited bail pursuant to divisions 5508
(D)(1) and (F) of this section, as if the forfeited bail was a 5509
fine imposed for a violation of this section. If any amount of the 5510
forfeited bail remains after that payment and if a fine is imposed 5511
under division (H)(1) of this section, the clerk of the court 5512
shall pay the remaining amount of the forfeited bail pursuant to 5513
divisions (H)(2) and (3) of this section, as if that remaining 5514
amount was a fine imposed under division (H)(1) of this section. 5515

(2) The court shall suspend the driver's or commercial 5516
driver's license or permit of the offender in accordance with 5517
division (G) of this section. 5518

(3) If the offender is a professionally licensed person, the 5519
court immediately shall comply with section 2925.38 of the Revised 5520
Code. 5521

(E) When a person is charged with the sale of or offer to 5522
sell a bulk amount or a multiple of a bulk amount of a controlled 5523
substance, the jury, or the court trying the accused, shall 5524
determine the amount of the controlled substance involved at the 5525
time of the offense and, if a guilty verdict is returned, shall 5526
return the findings as part of the verdict. In any such case, it 5527

is unnecessary to find and return the exact amount of the 5528
controlled substance involved, and it is sufficient if the finding 5529
and return is to the effect that the amount of the controlled 5530
substance involved is the requisite amount, or that the amount of 5531
the controlled substance involved is less than the requisite 5532
amount. 5533

(F)(1) Notwithstanding any contrary provision of section 5534
3719.21 of the Revised Code and except as provided in division (H) 5535
of this section, the clerk of the court shall pay any mandatory 5536
fine imposed pursuant to division (D)(1) of this section and any 5537
fine other than a mandatory fine that is imposed for a violation 5538
of this section pursuant to division (A) or (B)(5) of section 5539
2929.18 of the Revised Code to the county, township, municipal 5540
corporation, park district, as created pursuant to section 511.18 5541
or 1545.04 of the Revised Code, or state law enforcement agencies 5542
in this state that primarily were responsible for or involved in 5543
making the arrest of, and in prosecuting, the offender. However, 5544
the clerk shall not pay a mandatory fine so imposed to a law 5545
enforcement agency unless the agency has adopted a written 5546
internal control policy under division (F)(2) of this section that 5547
addresses the use of the fine moneys that it receives. Each agency 5548
shall use the mandatory fines so paid to subsidize the agency's 5549
law enforcement efforts that pertain to drug offenses, in 5550
accordance with the written internal control policy adopted by the 5551
recipient agency under division (F)(2) of this section. 5552

(2)(a) Prior to receiving any fine moneys under division 5553
(F)(1) of this section or division (B) of section 2925.42 of the 5554
Revised Code, a law enforcement agency shall adopt a written 5555
internal control policy that addresses the agency's use and 5556
disposition of all fine moneys so received and that provides for 5557
the keeping of detailed financial records of the receipts of those 5558
fine moneys, the general types of expenditures made out of those 5559

fine moneys, and the specific amount of each general type of 5560
expenditure. The policy shall not provide for or permit the 5561
identification of any specific expenditure that is made in an 5562
ongoing investigation. All financial records of the receipts of 5563
those fine moneys, the general types of expenditures made out of 5564
those fine moneys, and the specific amount of each general type of 5565
expenditure by an agency are public records open for inspection 5566
under section 149.43 of the Revised Code. Additionally, a written 5567
internal control policy adopted under this division is such a 5568
public record, and the agency that adopted it shall comply with 5569
it. 5570

(b) Each law enforcement agency that receives in any calendar 5571
year any fine moneys under division (F)(1) of this section or 5572
division (B) of section 2925.42 of the Revised Code shall prepare 5573
a report covering the calendar year that cumulates all of the 5574
information contained in all of the public financial records kept 5575
by the agency pursuant to division (F)(2)(a) of this section for 5576
that calendar year, and shall send a copy of the cumulative 5577
report, no later than the first day of March in the calendar year 5578
following the calendar year covered by the report, to the attorney 5579
general. Each report received by the attorney general is a public 5580
record open for inspection under section 149.43 of the Revised 5581
Code. Not later than the fifteenth day of April in the calendar 5582
year in which the reports are received, the attorney general shall 5583
send to the president of the senate and the speaker of the house 5584
of representatives a written notification that does all of the 5585
following: 5586

(i) Indicates that the attorney general has received from law 5587
enforcement agencies reports of the type described in this 5588
division that cover the previous calendar year and indicates that 5589
the reports were received under this division; 5590

(ii) Indicates that the reports are open for inspection under 5591

section 149.43 of the Revised Code; 5592

(iii) Indicates that the attorney general will provide a copy 5593
of any or all of the reports to the president of the senate or the 5594
speaker of the house of representatives upon request. 5595

(3) As used in division (F) of this section: 5596

(a) "Law enforcement agencies" includes, but is not limited 5597
to, the state board of pharmacy and the office of a prosecutor. 5598

(b) "Prosecutor" has the same meaning as in section 2935.01 5599
of the Revised Code. 5600

(G) When required under division (D)(2) of this section or 5601
any other provision of this chapter, the court shall suspend for 5602
not less than six months or more than five years the driver's or 5603
commercial driver's license or permit of any person who is 5604
convicted of or pleads guilty to any violation of this section or 5605
any other specified provision of this chapter. If an offender's 5606
driver's or commercial driver's license or permit is suspended 5607
pursuant to this division, the offender, at any time after the 5608
expiration of two years from the day on which the offender's 5609
sentence was imposed or from the day on which the offender finally 5610
was released from a prison term under the sentence, whichever is 5611
later, may file a motion with the sentencing court requesting 5612
termination of the suspension; upon the filing of such a motion 5613
and the court's finding of good cause for the termination, the 5614
court may terminate the suspension. 5615

(H)(1) In addition to any prison term authorized or required 5616
by division (C) of this section and sections 2929.13 and 2929.14 5617
of the Revised Code, in addition to any other penalty or sanction 5618
imposed for the offense under this section or sections 2929.11 to 5619
2929.18 of the Revised Code, and in addition to the forfeiture of 5620
property in connection with the offense as prescribed in Chapter 5621
2981. of the Revised Code, the court that sentences an offender 5622

who is convicted of or pleads guilty to a violation of division 5623
(A) of this section may impose upon the offender an additional 5624
fine specified for the offense in division (B)(4) of section 5625
2929.18 of the Revised Code. A fine imposed under division (H)(1) 5626
of this section is not subject to division (F) of this section and 5627
shall be used solely for the support of one or more eligible 5628
alcohol and drug addiction programs in accordance with divisions 5629
(H)(2) and (3) of this section. 5630

(2) The court that imposes a fine under division (H)(1) of 5631
this section shall specify in the judgment that imposes the fine 5632
one or more eligible alcohol and drug addiction programs for the 5633
support of which the fine money is to be used. No alcohol and drug 5634
addiction program shall receive or use money paid or collected in 5635
satisfaction of a fine imposed under division (H)(1) of this 5636
section unless the program is specified in the judgment that 5637
imposes the fine. No alcohol and drug addiction program shall be 5638
specified in the judgment unless the program is an eligible 5639
alcohol and drug addiction program and, except as otherwise 5640
provided in division (H)(2) of this section, unless the program is 5641
located in the county in which the court that imposes the fine is 5642
located or in a county that is immediately contiguous to the 5643
county in which that court is located. If no eligible alcohol and 5644
drug addiction program is located in any of those counties, the 5645
judgment may specify an eligible alcohol and drug addiction 5646
program that is located anywhere within this state. 5647

(3) Notwithstanding any contrary provision of section 3719.21 5648
of the Revised Code, the clerk of the court shall pay any fine 5649
imposed under division (H)(1) of this section to the eligible 5650
alcohol and drug addiction program specified pursuant to division 5651
(H)(2) of this section in the judgment. The eligible alcohol and 5652
drug addiction program that receives the fine moneys shall use the 5653
moneys only for the alcohol and drug addiction services identified 5654

in the application for certification under section 3793.06 of the Revised Code or in the application for a license under section 3793.11 of the Revised Code filed with the department of alcohol and drug addiction services by the alcohol and drug addiction program specified in the judgment.

(4) Each alcohol and drug addiction program that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the program is located, with the court of common pleas and the board of county commissioners of each county from which the program received the moneys if that county is different from the county in which the program is located, and with the attorney general. The alcohol and drug addiction program shall file the report no later than the first day of March in the calendar year following the calendar year in which the program received the fine moneys. The report shall include statistics on the number of persons served by the alcohol and drug addiction program, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the alcohol and drug addiction program. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

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

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

(b) "Eligible alcohol and drug addiction program" means an

alcohol and drug addiction program that is certified under section 5687
3793.06 of the Revised Code or licensed under section 3793.11 of 5688
the Revised Code by the department of alcohol and drug addiction 5689
services. 5690

(I) As used in this section, "drug" includes any substance 5691
that is represented to be a drug. 5692

Sec. 2925.05. (A) No person shall knowingly provide money or 5693
other items of value to another person with the purpose that the 5694
recipient of the money or items of value use them to obtain any 5695
controlled substance for the purpose of violating section 2925.04 5696
of the Revised Code or for the purpose of selling or offering to 5697
sell the controlled substance in the following amount: 5698

(1) If the drug to be sold or offered for sale is any 5699
compound, mixture, preparation, or substance included in schedule 5700
I or II, with the exception of marihuana, cocaine, L.S.D., heroin, 5701
and hashish, or schedule III, IV, or V, an amount of the drug that 5702
equals or exceeds the bulk amount of the drug; 5703

(2) If the drug to be sold or offered for sale is marihuana 5704
or a compound, mixture, preparation, or substance other than 5705
hashish containing marihuana, an amount of the marihuana that 5706
equals or exceeds two hundred grams; 5707

(3) If the drug to be sold or offered for sale is cocaine or 5708
a compound, mixture, preparation, or substance containing cocaine, 5709
an amount of the cocaine that equals or exceeds five grams ~~if the~~ 5710
~~cocaine is not crack cocaine or equals or exceeds one gram if the~~ 5711
~~cocaine is crack cocaine;~~ 5712

(4) If the drug to be sold or offered for sale is L.S.D. or a 5713
compound, mixture, preparation, or substance containing L.S.D., an 5714
amount of the L.S.D. that equals or exceeds ten unit doses if the 5715
L.S.D. is in a solid form or equals or exceeds one gram if the 5716

L.S.D. is in a liquid concentrate, liquid extract, or liquid
distillate form; 5717
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(5) If the drug to be sold or offered for sale is heroin or a
compound, mixture, preparation, or substance containing heroin, an
amount of the heroin that equals or exceeds ten unit doses or
equals or exceeds one gram; 5719
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(6) If the drug to be sold or offered for sale is hashish or
a compound, mixture, preparation, or substance containing hashish,
an amount of the hashish that equals or exceeds ten grams if the
hashish is in a solid form or equals or exceeds two grams if the
hashish is in a liquid concentrate, liquid extract, or liquid
distillate form. 5723
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(B) This section does not apply to any person listed in
division (B)(1), (2), or (3) of section 2925.03 of the Revised
Code to the extent and under the circumstances described in those
divisions. 5729
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(C)(1) If the drug involved in the violation is any compound,
mixture, preparation, or substance included in schedule I or II,
with the exception of marihuana, whoever violates division (A) of
this section is guilty of aggravated funding of drug trafficking,
a felony of the first degree, and, subject to division (E) of this
section, the court shall impose as a mandatory prison term one of
the prison terms prescribed for a felony of the first degree. 5733
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(2) If the drug involved in the violation is any compound,
mixture, preparation, or substance included in schedule III, IV,
or V, whoever violates division (A) of this section is guilty of
funding of drug trafficking, 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. 5740
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(3) If the drug involved in the violation is marihuana,
whoever violates division (A) of this section is guilty of funding 5746
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of marihuana trafficking, a felony of the third degree, and the 5748
court shall impose as a mandatory prison term one of the prison 5749
terms prescribed for a felony of the third degree. 5750

(D) In addition to any prison term authorized or required by 5751
division (C) or (E) of this section and sections 2929.13 and 5752
2929.14 of the Revised Code and in addition to any other sanction 5753
imposed for the offense under this section or sections 2929.11 to 5754
2929.18 of the Revised Code, the court that sentences an offender 5755
who is convicted of or pleads guilty to a violation of division 5756
(A) of this section shall do all of the following that are 5757
applicable regarding the offender: 5758

(1) The court shall impose the mandatory fine specified for 5759
the offense under division (B)(1) of section 2929.18 of the 5760
Revised Code unless, as specified in that division, the court 5761
determines that the offender is indigent. The clerk of the court 5762
shall pay a mandatory fine or other fine imposed for a violation 5763
of this section pursuant to division (A) of section 2929.18 of the 5764
Revised Code in accordance with and subject to the requirements of 5765
division (F) of section 2925.03 of the Revised Code. The agency 5766
that receives the fine shall use the fine in accordance with 5767
division (F) of section 2925.03 of the Revised Code. If a person 5768
is charged with a violation of this section, posts bail, and 5769
forfeits the bail, the forfeited bail shall be paid as if the 5770
forfeited bail were a fine imposed for a violation of this 5771
section. 5772

(2) The court shall suspend the offender's driver's or 5773
commercial driver's license or permit in accordance with division 5774
(G) of section 2925.03 of the Revised Code. If an offender's 5775
driver's or commercial driver's license or permit is suspended in 5776
accordance with that division, the offender may request 5777
termination of, and the court may terminate, the suspension in 5778
accordance with that division. 5779

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

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (D)(3)(a) of section 2929.14 of the Revised Code and may impose an additional prison term under division (D)(3)(b) of that section.

Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance.

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

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

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

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species

an anabolic steroid that is expressly intended for administration 5810
through implants to livestock or other nonhuman species and 5811
approved for that purpose under the "Federal Food, Drug, and 5812
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5813
and is sold, offered for sale, prescribed, dispensed, or 5814
administered for that purpose in accordance with that act; 5815

(4) Any person who obtained the controlled substance pursuant 5816
to a lawful prescription issued by a licensed health professional 5817
authorized to prescribe drugs. 5818

(C) Whoever violates division (A) of this section is guilty 5819
of one of the following: 5820

(1) If the drug involved in the violation is a compound, 5821
mixture, preparation, or substance included in schedule I or II, 5822
with the exception of marihuana, cocaine, L.S.D., heroin, and 5823
hashish, whoever violates division (A) of this section is guilty 5824
of aggravated possession of drugs. The penalty for the offense 5825
shall be determined as follows: 5826

(a) Except as otherwise provided in division (C)(1)(b), (c), 5827
(d), or (e) of this section, aggravated possession of drugs is a 5828
felony of the fifth degree, and division (B) of section 2929.13 of 5829
the Revised Code applies in determining whether to impose a prison 5830
term on the offender. 5831

(b) If the amount of the drug involved equals or exceeds the 5832
bulk amount but is less than five times the bulk amount, 5833
aggravated possession of drugs is a felony of the third degree, 5834
and there is a presumption for a prison term for the offense. 5835

(c) If the amount of the drug involved equals or exceeds five 5836
times the bulk amount but is less than fifty times the bulk 5837
amount, aggravated possession of drugs is a felony of the second 5838
degree, and the court shall impose as a mandatory prison term one 5839
of the prison terms prescribed for a felony of the second degree. 5840

(d) If the amount of the drug involved equals or exceeds 5841
fifty times the bulk amount but is less than one hundred times the 5842
bulk amount, aggravated possession of drugs is a felony of the 5843
first degree, and the court shall impose as a mandatory prison 5844
term one of the prison terms prescribed for a felony of the first 5845
degree. 5846

(e) If the amount of the drug involved equals or exceeds one 5847
hundred times the bulk amount, aggravated possession of drugs is a 5848
felony of the first degree, the offender is a major drug offender, 5849
and the court shall impose as a mandatory prison term the maximum 5850
prison term prescribed for a felony of the first degree and may 5851
impose an additional mandatory prison term prescribed for a major 5852
drug offender under division (D)(3)(b) of section 2929.14 of the 5853
Revised Code. 5854

(2) If the drug involved in the violation is a compound, 5855
mixture, preparation, or substance included in schedule III, IV, 5856
or V, whoever violates division (A) of this section is guilty of 5857
possession of drugs. The penalty for the offense shall be 5858
determined as follows: 5859

(a) Except as otherwise provided in division (C)(2)(b), (c), 5860
or (d) of this section, possession of drugs is a misdemeanor of 5861
the first degree or, if the offender previously has been convicted 5862
of a drug abuse offense, a felony of the fifth degree. 5863

(b) If the amount of the drug involved equals or exceeds the 5864
bulk amount but is less than five times the bulk amount, 5865
possession of drugs is a felony of the fourth degree, and division 5866
(C) of section 2929.13 of the Revised Code applies in determining 5867
whether to impose a prison term on the offender. 5868

(c) If the amount of the drug involved equals or exceeds five 5869
times the bulk amount but is less than fifty times the bulk 5870
amount, possession of drugs is a felony of the third degree, and 5871

there is a presumption for a prison term for the offense. 5872

(d) If the amount of the drug involved equals or exceeds 5873
fifty times the bulk amount, possession of drugs is a felony of 5874
the second degree, and the court shall impose upon the offender as 5875
a mandatory prison term one of the prison terms prescribed for a 5876
felony of the second degree. 5877

(3) If the drug involved in the violation is marihuana or a 5878
compound, mixture, preparation, or substance containing marihuana 5879
other than hashish, whoever violates division (A) of this section 5880
is guilty of possession of marihuana. The penalty for the offense 5881
shall be determined as follows: 5882

(a) Except as otherwise provided in division (C)(3)(b), (c), 5883
(d), (e), ~~or (f)~~, or (g) of this section, possession of marihuana 5884
is a minor misdemeanor. 5885

(b) If the amount of the drug involved equals or exceeds one 5886
hundred grams but is less than two hundred grams, possession of 5887
marihuana is a misdemeanor of the fourth degree. 5888

(c) If the amount of the drug involved equals or exceeds two 5889
hundred grams but is less than one thousand grams, possession of 5890
marihuana is a felony of the fifth degree, and division (B) of 5891
section 2929.13 of the Revised Code applies in determining whether 5892
to impose a prison term on the offender. 5893

(d) If the amount of the drug involved equals or exceeds one 5894
thousand grams but is less than five thousand grams, possession of 5895
marihuana is a felony of the third degree, and division (C) of 5896
section 2929.13 of the Revised Code applies in determining whether 5897
to impose a prison term on the offender. 5898

(e) If the amount of the drug involved equals or exceeds five 5899
thousand grams but is less than twenty thousand grams, possession 5900
of marihuana is a felony of the third degree, and there is a 5901
presumption that a prison term shall be imposed for the offense. 5902

(f) If the amount of the drug involved equals or exceeds 5903
twenty thousand grams but is less than forty thousand grams, 5904
possession of marihuana is a felony of the second degree, and the 5905
court shall impose a mandatory prison term of five, six, seven, or 5906
eight years. 5907

(g) If the amount of the drug involved equals or exceeds 5908
forty thousand grams, possession of marihuana is a felony of the 5909
second degree, and the court shall impose as a mandatory prison 5910
term the maximum prison term prescribed for a felony of the second 5911
degree. 5912

(4) If the drug involved in the violation is cocaine or a 5913
compound, mixture, preparation, or substance containing cocaine, 5914
whoever violates division (A) of this section is guilty of 5915
possession of cocaine. The penalty for the offense shall be 5916
determined as follows: 5917

(a) Except as otherwise provided in division (C)(4)(b), (c), 5918
(d), (e), or (f) of this section, possession of cocaine is a 5919
felony of the fifth degree, and division (B) of section 2929.13 of 5920
the Revised Code applies in determining whether to impose a prison 5921
term on the offender. 5922

(b) If the amount of the drug involved equals or exceeds five 5923
grams but is less than ~~twenty-five~~ ten grams of cocaine ~~that is~~ 5924
~~not crack cocaine or equals or exceeds one gram but is less than~~ 5925
~~five grams of crack cocaine,~~ possession of cocaine is a felony of 5926
the fourth degree, and ~~there is a presumption for a prison term~~ 5927
for the offense division (B) of section 2929.13 of the Revised 5928
Code applies in determining whether to impose a prison term on the 5929
offender. 5930

(c) If the amount of the drug involved equals or exceeds 5931
~~twenty-five~~ ten grams but is less than ~~one hundred~~ twenty grams of 5932
cocaine ~~that is not crack cocaine or equals or exceeds five grams~~ 5933

~~but is less than ten grams of crack cocaine, possession of cocaine~~ 5934
is a felony of the third degree, and the court shall impose as a 5935
mandatory prison term one of the prison terms prescribed for a 5936
felony of the third degree. 5937

(d) If the amount of the drug involved equals or exceeds ~~one~~ 5938
~~hundred~~ twenty grams but is less than ~~five hundred~~ twenty-seven 5939
grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 5940
~~ten grams but is less than twenty five grams of crack cocaine,~~ 5941
possession of cocaine is a felony of the second degree, and the 5942
court shall impose as a mandatory prison term one of the prison 5943
terms prescribed for a felony of the second degree. 5944

(e) If the amount of the drug involved equals or exceeds ~~five~~ 5945
~~hundred~~ twenty-seven grams but is less than one ~~thousand~~ hundred 5946
grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 5947
~~twenty five grams but is less than one hundred grams of crack~~ 5948
~~cocaine,~~ possession of cocaine is a felony of the first degree, 5949
and the court shall impose as a mandatory prison term one of the 5950
prison terms prescribed for a felony of the first degree. 5951

(f) If the amount of the drug involved equals or exceeds one 5952
~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or~~ 5953
~~equals or exceeds one hundred grams of crack cocaine,~~ possession 5954
of cocaine is a felony of the first degree, the offender is a 5955
major drug offender, and the court shall impose as a mandatory 5956
prison term the maximum prison term prescribed for a felony of the 5957
first degree and may impose an additional mandatory prison term 5958
prescribed for a major drug offender under division (D)(3)(b) of 5959
section 2929.14 of the Revised Code. 5960

(5) If the drug involved in the violation is L.S.D., whoever 5961
violates division (A) of this section is guilty of possession of 5962
L.S.D. The penalty for the offense shall be determined as follows: 5963

(a) Except as otherwise provided in division (C)(5)(b), (c), 5964

(d), (e), or (f) of this section, possession of L.S.D. is a felony 5965
of the fifth degree, and division (B) of section 2929.13 of the 5966
Revised Code applies in determining whether to impose a prison 5967
term on the offender. 5968

(b) If the amount of L.S.D. involved equals or exceeds ten 5969
unit doses but is less than fifty unit doses of L.S.D. in a solid 5970
form or equals or exceeds one gram but is less than five grams of 5971
L.S.D. in a liquid concentrate, liquid extract, or liquid 5972
distillate form, possession of L.S.D. is a felony of the fourth 5973
degree, and division (C) of section 2929.13 of the Revised Code 5974
applies in determining whether to impose a prison term on the 5975
offender. 5976

(c) If the amount of L.S.D. involved equals or exceeds fifty 5977
unit doses, but is less than two hundred fifty unit doses of 5978
L.S.D. in a solid form or equals or exceeds five grams but is less 5979
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 5980
extract, or liquid distillate form, possession of L.S.D. is a 5981
felony of the third degree, and there is a presumption for a 5982
prison term for the offense. 5983

(d) If the amount of L.S.D. involved equals or exceeds two 5984
hundred fifty unit doses but is less than one thousand unit doses 5985
of L.S.D. in a solid form or equals or exceeds twenty-five grams 5986
but is less than one hundred grams of L.S.D. in a liquid 5987
concentrate, liquid extract, or liquid distillate form, possession 5988
of L.S.D. is a felony of the second degree, and the court shall 5989
impose as a mandatory prison term one of the prison terms 5990
prescribed for a felony of the second degree. 5991

(e) If the amount of L.S.D. involved equals or exceeds one 5992
thousand unit doses but is less than five thousand unit doses of 5993
L.S.D. in a solid form or equals or exceeds one hundred grams but 5994
is less than five hundred grams of L.S.D. in a liquid concentrate, 5995
liquid extract, or liquid distillate form, possession of L.S.D. is 5996

a felony of the first degree, and the court shall impose as a 5997
mandatory prison term one of the prison terms prescribed for a 5998
felony of the first degree. 5999

(f) If the amount of L.S.D. involved equals or exceeds five 6000
thousand unit doses of L.S.D. in a solid form or equals or exceeds 6001
five hundred grams of L.S.D. in a liquid concentrate, liquid 6002
extract, or liquid distillate form, possession of L.S.D. is a 6003
felony of the first degree, the offender is a major drug offender, 6004
and the court shall impose as a mandatory prison term the maximum 6005
prison term prescribed for a felony of the first degree and may 6006
impose an additional mandatory prison term prescribed for a major 6007
drug offender under division (D)(3)(b) of section 2929.14 of the 6008
Revised Code. 6009

(6) If the drug involved in the violation is heroin or a 6010
compound, mixture, preparation, or substance containing heroin, 6011
whoever violates division (A) of this section is guilty of 6012
possession of heroin. The penalty for the offense shall be 6013
determined as follows: 6014

(a) Except as otherwise provided in division (C)(6)(b), (c), 6015
(d), (e), or (f) of this section, possession of heroin is a felony 6016
of the fifth degree, and division (B) of section 2929.13 of the 6017
Revised Code applies in determining whether to impose a prison 6018
term on the offender. 6019

(b) If the amount of the drug involved equals or exceeds ten 6020
unit doses but is less than fifty unit doses or equals or exceeds 6021
one gram but is less than five grams, possession of heroin is a 6022
felony of the fourth degree, and division (C) of section 2929.13 6023
of the Revised Code applies in determining whether to impose a 6024
prison term on the offender. 6025

(c) If the amount of the drug involved equals or exceeds 6026
fifty unit doses but is less than one hundred unit doses or equals 6027

or exceeds five grams but is less than ten grams, possession of 6028
heroin is a felony of the third degree, and there is a presumption 6029
for a prison term for the offense. 6030

(d) If the amount of the drug involved equals or exceeds one 6031
hundred unit doses but is less than five hundred unit doses or 6032
equals or exceeds ten grams but is less than fifty grams, 6033
possession of heroin is a felony of the second degree, and the 6034
court shall impose as a mandatory prison term one of the prison 6035
terms prescribed for a felony of the second degree. 6036

(e) If the amount of the drug involved equals or exceeds five 6037
hundred unit doses but is less than two thousand five hundred unit 6038
doses or equals or exceeds fifty grams but is less than two 6039
hundred fifty grams, possession of heroin is a felony of the first 6040
degree, and the court shall impose as a mandatory prison term one 6041
of the prison terms prescribed for a felony of the first degree. 6042

(f) If the amount of the drug involved equals or exceeds two 6043
thousand five hundred unit doses or equals or exceeds two hundred 6044
fifty grams, possession of heroin is a felony of the first degree, 6045
the offender is a major drug offender, and the court shall impose 6046
as a mandatory prison term the maximum prison term prescribed for 6047
a felony of the first degree and may impose an additional 6048
mandatory prison term prescribed for a major drug offender under 6049
division (D)(3)(b) of section 2929.14 of the Revised Code. 6050

(7) If the drug involved in the violation is hashish or a 6051
compound, mixture, preparation, or substance containing hashish, 6052
whoever violates division (A) of this section is guilty of 6053
possession of hashish. The penalty for the offense shall be 6054
determined as follows: 6055

(a) Except as otherwise provided in division (C)(7)(b), (c), 6056
(d), (e), ~~or (f)~~, or (g) of this section, possession of hashish is 6057
a minor misdemeanor. 6058

(b) If the amount of the drug involved equals or exceeds five 6059
grams but is less than ten grams of hashish in a solid form or 6060
equals or exceeds one gram but is less than two grams of hashish 6061
in a liquid concentrate, liquid extract, or liquid distillate 6062
form, possession of hashish is a misdemeanor of the fourth degree. 6063

(c) If the amount of the drug involved equals or exceeds ten 6064
grams but is less than fifty grams of hashish in a solid form or 6065
equals or exceeds two grams but is less than ten grams of hashish 6066
in a liquid concentrate, liquid extract, or liquid distillate 6067
form, possession of hashish is a felony of the fifth degree, and 6068
division (B) of section 2929.13 of the Revised Code applies in 6069
determining whether to impose a prison term on the offender. 6070

(d) If the amount of the drug involved equals or exceeds 6071
fifty grams but is less than two hundred fifty grams of hashish in 6072
a solid form or equals or exceeds ten grams but is less than fifty 6073
grams of hashish in a liquid concentrate, liquid extract, or 6074
liquid distillate form, possession of hashish is a felony of the 6075
third degree, and division (C) of section 2929.13 of the Revised 6076
Code applies in determining whether to impose a prison term on the 6077
offender. 6078

(e) If the amount of the drug involved equals or exceeds two 6079
hundred fifty grams but is less than one thousand grams of hashish 6080
in a solid form or equals or exceeds fifty grams but is less than 6081
two hundred grams of hashish in a liquid concentrate, liquid 6082
extract, or liquid distillate form, possession of hashish is a 6083
felony of the third degree, and there is a presumption that a 6084
prison term shall be imposed for the offense. 6085

(f) If the amount of the drug involved equals or exceeds one 6086
thousand grams but is less than two thousand grams of hashish in a 6087
solid form or equals or exceeds two hundred grams but is less than 6088
four hundred grams of hashish in a liquid concentrate, liquid 6089
extract, or liquid distillate form, possession of hashish is a 6090

felony of the second degree, and the court shall impose a 6091
mandatory prison term of five, six, seven, or eight years. 6092

(g) If the amount of the drug involved equals or exceeds two 6093
thousand grams of hashish in a solid form or equals or exceeds 6094
four hundred grams of hashish in a liquid concentrate, liquid 6095
extract, or liquid distillate form, possession of hashish is a 6096
felony of the second degree, and the court shall impose as a 6097
mandatory prison term the maximum prison term prescribed for a 6098
felony of the second degree. 6099

(D) Arrest or conviction for a minor misdemeanor violation of 6100
this section does not constitute a criminal record and need not be 6101
reported by the person so arrested or convicted in response to any 6102
inquiries about the person's criminal record, including any 6103
inquiries contained in any application for employment, license, or 6104
other right or privilege, or made in connection with the person's 6105
appearance as a witness. 6106

(E) In addition to any prison term or jail term authorized or 6107
required by division (C) of this section and sections 2929.13, 6108
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 6109
addition to any other sanction that is imposed for the offense 6110
under this section, sections 2929.11 to 2929.18, or sections 6111
2929.21 to 2929.28 of the Revised Code, the court that sentences 6112
an offender who is convicted of or pleads guilty to a violation of 6113
division (A) of this section shall do all of the following that 6114
are applicable regarding the offender: 6115

(1)(a) If the violation is a felony of the first, second, or 6116
third degree, the court shall impose upon the offender the 6117
mandatory fine specified for the offense under division (B)(1) of 6118
section 2929.18 of the Revised Code unless, as specified in that 6119
division, the court determines that the offender is indigent. 6120

(b) Notwithstanding any contrary provision of section 3719.21 6121

of the Revised Code, the clerk of the court shall pay a mandatory 6122
fine or other fine imposed for a violation of this section 6123
pursuant to division (A) of section 2929.18 of the Revised Code in 6124
accordance with and subject to the requirements of division (F) of 6125
section 2925.03 of the Revised Code. The agency that receives the 6126
fine shall use the fine as specified in division (F) of section 6127
2925.03 of the Revised Code. 6128

(c) If a person is charged with a violation of this section 6129
that is a felony of the first, second, or third degree, posts 6130
bail, and forfeits the bail, the clerk shall pay the forfeited 6131
bail pursuant to division (E)(1)(b) of this section as if it were 6132
a mandatory fine imposed under division (E)(1)(a) of this section. 6133

(2) The court shall suspend for not less than six months or 6134
more than five years the offender's driver's or commercial 6135
driver's license or permit. 6136

(3) If the offender is a professionally licensed person, in 6137
addition to any other sanction imposed for a violation of this 6138
section, the court immediately shall comply with section 2925.38 6139
of the Revised Code. 6140

(F) It is an affirmative defense, as provided in section 6141
2901.05 of the Revised Code, to a charge of a fourth degree felony 6142
violation under this section that the controlled substance that 6143
gave rise to the charge is in an amount, is in a form, is 6144
prepared, compounded, or mixed with substances that are not 6145
controlled substances in a manner, or is possessed under any other 6146
circumstances, that indicate that the substance was possessed 6147
solely for personal use. Notwithstanding any contrary provision of 6148
this section, if, in accordance with section 2901.05 of the 6149
Revised Code, an accused who is charged with a fourth degree 6150
felony violation of division (C)(2), (4), (5), or (6) of this 6151
section sustains the burden of going forward with evidence of and 6152
establishes by a preponderance of the evidence the affirmative 6153

defense described in this division, the accused may be prosecuted 6154
for and may plead guilty to or be convicted of a misdemeanor 6155
violation of division (C)(2) of this section or a fifth degree 6156
felony violation of division (C)(4), (5), or (6) of this section 6157
respectively. 6158

(G) When a person is charged with possessing a bulk amount or 6159
multiple of a bulk amount, division (E) of section 2925.03 of the 6160
Revised Code applies regarding the determination of the amount of 6161
the controlled substance involved at the time of the offense. 6162

Sec. 2929.01. As used in this chapter: 6163

(A)(1) "Alternative residential facility" means, subject to 6164
division (A)(2) of this section, any facility other than an 6165
offender's home or residence in which an offender is assigned to 6166
live and that satisfies all of the following criteria: 6167

(a) It provides programs through which the offender may seek 6168
or maintain employment or may receive education, training, 6169
treatment, or habilitation. 6170

(b) It has received the appropriate license or certificate 6171
for any specialized education, training, treatment, habilitation, 6172
or other service that it provides from the government agency that 6173
is responsible for licensing or certifying that type of education, 6174
training, treatment, habilitation, or service. 6175

(2) "Alternative residential facility" does not include a 6176
community-based correctional facility, jail, halfway house, or 6177
prison. 6178

(B) "Basic probation supervision" means a requirement that 6179
the offender maintain contact with a person appointed to supervise 6180
the offender in accordance with sanctions imposed by the court or 6181
imposed by the parole board pursuant to section 2967.28 of the 6182
Revised Code. "Basic probation supervision" includes basic parole 6183

supervision and basic post-release control supervision. 6184

(C) "Cocaine," ~~"crack cocaine,"~~ "hashish," "L.S.D.," and 6185
"unit dose" have the same meanings as in section 2925.01 of the 6186
Revised Code. 6187

(D) "Community-based correctional facility" means a 6188
community-based correctional facility and program or district 6189
community-based correctional facility and program developed 6190
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6191

(E) "Community control sanction" means a sanction that is not 6192
a prison term and that is described in section 2929.15, 2929.16, 6193
2929.17, or 2929.18 of the Revised Code or a sanction that is not 6194
a jail term and that is described in section 2929.26, 2929.27, or 6195
2929.28 of the Revised Code. "Community control sanction" includes 6196
probation if the sentence involved was imposed for a felony that 6197
was committed prior to July 1, 1996, or if the sentence involved 6198
was imposed for a misdemeanor that was committed prior to January 6199
1, 2004. 6200

(F) "Controlled substance," "marihuana," "schedule I," and 6201
"schedule II" have the same meanings as in section 3719.01 of the 6202
Revised Code. 6203

(G) "Curfew" means a requirement that an offender during a 6204
specified period of time be at a designated place. 6205

(H) "Day reporting" means a sanction pursuant to which an 6206
offender is required each day to report to and leave a center or 6207
other approved reporting location at specified times in order to 6208
participate in work, education or training, treatment, and other 6209
approved programs at the center or outside the center. 6210

(I) "Deadly weapon" has the same meaning as in section 6211
2923.11 of the Revised Code. 6212

(J) "Drug and alcohol use monitoring" means a program under 6213

which an offender agrees to submit to random chemical analysis of 6214
the offender's blood, breath, or urine to determine whether the 6215
offender has ingested any alcohol or other drugs. 6216

(K) "Drug treatment program" means any program under which a 6217
person undergoes assessment and treatment designed to reduce or 6218
completely eliminate the person's physical or emotional reliance 6219
upon alcohol, another drug, or alcohol and another drug and under 6220
which the person may be required to receive assessment and 6221
treatment on an outpatient basis or may be required to reside at a 6222
facility other than the person's home or residence while 6223
undergoing assessment and treatment. 6224

(L) "Economic loss" means any economic detriment suffered by 6225
a victim as a direct and proximate result of the commission of an 6226
offense and includes any loss of income due to lost time at work 6227
because of any injury caused to the victim, and any property loss, 6228
medical cost, or funeral expense incurred as a result of the 6229
commission of the offense. "Economic loss" does not include 6230
non-economic loss or any punitive or exemplary damages. 6231

(M) "Education or training" includes study at, or in 6232
conjunction with a program offered by, a university, college, or 6233
technical college or vocational study and also includes the 6234
completion of primary school, secondary school, and literacy 6235
curricula or their equivalent. 6236

(N) "Firearm" has the same meaning as in section 2923.11 of 6237
the Revised Code. 6238

(O) "Halfway house" means a facility licensed by the division 6239
of parole and community services of the department of 6240
rehabilitation and correction pursuant to section 2967.14 of the 6241
Revised Code as a suitable facility for the care and treatment of 6242
adult offenders. 6243

(P) "House arrest" means a period of confinement of an 6244

offender that is in the offender's home or in other premises 6245
specified by the sentencing court or by the parole board pursuant 6246
to section 2967.28 of the Revised Code and during which all of the 6247
following apply: 6248

(1) The offender is required to remain in the offender's home 6249
or other specified premises for the specified period of 6250
confinement, except for periods of time during which the offender 6251
is at the offender's place of employment or at other premises as 6252
authorized by the sentencing court or by the parole board. 6253

(2) The offender is required to report periodically to a 6254
person designated by the court or parole board. 6255

(3) The offender is subject to any other restrictions and 6256
requirements that may be imposed by the sentencing court or by the 6257
parole board. 6258

(Q) "Intensive probation supervision" means a requirement 6259
that an offender maintain frequent contact with a person appointed 6260
by the court, or by the parole board pursuant to section 2967.28 6261
of the Revised Code, to supervise the offender while the offender 6262
is seeking or maintaining necessary employment and participating 6263
in training, education, and treatment programs as required in the 6264
court's or parole board's order. "Intensive probation supervision" 6265
includes intensive parole supervision and intensive post-release 6266
control supervision. 6267

(R) "Jail" means a jail, workhouse, minimum security jail, or 6268
other residential facility used for the confinement of alleged or 6269
convicted offenders that is operated by a political subdivision or 6270
a combination of political subdivisions of this state. 6271

(S) "Jail term" means the term in a jail that a sentencing 6272
court imposes or is authorized to impose pursuant to section 6273
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6274
provision of the Revised Code that authorizes a term in a jail for 6275

a misdemeanor conviction. 6276

(T) "Mandatory jail term" means the term in a jail that a 6277
sentencing court is required to impose pursuant to division (G) of 6278
section 1547.99 of the Revised Code, division (E) of section 6279
2903.06 or division (D) of section 2903.08 of the Revised Code, 6280
division (E) or (G) of section 2929.24 of the Revised Code, 6281
division (B) of section 4510.14 of the Revised Code, or division 6282
(G) of section 4511.19 of the Revised Code or pursuant to any 6283
other provision of the Revised Code that requires a term in a jail 6284
for a misdemeanor conviction. 6285

(U) "Delinquent child" has the same meaning as in section 6286
2152.02 of the Revised Code. 6287

(V) "License violation report" means a report that is made by 6288
a sentencing court, or by the parole board pursuant to section 6289
2967.28 of the Revised Code, to the regulatory or licensing board 6290
or agency that issued an offender a professional license or a 6291
license or permit to do business in this state and that specifies 6292
that the offender has been convicted of or pleaded guilty to an 6293
offense that may violate the conditions under which the offender's 6294
professional license or license or permit to do business in this 6295
state was granted or an offense for which the offender's 6296
professional license or license or permit to do business in this 6297
state may be revoked or suspended. 6298

(W) "Major drug offender" means an offender who is convicted 6299
of or pleads guilty to the possession of, sale of, or offer to 6300
sell any drug, compound, mixture, preparation, or substance that 6301
consists of or contains at least one thousand grams of hashish; at 6302
least one hundred grams of ~~crack~~ cocaine; ~~at least one thousand~~ 6303
~~grams of cocaine that is not crack cocaine;~~ at least two thousand 6304
five hundred unit doses or two hundred fifty grams of heroin; at 6305
least five thousand unit doses of L.S.D. or five hundred grams of 6306
L.S.D. in a liquid concentrate, liquid extract, or liquid 6307

distillate form; or at least one hundred times the amount of any 6308
other schedule I or II controlled substance other than marihuana 6309
that is necessary to commit a felony of the third degree pursuant 6310
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6311
Code that is based on the possession of, sale of, or offer to sell 6312
the controlled substance. 6313

(X) "Mandatory prison term" means any of the following: 6314

(1) Subject to division (X)(2) of this section, the term in 6315
prison that must be imposed for the offenses or circumstances set 6316
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 6317
2929.13 and division (D) of section 2929.14 of the Revised Code. 6318
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 6319
and 2925.11 of the Revised Code, unless the maximum or another 6320
specific term is required under section 2929.14 or 2929.142 of the 6321
Revised Code, a mandatory prison term described in this division 6322
may be any prison term authorized for the level of offense. 6323

(2) The term of sixty or one hundred twenty days in prison 6324
that a sentencing court is required to impose for a third or 6325
fourth degree felony OVI offense pursuant to division (G)(2) of 6326
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 6327
of the Revised Code or the term of one, two, three, four, or five 6328
years in prison that a sentencing court is required to impose 6329
pursuant to division (G)(2) of section 2929.13 of the Revised 6330
Code. 6331

(3) The term in prison imposed pursuant to division (A) of 6332
section 2971.03 of the Revised Code for the offenses and in the 6333
circumstances described in division (F)(11) of section 2929.13 of 6334
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 6335
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 6336
2971.03 of the Revised Code and that term as modified or 6337
terminated pursuant to section 2971.05 of the Revised Code. 6338

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

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

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

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

(1) A stated prison term;

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

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

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

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

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

(2) The person previously was convicted of or pleaded guilty

to an offense described in division (CC)(1)(a) or (b) of this 6369
section. 6370

(DD) "Sanction" means any penalty imposed upon an offender 6371
who is convicted of or pleads guilty to an offense, as punishment 6372
for the offense. "Sanction" includes any sanction imposed pursuant 6373
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 6374
2929.28 of the Revised Code. 6375

(EE) "Sentence" means the sanction or combination of 6376
sanctions imposed by the sentencing court on an offender who is 6377
convicted of or pleads guilty to an offense. 6378

(FF) "Stated prison term" means the prison term, mandatory 6379
prison term, or combination of all prison terms and mandatory 6380
prison terms imposed by the sentencing court pursuant to section 6381
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 6382
2919.25 of the Revised Code. "Stated prison term" includes any 6383
credit received by the offender for time spent in jail awaiting 6384
trial, sentencing, or transfer to prison for the offense and any 6385
time spent under house arrest or house arrest with electronic 6386
monitoring imposed after earning credits pursuant to section 6387
2967.193 of the Revised Code. 6388

(GG) "Victim-offender mediation" means a reconciliation or 6389
mediation program that involves an offender and the victim of the 6390
offense committed by the offender and that includes a meeting in 6391
which the offender and the victim may discuss the offense, discuss 6392
restitution, and consider other sanctions for the offense. 6393

(HH) "Fourth degree felony OVI offense" means a violation of 6394
division (A) of section 4511.19 of the Revised Code that, under 6395
division (G) of that section, is a felony of the fourth degree. 6396

(II) "Mandatory term of local incarceration" means the term 6397
of sixty or one hundred twenty days in a jail, a community-based 6398
correctional facility, a halfway house, or an alternative 6399

residential facility that a sentencing court may impose upon a 6400
person who is convicted of or pleads guilty to a fourth degree 6401
felony OVI offense pursuant to division (G)(1) of section 2929.13 6402
of the Revised Code and division (G)(1)(d) or (e) of section 6403
4511.19 of the Revised Code. 6404

(JJ) "Designated homicide, assault, or kidnapping offense," 6405
"violent sex offense," "sexual motivation specification," 6406
"sexually violent offense," "sexually violent predator," and 6407
"sexually violent predator specification" have the same meanings 6408
as in section 2971.01 of the Revised Code. 6409

(KK) "Sexually oriented offense," "child-victim oriented 6410
offense," and "tier III sex offender/child-victim offender," have 6411
the same meanings as in section 2950.01 of the Revised Code. 6412

(LL) An offense is "committed in the vicinity of a child" if 6413
the offender commits the offense within thirty feet of or within 6414
the same residential unit as a child who is under eighteen years 6415
of age, regardless of whether the offender knows the age of the 6416
child or whether the offender knows the offense is being committed 6417
within thirty feet of or within the same residential unit as the 6418
child and regardless of whether the child actually views the 6419
commission of the offense. 6420

(MM) "Family or household member" has the same meaning as in 6421
section 2919.25 of the Revised Code. 6422

(NN) "Motor vehicle" and "manufactured home" have the same 6423
meanings as in section 4501.01 of the Revised Code. 6424

(OO) "Detention" and "detention facility" have the same 6425
meanings as in section 2921.01 of the Revised Code. 6426

(PP) "Third degree felony OVI offense" means a violation of 6427
division (A) of section 4511.19 of the Revised Code that, under 6428
division (G) of that section, is a felony of the third degree. 6429

(QQ) "Random drug testing" has the same meaning as in section 6430
5120.63 of the Revised Code. 6431

(RR) "Felony sex offense" has the same meaning as in section 6432
2967.28 of the Revised Code. 6433

(SS) "Body armor" has the same meaning as in section 6434
2941.1411 of the Revised Code. 6435

(TT) "Electronic monitoring" means monitoring through the use 6436
of an electronic monitoring device. 6437

(UU) "Electronic monitoring device" means any of the 6438
following: 6439

(1) Any device that can be operated by electrical or battery 6440
power and that conforms with all of the following: 6441

(a) The device has a transmitter that can be attached to a 6442
person, that will transmit a specified signal to a receiver of the 6443
type described in division (UU)(1)(b) of this section if the 6444
transmitter is removed from the person, turned off, or altered in 6445
any manner without prior court approval in relation to electronic 6446
monitoring or without prior approval of the department of 6447
rehabilitation and correction in relation to the use of an 6448
electronic monitoring device for an inmate on transitional control 6449
or otherwise is tampered with, that can transmit continuously and 6450
periodically a signal to that receiver when the person is within a 6451
specified distance from the receiver, and that can transmit an 6452
appropriate signal to that receiver if the person to whom it is 6453
attached travels a specified distance from that receiver. 6454

(b) The device has a receiver that can receive continuously 6455
the signals transmitted by a transmitter of the type described in 6456
division (UU)(1)(a) of this section, can transmit continuously 6457
those signals by a wireless or landline telephone connection to a 6458
central monitoring computer of the type described in division 6459
(UU)(1)(c) of this section, and can transmit continuously an 6460

appropriate signal to that central monitoring computer if the 6461
device has been turned off or altered without prior court approval 6462
or otherwise tampered with. The device is designed specifically 6463
for use in electronic monitoring, is not a converted wireless 6464
phone or another tracking device that is clearly not designed for 6465
electronic monitoring, and provides a means of text-based or voice 6466
communication with the person. 6467

(c) The device has a central monitoring computer that can 6468
receive continuously the signals transmitted by a wireless or 6469
landline telephone connection by a receiver of the type described 6470
in division (UU)(1)(b) of this section and can monitor 6471
continuously the person to whom an electronic monitoring device of 6472
the type described in division (UU)(1)(a) of this section is 6473
attached. 6474

(2) Any device that is not a device of the type described in 6475
division (UU)(1) of this section and that conforms with all of the 6476
following: 6477

(a) The device includes a transmitter and receiver that can 6478
monitor and determine the location of a subject person at any 6479
time, or at a designated point in time, through the use of a 6480
central monitoring computer or through other electronic means. 6481

(b) The device includes a transmitter and receiver that can 6482
determine at any time, or at a designated point in time, through 6483
the use of a central monitoring computer or other electronic means 6484
the fact that the transmitter is turned off or altered in any 6485
manner without prior approval of the court in relation to the 6486
electronic monitoring or without prior approval of the department 6487
of rehabilitation and correction in relation to the use of an 6488
electronic monitoring device for an inmate on transitional control 6489
or otherwise is tampered with. 6490

(3) Any type of technology that can adequately track or 6491

determine the location of a subject person at any time and that is 6492
approved by the director of rehabilitation and correction, 6493
including, but not limited to, any satellite technology, voice 6494
tracking system, or retinal scanning system that is so approved. 6495

(VV) "Non-economic loss" means nonpecuniary harm suffered by 6496
a victim of an offense as a result of or related to the commission 6497
of the offense, including, but not limited to, pain and suffering; 6498
loss of society, consortium, companionship, care, assistance, 6499
attention, protection, advice, guidance, counsel, instruction, 6500
training, or education; mental anguish; and any other intangible 6501
loss. 6502

(WW) "Prosecutor" has the same meaning as in section 2935.01 6503
of the Revised Code. 6504

(XX) "Continuous alcohol monitoring" means the ability to 6505
automatically test and periodically transmit alcohol consumption 6506
levels and tamper attempts at least every hour, regardless of the 6507
location of the person who is being monitored. 6508

(YY) A person is "adjudicated a sexually violent predator" if 6509
the person is convicted of or pleads guilty to a violent sex 6510
offense and also is convicted of or pleads guilty to a sexually 6511
violent predator specification that was included in the 6512
indictment, count in the indictment, or information charging that 6513
violent sex offense or if the person is convicted of or pleads 6514
guilty to a designated homicide, assault, or kidnapping offense 6515
and also is convicted of or pleads guilty to both a sexual 6516
motivation specification and a sexually violent predator 6517
specification that were included in the indictment, count in the 6518
indictment, or information charging that designated homicide, 6519
assault, or kidnapping offense. 6520

(ZZ) An offense is "committed in proximity to a school" if 6521
the offender commits the offense in a school safety zone or within 6522

five hundred feet of any school building or the boundaries of any 6523
school premises, regardless of whether the offender knows the 6524
offense is being committed in a school safety zone or within five 6525
hundred feet of any school building or the boundaries of any 6526
school premises. 6527

(AAA) "Human trafficking" means a scheme or plan to which all 6528
of the following apply: 6529

(1) Its object is to subject a victim or victims to 6530
involuntary servitude, as defined in section 2905.31 of the 6531
Revised Code, to compel a victim or victims to engage in sexual 6532
activity for hire, to engage in a performance that is obscene, 6533
sexually oriented, or nudity oriented, or to be a model or 6534
participant in the production of material that is obscene, 6535
sexually oriented, or nudity oriented. 6536

(2) It involves at least two felony offenses, whether or not 6537
there has been a prior conviction for any of the felony offenses, 6538
to which all of the following apply: 6539

(a) Each of the felony offenses is a violation of section 6540
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 6541
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 6542
(4), or (5) of section 2919.22 of the Revised Code or is a 6543
violation of a law of any state other than this state that is 6544
substantially similar to any of the sections or divisions of the 6545
Revised Code identified in this division. 6546

(b) At least one of the felony offenses was committed in this 6547
state. 6548

(c) The felony offenses are related to the same scheme or 6549
plan and are not isolated instances. 6550

(BBB) "Material," "nudity," "obscene," "performance," and 6551
"sexual activity" have the same meanings as in section 2907.01 of 6552
the Revised Code. 6553

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

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

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

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony

OVI offense or for a third degree felony OVI offense, in addition 6585
to the mandatory term of local incarceration or the mandatory 6586
prison term required for the offense by division (G)(1) or (2) of 6587
this section, the court shall impose upon the offender a mandatory 6588
fine in accordance with division (B)(3) of section 2929.18 of the 6589
Revised Code and may impose whichever of the following is 6590
applicable: 6591

(1) For a fourth degree felony OVI offense for which sentence 6592
is imposed under division (G)(1) of this section, an additional 6593
community control sanction or combination of community control 6594
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 6595
the court imposes upon the offender a community control sanction 6596
and the offender violates any condition of the community control 6597
sanction, the court may take any action prescribed in division (B) 6598
of section 2929.15 of the Revised Code relative to the offender, 6599
including imposing a prison term on the offender pursuant to that 6600
division. 6601

(2) For a third or fourth degree felony OVI offense for which 6602
sentence is imposed under division (G)(2) of this section, an 6603
additional prison term as described in division (D)(4) of section 6604
2929.14 of the Revised Code or a community control sanction as 6605
described in division (G)(2) of this section. 6606

(B)(1) Except as provided in division (B)(2), (E), (F), or 6607
(G) of this section, in sentencing an offender for a felony of the 6608
fourth or fifth degree, the sentencing court shall determine 6609
whether any of the following apply: 6610

(a) In committing the offense, the offender caused physical 6611
harm to a person. 6612

(b) In committing the offense, the offender attempted to 6613
cause or made an actual threat of physical harm to a person with a 6614
deadly weapon. 6615

(c) In committing the offense, the offender attempted to 6616
cause or made an actual threat of physical harm to a person, and 6617
the offender previously was convicted of an offense that caused 6618
physical harm to a person. 6619

(d) The offender held a public office or position of trust 6620
and the offense related to that office or position; the offender's 6621
position obliged the offender to prevent the offense or to bring 6622
those committing it to justice; or the offender's professional 6623
reputation or position facilitated the offense or was likely to 6624
influence the future conduct of others. 6625

(e) The offender committed the offense for hire or as part of 6626
an organized criminal activity. 6627

(f) The offense is a sex offense that is a fourth or fifth 6628
degree felony violation of section 2907.03, 2907.04, 2907.05, 6629
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 6630
Revised Code. 6631

(g) The offender at the time of the offense was serving, or 6632
the offender previously had served, a prison term. 6633

(h) The offender committed the offense while under a 6634
community control sanction, while on probation, or while released 6635
from custody on a bond or personal recognizance. 6636

(i) The offender committed the offense while in possession of 6637
a firearm. 6638

(2)(a) If the court makes a finding described in division 6639
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 6640
section and if the court, after considering the factors set forth 6641
in section 2929.12 of the Revised Code, finds that a prison term 6642
is consistent with the purposes and principles of sentencing set 6643
forth in section 2929.11 of the Revised Code and finds that the 6644
offender is not amenable to an available community control 6645
sanction, the court shall impose a prison term upon the offender. 6646

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

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

(D)(1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, and for a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under

division (D)(1) of this section for the offenses listed in that 6679
division other than a violation of division (A)(4) or (B) of 6680
section 2907.05 of the Revised Code, the sentencing court may 6681
impose a community control sanction or a combination of community 6682
control sanctions instead of a prison term on an offender for a 6683
felony of the first or second degree or for a felony drug offense 6684
that is a violation of any provision of Chapter 2925., 3719., or 6685
4729. of the Revised Code for which a presumption in favor of a 6686
prison term is specified as being applicable if it makes both of 6687
the following findings: 6688

(a) A community control sanction or a combination of 6689
community control sanctions would adequately punish the offender 6690
and protect the public from future crime, because the applicable 6691
factors under section 2929.12 of the Revised Code indicating a 6692
lesser likelihood of recidivism outweigh the applicable factors 6693
under that section indicating a greater likelihood of recidivism. 6694

(b) A community control sanction or a combination of 6695
community control sanctions would not demean the seriousness of 6696
the offense, because one or more factors under section 2929.12 of 6697
the Revised Code that indicate that the offender's conduct was 6698
less serious than conduct normally constituting the offense are 6699
applicable, and they outweigh the applicable factors under that 6700
section that indicate that the offender's conduct was more serious 6701
than conduct normally constituting the offense. 6702

(E)(1) Except as provided in division (F) of this section, 6703
for any drug offense that is a violation of any provision of 6704
Chapter 2925. of the Revised Code and that is a felony of the 6705
third, fourth, or fifth degree, the applicability of a presumption 6706
under division (D) of this section in favor of a prison term or of 6707
division (B) or (C) of this section in determining whether to 6708
impose a prison term for the offense shall be determined as 6709
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6710

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

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

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

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

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by section 3793.02 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of treatment and recovery support services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, division (C) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following

applies: 6773

(i) The offense was committed prior to August 3, 2006, the 6774
offender previously was convicted of or pleaded guilty to rape, 6775
the former offense of felonious sexual penetration, or sexual 6776
battery, and the victim of the previous offense was less than 6777
thirteen years of age. 6778

(ii) The offense was committed on or after August 3, 2006. 6779

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 6780
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the 6781
section requires the imposition of a prison term; 6782

(5) A first, second, or third degree felony drug offense for 6783
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6784
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 6785
4729.99 of the Revised Code, whichever is applicable regarding the 6786
violation, requires the imposition of a mandatory prison term; 6787

(6) Any offense that is a first or second degree felony and 6788
that is not set forth in division (F)(1), (2), (3), or (4) of this 6789
section, if the offender previously was convicted of or pleaded 6790
guilty to aggravated murder, murder, any first or second degree 6791
felony, or an offense under an existing or former law of this 6792
state, another state, or the United States that is or was 6793
substantially equivalent to one of those offenses; 6794

(7) Any offense that is a third degree felony and either is a 6795
violation of section 2903.04 of the Revised Code or an attempt to 6796
commit a felony of the second degree that is an offense of 6797
violence and involved an attempt to cause serious physical harm to 6798
a person or that resulted in serious physical harm to a person if 6799
the offender previously was convicted of or pleaded guilty to any 6800
of the following offenses: 6801

(a) Aggravated murder, murder, involuntary manslaughter, 6802
rape, felonious sexual penetration as it existed under section 6803

2907.12 of the Revised Code prior to September 3, 1996, a felony 6804
of the first or second degree that resulted in the death of a 6805
person or in physical harm to a person, or complicity in or an 6806
attempt to commit any of those offenses; 6807

(b) An offense under an existing or former law of this state, 6808
another state, or the United States that is or was substantially 6809
equivalent to an offense listed in division (F)(7)(a) of this 6810
section that resulted in the death of a person or in physical harm 6811
to a person. 6812

(8) Any offense, other than a violation of section 2923.12 of 6813
the Revised Code, that is a felony, if the offender had a firearm 6814
on or about the offender's person or under the offender's control 6815
while committing the felony, with respect to a portion of the 6816
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 6817
of the Revised Code for having the firearm; 6818

(9) Any offense of violence that is a felony, if the offender 6819
wore or carried body armor while committing the felony offense of 6820
violence, with respect to the portion of the sentence imposed 6821
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 6822
Code for wearing or carrying the body armor; 6823

(10) Corrupt activity in violation of section 2923.32 of the 6824
Revised Code when the most serious offense in the pattern of 6825
corrupt activity that is the basis of the offense is a felony of 6826
the first degree; 6827

(11) Any violent sex offense or designated homicide, assault, 6828
or kidnapping offense if, in relation to that offense, the 6829
offender is adjudicated a sexually violent predator; 6830

(12) A violation of division (A)(1) or (2) of section 2921.36 6831
of the Revised Code, or a violation of division (C) of that 6832
section involving an item listed in division (A)(1) or (2) of that 6833
section, if the offender is an officer or employee of the 6834

department of rehabilitation and correction; 6835

(13) A violation of division (A)(1) or (2) of section 2903.06 6836
of the Revised Code if the victim of the offense is a peace 6837
officer, as defined in section 2935.01 of the Revised Code, or an 6838
investigator of the bureau of criminal identification and 6839
investigation, as defined in section 2903.11 of the Revised Code, 6840
with respect to the portion of the sentence imposed pursuant to 6841
division (D)(5) of section 2929.14 of the Revised Code; 6842

(14) A violation of division (A)(1) or (2) of section 2903.06 6843
of the Revised Code if the offender has been convicted of or 6844
pleaded guilty to three or more violations of division (A) or (B) 6845
of section 4511.19 of the Revised Code or an equivalent offense, 6846
as defined in section 2941.1415 of the Revised Code, or three or 6847
more violations of any combination of those divisions and 6848
offenses, with respect to the portion of the sentence imposed 6849
pursuant to division (D)(6) of section 2929.14 of the Revised 6850
Code; 6851

(15) Kidnapping, in the circumstances specified in section 6852
2971.03 of the Revised Code and when no other provision of 6853
division (F) of this section applies; 6854

(16) Kidnapping, abduction, compelling prostitution, 6855
promoting prostitution, engaging in a pattern of corrupt activity, 6856
illegal use of a minor in a nudity-oriented material or 6857
performance in violation of division (A)(1) or (2) of section 6858
2907.323 of the Revised Code, or endangering children in violation 6859
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 6860
the Revised Code, if the offender is convicted of or pleads guilty 6861
to a specification as described in section 2941.1422 of the 6862
Revised Code that was included in the indictment, count in the 6863
indictment, or information charging the offense; 6864

(17) A felony violation of division (A) or (B) of section 6865

2919.25 of the Revised Code if division (D)(3), (4), or (5) of 6866
that section, and division (D)(6) of that section, require the 6867
imposition of a prison term; 6868

(18) A felony violation of section 2903.11, 2903.12, or 6869
2903.13 of the Revised Code, if the victim of the offense was a 6870
woman that the offender knew was pregnant at the time of the 6871
violation, with respect to a portion of the sentence imposed 6872
pursuant to division (D)(8) of section 2929.14 of the Revised 6873
Code. 6874

(G) Notwithstanding divisions (A) to (E) of this section, if 6875
an offender is being sentenced for a fourth degree felony OVI 6876
offense or for a third degree felony OVI offense, the court shall 6877
impose upon the offender a mandatory term of local incarceration 6878
or a mandatory prison term in accordance with the following: 6879

(1) If the offender is being sentenced for a fourth degree 6880
felony OVI offense and if the offender has not been convicted of 6881
and has not pleaded guilty to a specification of the type 6882
described in section 2941.1413 of the Revised Code, the court may 6883
impose upon the offender a mandatory term of local incarceration 6884
of sixty days or one hundred twenty days as specified in division 6885
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 6886
not reduce the term pursuant to section 2929.20, 2967.193, or any 6887
other provision of the Revised Code. The court that imposes a 6888
mandatory term of local incarceration under this division shall 6889
specify whether the term is to be served in a jail, a 6890
community-based correctional facility, a halfway house, or an 6891
alternative residential facility, and the offender shall serve the 6892
term in the type of facility specified by the court. A mandatory 6893
term of local incarceration imposed under division (G)(1) of this 6894
section is not subject to any other Revised Code provision that 6895
pertains to a prison term except as provided in division (A)(1) of 6896
this section. 6897

(2) If the offender is being sentenced for a third degree 6898
felony OVI offense, or if the offender is being sentenced for a 6899
fourth degree felony OVI offense and the court does not impose a 6900
mandatory term of local incarceration under division (G)(1) of 6901
this section, the court shall impose upon the offender a mandatory 6902
prison term of one, two, three, four, or five years if the 6903
offender also is convicted of or also pleads guilty to a 6904
specification of the type described in section 2941.1413 of the 6905
Revised Code or shall impose upon the offender a mandatory prison 6906
term of sixty days or one hundred twenty days as specified in 6907
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 6908
if the offender has not been convicted of and has not pleaded 6909
guilty to a specification of that type. The Subject to division 6910
(C) of section 2967.19 of the Revised Code, the court shall not 6911
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 6912
any other provision of the Revised Code. The offender shall serve 6913
the one-, two-, three-, four-, or five-year mandatory prison term 6914
consecutively to and prior to the prison term imposed for the 6915
underlying offense and consecutively to any other mandatory prison 6916
term imposed in relation to the offense. In no case shall an 6917
offender who once has been sentenced to a mandatory term of local 6918
incarceration pursuant to division (G)(1) of this section for a 6919
fourth degree felony OVI offense be sentenced to another mandatory 6920
term of local incarceration under that division for any violation 6921
of division (A) of section 4511.19 of the Revised Code. In 6922
addition to the mandatory prison term described in division (G)(2) 6923
of this section, the court may sentence the offender to a 6924
community control sanction under section 2929.16 or 2929.17 of the 6925
Revised Code, but the offender shall serve the prison term prior 6926
to serving the community control sanction. The department of 6927
rehabilitation and correction may place an offender sentenced to a 6928
mandatory prison term under this division in an intensive program 6929
prison established pursuant to section 5120.033 of the Revised 6930

Code if the department gave the sentencing judge prior notice of 6931
its intent to place the offender in an intensive program prison 6932
established under that section and if the judge did not notify the 6933
department that the judge disapproved the placement. Upon the 6934
establishment of the initial intensive program prison pursuant to 6935
section 5120.033 of the Revised Code that is privately operated 6936
and managed by a contractor pursuant to a contract entered into 6937
under section 9.06 of the Revised Code, both of the following 6938
apply: 6939

(a) The department of rehabilitation and correction shall 6940
make a reasonable effort to ensure that a sufficient number of 6941
offenders sentenced to a mandatory prison term under this division 6942
are placed in the privately operated and managed prison so that 6943
the privately operated and managed prison has full occupancy. 6944

(b) Unless the privately operated and managed prison has full 6945
occupancy, the department of rehabilitation and correction shall 6946
not place any offender sentenced to a mandatory prison term under 6947
this division in any intensive program prison established pursuant 6948
to section 5120.033 of the Revised Code other than the privately 6949
operated and managed prison. 6950

(H) If an offender is being sentenced for a sexually oriented 6951
offense or child-victim oriented offense that is a felony 6952
committed on or after January 1, 1997, the judge shall require the 6953
offender to submit to a DNA specimen collection procedure pursuant 6954
to section 2901.07 of the Revised Code. 6955

(I) If an offender is being sentenced for a sexually oriented 6956
offense or a child-victim oriented offense committed on or after 6957
January 1, 1997, the judge shall include in the sentence a summary 6958
of the offender's duties imposed under sections 2950.04, 2950.041, 6959
2950.05, and 2950.06 of the Revised Code and the duration of the 6960
duties. The judge shall inform the offender, at the time of 6961
sentencing, of those duties and of their duration. If required 6962

under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

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

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

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

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the

cost of monitoring shall be borne by the offender. If the offender 6995
is indigent, the cost of compliance shall be paid by the crime 6996
victims reparations fund. 6997

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 6998
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), 6999
(J), or (L) of this section or in division (D)(6) of section 7000
2919.25 of the Revised Code and except in relation to an offense 7001
for which a sentence of death or life imprisonment is to be 7002
imposed, if the court imposing a sentence upon an offender for a 7003
felony elects or is required to impose a prison term on the 7004
offender pursuant to this chapter, the court shall impose a 7005
definite prison term that shall be one of the following: 7006

(1) For a felony of the first degree, the prison term shall 7007
be three, four, five, six, seven, eight, nine, or ten years. 7008

(2) For a felony of the second degree, the prison term shall 7009
be two, three, four, five, six, seven, or eight years. 7010

(3) For a felony of the third degree, the prison term shall 7011
be one, two, three, four, or five years. 7012

(4) For a felony of the fourth degree, the prison term shall 7013
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 7014
fourteen, fifteen, sixteen, seventeen, or eighteen months. 7015

(5) For a felony of the fifth degree, the prison term shall 7016
be six, seven, eight, nine, ten, eleven, or twelve months. 7017

(B) Except as provided in division (C), (D)(1), (D)(2), 7018
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), (J), or (L) of 7019
this section, in section 2907.02 , 2907.05, or 2919.25 of the 7020
Revised Code, or in Chapter 2925. of the Revised Code, if the 7021
court imposing a sentence upon an offender for a felony elects or 7022
is required to impose a prison term on the offender, the court 7023
shall impose the shortest prison term authorized for the offense 7024

pursuant to division (A) of this section, unless one or more of 7025
the following applies: 7026

(1) The offender was serving a prison term at the time of the 7027
offense, or the offender previously had served a prison term. 7028

(2) The court finds on the record that the shortest prison 7029
term will demean the seriousness of the offender's conduct or will 7030
not adequately protect the public from future crime by the 7031
offender or others. 7032

(C) Except as provided in division (D)(7), (D)(8), (G), or 7033
(L) of this section, in section 2919.25 of the Revised Code, or in 7034
Chapter 2925. of the Revised Code, the court imposing a sentence 7035
upon an offender for a felony may impose the longest prison term 7036
authorized for the offense pursuant to division (A) of this 7037
section only upon offenders who committed the worst forms of the 7038
offense, upon offenders who pose the greatest likelihood of 7039
committing future crimes, upon certain major drug offenders under 7040
division (D)(3) of this section, and upon certain repeat violent 7041
offenders in accordance with division (D)(2) of this section. 7042

(D)(1)(a) Except as provided in division (D)(1)(e) of this 7043
section, if an offender who is convicted of or pleads guilty to a 7044
felony also is convicted of or pleads guilty to a specification of 7045
the type described in section 2941.141, 2941.144, or 2941.145 of 7046
the Revised Code, the court shall impose on the offender one of 7047
the following prison terms: 7048

(i) A prison term of six years if the specification is of the 7049
type described in section 2941.144 of the Revised Code that 7050
charges the offender with having a firearm that is an automatic 7051
firearm or that was equipped with a firearm muffler or silencer on 7052
or about the offender's person or under the offender's control 7053
while committing the felony; 7054

(ii) A prison term of three years if the specification is of 7055

the type described in section 2941.145 of the Revised Code that 7056
charges the offender with having a firearm on or about the 7057
offender's person or under the offender's control while committing 7058
the offense and displaying the firearm, brandishing the firearm, 7059
indicating that the offender possessed the firearm, or using it to 7060
facilitate the offense; 7061

(iii) A prison term of one year if the specification is of 7062
the type described in section 2941.141 of the Revised Code that 7063
charges the offender with having a firearm on or about the 7064
offender's person or under the offender's control while committing 7065
the felony. 7066

(b) If a court imposes a prison term on an offender under 7067
division (D)(1)(a) of this section, the prison term shall not be 7068
reduced pursuant to section 2967.19, section 2929.20, section 7069
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7070
of the Revised Code. Except as provided in division (D)(1)(g) of 7071
this section, a court shall not impose more than one prison term 7072
on an offender under division (D)(1)(a) of this section for 7073
felonies committed as part of the same act or transaction. 7074

(c) Except as provided in division (D)(1)(e) of this section, 7075
if an offender who is convicted of or pleads guilty to a violation 7076
of section 2923.161 of the Revised Code or to a felony that 7077
includes, as an essential element, purposely or knowingly causing 7078
or attempting to cause the death of or physical harm to another, 7079
also is convicted of or pleads guilty to a specification of the 7080
type described in section 2941.146 of the Revised Code that 7081
charges the offender with committing the offense by discharging a 7082
firearm from a motor vehicle other than a manufactured home, the 7083
court, after imposing a prison term on the offender for the 7084
violation of section 2923.161 of the Revised Code or for the other 7085
felony offense under division (A), (D)(2), or (D)(3) of this 7086
section, shall impose an additional prison term of five years upon 7087

the offender that shall not be reduced pursuant to section 7088
2929.20, section 2967.19, section 2967.193, or any other provision 7089
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 7090
shall not impose more than one additional prison term on an 7091
offender under division (D)(1)(c) of this section for felonies 7092
committed as part of the same act or transaction. If a court 7093
imposes an additional prison term on an offender under division 7094
(D)(1)(c) of this section relative to an offense, the court also 7095
shall impose a prison term under division (D)(1)(a) of this 7096
section relative to the same offense, provided the criteria 7097
specified in that division for imposing an additional prison term 7098
are satisfied relative to the offender and the offense. 7099

(d) If an offender who is convicted of or pleads guilty to an 7100
offense of violence that is a felony also is convicted of or 7101
pleads guilty to a specification of the type described in section 7102
2941.1411 of the Revised Code that charges the offender with 7103
wearing or carrying body armor while committing the felony offense 7104
of violence, the court shall impose on the offender a prison term 7105
of two years. The prison term so imposed, subject to division (C) 7106
of section 2967.19 of the Revised Code, shall not be reduced 7107
pursuant to section 2929.20, section 2967.19, section 2967.193, or 7108
any other provision of Chapter 2967. or Chapter 5120. of the 7109
Revised Code. A court shall not impose more than one prison term 7110
on an offender under division (D)(1)(d) of this section for 7111
felonies committed as part of the same act or transaction. If a 7112
court imposes an additional prison term under division (D)(1)(a) 7113
or (c) of this section, the court is not precluded from imposing 7114
an additional prison term under division (D)(1)(d) of this 7115
section. 7116

(e) The court shall not impose any of the prison terms 7117
described in division (D)(1)(a) of this section or any of the 7118
additional prison terms described in division (D)(1)(c) of this 7119

section upon an offender for a violation of section 2923.12 or 7120
2923.123 of the Revised Code. The court shall not impose any of 7121
the prison terms described in division (D)(1)(a) or (b) of this 7122
section upon an offender for a violation of section 2923.122 that 7123
involves a deadly weapon that is a firearm other than a dangerous 7124
ordnance, section 2923.16, or section 2923.121 of the Revised 7125
Code. The court shall not impose any of the prison terms described 7126
in division (D)(1)(a) of this section or any of the additional 7127
prison terms described in division (D)(1)(c) of this section upon 7128
an offender for a violation of section 2923.13 of the Revised Code 7129
unless all of the following apply: 7130

(i) The offender previously has been convicted of aggravated 7131
murder, murder, or any felony of the first or second degree. 7132

(ii) Less than five years have passed since the offender was 7133
released from prison or post-release control, whichever is later, 7134
for the prior offense. 7135

(f) If an offender is convicted of or pleads guilty to a 7136
felony that includes, as an essential element, causing or 7137
attempting to cause the death of or physical harm to another and 7138
also is convicted of or pleads guilty to a specification of the 7139
type described in section 2941.1412 of the Revised Code that 7140
charges the offender with committing the offense by discharging a 7141
firearm at a peace officer as defined in section 2935.01 of the 7142
Revised Code or a corrections officer, as defined in section 7143
2941.1412 of the Revised Code, the court, after imposing a prison 7144
term on the offender for the felony offense under division (A), 7145
(D)(2), or (D)(3) of this section, shall impose an additional 7146
prison term of seven years upon the offender that shall not be 7147
reduced pursuant to section 2929.20, section 2967.19, section 7148
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7149
of the Revised Code. If an offender is convicted of or pleads 7150
guilty to two or more felonies that include, as an essential 7151

element, causing or attempting to cause the death or physical harm 7152
to another and also is convicted of or pleads guilty to a 7153
specification of the type described under division (D)(1)(f) of 7154
this section in connection with two or more of the felonies of 7155
which the offender is convicted or to which the offender pleads 7156
guilty, the sentencing court shall impose on the offender the 7157
prison term specified under division (D)(1)(f) of this section for 7158
each of two of the specifications of which the offender is 7159
convicted or to which the offender pleads guilty and, in its 7160
discretion, also may impose on the offender the prison term 7161
specified under that division for any or all of the remaining 7162
specifications. If a court imposes an additional prison term on an 7163
offender under division (D)(1)(f) of this section relative to an 7164
offense, the court shall not impose a prison term under division 7165
(D)(1)(a) or (c) of this section relative to the same offense. 7166

(g) If an offender is convicted of or pleads guilty to two or 7167
more felonies, if one or more of those felonies is aggravated 7168
murder, murder, attempted aggravated murder, attempted murder, 7169
aggravated robbery, felonious assault, or rape, and if the 7170
offender is convicted of or pleads guilty to a specification of 7171
the type described under division (D)(1)(a) of this section in 7172
connection with two or more of the felonies, the sentencing court 7173
shall impose on the offender the prison term specified under 7174
division (D)(1)(a) of this section for each of the two most 7175
serious specifications of which the offender is convicted or to 7176
which the offender pleads guilty and, in its discretion, also may 7177
impose on the offender the prison term specified under that 7178
division for any or all of the remaining specifications. 7179

(2)(a) If division (D)(2)(b) of this section does not apply, 7180
the court may impose on an offender, in addition to the longest 7181
prison term authorized or required for the offense, an additional 7182
definite prison term of one, two, three, four, five, six, seven, 7183

eight, nine, or ten years if all of the following criteria are met:

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

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

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

(iv) The court finds that the prison terms imposed pursuant to division (D)(2)(a)(iii) of this section and, if applicable, division (D)(1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (D)(2)(a)(iii) of this section and, if applicable, division (D)(1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the

offender's conduct is more serious than conduct normally 7215
constituting the offense are present, and they outweigh the 7216
applicable factors under that section indicating that the 7217
offender's conduct is less serious than conduct normally 7218
constituting the offense. 7219

(b) The court shall impose on an offender the longest prison 7220
term authorized or required for the offense and shall impose on 7221
the offender an additional definite prison term of one, two, 7222
three, four, five, six, seven, eight, nine, or ten years if all of 7223
the following criteria are met: 7224

(i) The offender is convicted of or pleads guilty to a 7225
specification of the type described in section 2941.149 of the 7226
Revised Code that the offender is a repeat violent offender. 7227

(ii) The offender within the preceding twenty years has been 7228
convicted of or pleaded guilty to three or more offenses described 7229
in division (CC)(1) of section 2929.01 of the Revised Code, 7230
including all offenses described in that division of which the 7231
offender is convicted or to which the offender pleads guilty in 7232
the current prosecution and all offenses described in that 7233
division of which the offender previously has been convicted or to 7234
which the offender previously pleaded guilty, whether prosecuted 7235
together or separately. 7236

(iii) The offense or offenses of which the offender currently 7237
is convicted or to which the offender currently pleads guilty is 7238
aggravated murder and the court does not impose a sentence of 7239
death or life imprisonment without parole, murder, terrorism and 7240
the court does not impose a sentence of life imprisonment without 7241
parole, any felony of the first degree that is an offense of 7242
violence and the court does not impose a sentence of life 7243
imprisonment without parole, or any felony of the second degree 7244
that is an offense of violence and the trier of fact finds that 7245
the offense involved an attempt to cause or a threat to cause 7246

serious physical harm to a person or resulted in serious physical 7247
harm to a person. 7248

(c) For purposes of division (D)(2)(b) of this section, two 7249
or more offenses committed at the same time or as part of the same 7250
act or event shall be considered one offense, and that one offense 7251
shall be the offense with the greatest penalty. 7252

(d) A sentence imposed under division (D)(2)(a) or (b) of 7253
this section shall not be reduced pursuant to section 2929.20, 7254
section 2967.19, or section 2967.193, or any other provision of 7255
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 7256
shall serve an additional prison term imposed under this section 7257
consecutively to and prior to the prison term imposed for the 7258
underlying offense. 7259

(e) When imposing a sentence pursuant to division (D)(2)(a) 7260
or (b) of this section, the court shall state its findings 7261
explaining the imposed sentence. 7262

(3)(a) Except when an offender commits a violation of section 7263
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 7264
the violation is life imprisonment or commits a violation of 7265
section 2903.02 of the Revised Code, if the offender commits a 7266
violation of section 2925.03 or 2925.11 of the Revised Code and 7267
that section classifies the offender as a major drug offender and 7268
requires the imposition of a ten-year prison term on the offender, 7269
if the offender commits a felony violation of section 2925.02, 7270
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 7271
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 7272
division (C) of section 4729.51, or division (J) of section 7273
4729.54 of the Revised Code that includes the sale, offer to sell, 7274
or possession of a schedule I or II controlled substance, with the 7275
exception of marihuana, and the court imposing sentence upon the 7276
offender finds that the offender is guilty of a specification of 7277
the type described in section 2941.1410 of the Revised Code 7278

charging that the offender is a major drug offender, if the court 7279
imposing sentence upon an offender for a felony finds that the 7280
offender is guilty of corrupt activity with the most serious 7281
offense in the pattern of corrupt activity being a felony of the 7282
first degree, or if the offender is guilty of an attempted 7283
violation of section 2907.02 of the Revised Code and, had the 7284
offender completed the violation of section 2907.02 of the Revised 7285
Code that was attempted, the offender would have been subject to a 7286
sentence of life imprisonment or life imprisonment without parole 7287
for the violation of section 2907.02 of the Revised Code, the 7288
court shall impose upon the offender for the felony violation a 7289
ten-year prison term that, subject to division (C) of section 7290
2967.19 of the Revised Code, cannot be reduced pursuant to section 7291
2929.20, section 2967.19, or any other provision of Chapter 2967. 7292
or 5120. of the Revised Code. 7293

(b) The court imposing a prison term on an offender under 7294
division (D)(3)(a) of this section may impose an additional prison 7295
term of one, two, three, four, five, six, seven, eight, nine, or 7296
ten years, if the court, with respect to the term imposed under 7297
division (D)(3)(a) of this section and, if applicable, divisions 7298
(D)(1) and (2) of this section, makes both of the findings set 7299
forth in divisions (D)(2)(a)(iv) and (v) of this section. 7300

(4) If the offender is being sentenced for a third or fourth 7301
degree felony OVI offense under division (G)(2) of section 2929.13 7302
of the Revised Code, the sentencing court shall impose upon the 7303
offender a mandatory prison term in accordance with that division. 7304
In addition to the mandatory prison term, if the offender is being 7305
sentenced for a fourth degree felony OVI offense, the court, 7306
notwithstanding division (A)(4) of this section, may sentence the 7307
offender to a definite prison term of not less than six months and 7308
not more than thirty months, and if the offender is being 7309
sentenced for a third degree felony OVI offense, the sentencing 7310

court may sentence the offender to an additional prison term of 7311
any duration specified in division (A)(3) of this section. In 7312
either case, the additional prison term imposed shall be reduced 7313
by the sixty or one hundred twenty days imposed upon the offender 7314
as the mandatory prison term. The total of the additional prison 7315
term imposed under division (D)(4) of this section plus the sixty 7316
or one hundred twenty days imposed as the mandatory prison term 7317
shall equal a definite term in the range of six months to thirty 7318
months for a fourth degree felony OVI offense and shall equal one 7319
of the authorized prison terms specified in division (A)(3) of 7320
this section for a third degree felony OVI offense. If the court 7321
imposes an additional prison term under division (D)(4) of this 7322
section, the offender shall serve the additional prison term after 7323
the offender has served the mandatory prison term required for the 7324
offense. In addition to the mandatory prison term or mandatory and 7325
additional prison term imposed as described in division (D)(4) of 7326
this section, the court also may sentence the offender to a 7327
community control sanction under section 2929.16 or 2929.17 of the 7328
Revised Code, but the offender shall serve all of the prison terms 7329
so imposed prior to serving the community control sanction. 7330

If the offender is being sentenced for a fourth degree felony 7331
OVI offense under division (G)(1) of section 2929.13 of the 7332
Revised Code and the court imposes a mandatory term of local 7333
incarceration, the court may impose a prison term as described in 7334
division (A)(1) of that section. 7335

(5) If an offender is convicted of or pleads guilty to a 7336
violation of division (A)(1) or (2) of section 2903.06 of the 7337
Revised Code and also is convicted of or pleads guilty to a 7338
specification of the type described in section 2941.1414 of the 7339
Revised Code that charges that the victim of the offense is a 7340
peace officer, as defined in section 2935.01 of the Revised Code, 7341
or an investigator of the bureau of criminal identification and 7342

investigation, as defined in section 2903.11 of the Revised Code, 7343
the court shall impose on the offender a prison term of five 7344
years. If a court imposes a prison term on an offender under 7345
division (D)(5) of this section, the prison term, subject to 7346
division (C) of section 2967.19 of the Revised Code, shall not be 7347
reduced pursuant to section 2929.20, section 2967.19, section 7348
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7349
of the Revised Code. A court shall not impose more than one prison 7350
term on an offender under division (D)(5) of this section for 7351
felonies committed as part of the same act. 7352

(6) If an offender is convicted of or pleads guilty to a 7353
violation of division (A)(1) or (2) of section 2903.06 of the 7354
Revised Code and also is convicted of or pleads guilty to a 7355
specification of the type described in section 2941.1415 of the 7356
Revised Code that charges that the offender previously has been 7357
convicted of or pleaded guilty to three or more violations of 7358
division (A) or (B) of section 4511.19 of the Revised Code or an 7359
equivalent offense, as defined in section 2941.1415 of the Revised 7360
Code, or three or more violations of any combination of those 7361
divisions and offenses, the court shall impose on the offender a 7362
prison term of three years. If a court imposes a prison term on an 7363
offender under division (D)(6) of this section, the prison term, 7364
subject to division (C) of section 2967.19 of the Revised Code, 7365
shall not be reduced pursuant to section 2929.20, section 2967.19, 7366
section 2967.193, or any other provision of Chapter 2967. or 7367
Chapter 5120. of the Revised Code. A court shall not impose more 7368
than one prison term on an offender under division (D)(6) of this 7369
section for felonies committed as part of the same act. 7370

(7)(a) If an offender is convicted of or pleads guilty to a 7371
felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 7372
2923.32, division (A)(1) or (2) of section 2907.323, or division 7373
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 7374

Code and also is convicted of or pleads guilty to a specification 7375
of the type described in section 2941.1422 of the Revised Code 7376
that charges that the offender knowingly committed the offense in 7377
furtherance of human trafficking, the court shall impose on the 7378
offender a mandatory prison term that is one of the following: 7379

(i) If the offense is a felony of the first degree, a 7380
definite prison term of not less than five years and not greater 7381
than ten years; 7382

(ii) If the offense is a felony of the second or third 7383
degree, a definite prison term of not less than three years and 7384
not greater than the maximum prison term allowed for the offense 7385
by division (A) of section 2929.14 of the Revised Code; 7386

(iii) If the offense is a felony of the fourth or fifth 7387
degree, a definite prison term that is the maximum prison term 7388
allowed for the offense by division (A) of section 2929.14 of the 7389
Revised Code. 7390

(b) The Subject to division (C) of section 2967.19 of the 7391
Revised Code, the prison term imposed under division (D)(7)(a) of 7392
this section shall not be reduced pursuant to section 2929.20, 7393
section 2967.19, section 2967.193, or any other provision of 7394
Chapter 2967. of the Revised Code. A court shall not impose more 7395
than one prison term on an offender under division (D)(7)(a) of 7396
this section for felonies committed as part of the same act, 7397
scheme, or plan. 7398

(8) If an offender is convicted of or pleads guilty to a 7399
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7400
Revised Code and also is convicted of or pleads guilty to a 7401
specification of the type described in section 2941.1423 of the 7402
Revised Code that charges that the victim of the violation was a 7403
woman whom the offender knew was pregnant at the time of the 7404
violation, notwithstanding the range of prison terms prescribed in 7405

division (A) of this section for felonies of the same degree as 7406
the violation, the court shall impose on the offender a mandatory 7407
prison term that is either a definite prison term of six months or 7408
one of the prison terms prescribed in section 2929.14 of the 7409
Revised Code for felonies of the same degree as the violation. 7410

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 7411
mandatory prison term is imposed upon an offender pursuant to 7412
division (D)(1)(a) of this section for having a firearm on or 7413
about the offender's person or under the offender's control while 7414
committing a felony, if a mandatory prison term is imposed upon an 7415
offender pursuant to division (D)(1)(c) of this section for 7416
committing a felony specified in that division by discharging a 7417
firearm from a motor vehicle, or if both types of mandatory prison 7418
terms are imposed, the offender shall serve any mandatory prison 7419
term imposed under either division consecutively to any other 7420
mandatory prison term imposed under either division or under 7421
division (D)(1)(d) of this section, consecutively to and prior to 7422
any prison term imposed for the underlying felony pursuant to 7423
division (A), (D)(2), or (D)(3) of this section or any other 7424
section of the Revised Code, and consecutively to any other prison 7425
term or mandatory prison term previously or subsequently imposed 7426
upon the offender. 7427

(b) If a mandatory prison term is imposed upon an offender 7428
pursuant to division (D)(1)(d) of this section for wearing or 7429
carrying body armor while committing an offense of violence that 7430
is a felony, the offender shall serve the mandatory term so 7431
imposed consecutively to any other mandatory prison term imposed 7432
under that division or under division (D)(1)(a) or (c) of this 7433
section, consecutively to and prior to any prison term imposed for 7434
the underlying felony under division (A), (D)(2), or (D)(3) of 7435
this section or any other section of the Revised Code, and 7436
consecutively to any other prison term or mandatory prison term 7437

previously or subsequently imposed upon the offender. 7438

(c) If a mandatory prison term is imposed upon an offender 7439
pursuant to division (D)(1)(f) of this section, the offender shall 7440
serve the mandatory prison term so imposed consecutively to and 7441
prior to any prison term imposed for the underlying felony under 7442
division (A), (D)(2), or (D)(3) of this section or any other 7443
section of the Revised Code, and consecutively to any other prison 7444
term or mandatory prison term previously or subsequently imposed 7445
upon the offender. 7446

(d) If a mandatory prison term is imposed upon an offender 7447
pursuant to division (D)(7) or (8) of this section, the offender 7448
shall serve the mandatory prison term so imposed consecutively to 7449
any other mandatory prison term imposed under that division or 7450
under any other provision of law and consecutively to any other 7451
prison term or mandatory prison term previously or subsequently 7452
imposed upon the offender. 7453

(2) If an offender who is an inmate in a jail, prison, or 7454
other residential detention facility violates section 2917.02, 7455
2917.03, ~~2921.34~~, or 2921.35 of the Revised Code or division 7456
(A)(1) or (2) of section 2921.34 of the Revised Code, if an 7457
offender who is under detention at a detention facility commits a 7458
felony violation of section 2923.131 of the Revised Code, or if an 7459
offender who is an inmate in a jail, prison, or other residential 7460
detention facility or is under detention at a detention facility 7461
commits another felony while the offender is an escapee in 7462
violation of division (A)(1) or (2) of section 2921.34 of the 7463
Revised Code, any prison term imposed upon the offender for one of 7464
those violations shall be served by the offender consecutively to 7465
the prison term or term of imprisonment the offender was serving 7466
when the offender committed that offense and to any other prison 7467
term previously or subsequently imposed upon the offender. 7468

(3) If a prison term is imposed for a violation of division 7469

(B) of section 2911.01 of the Revised Code, a violation of 7470
division (A) of section 2913.02 of the Revised Code in which the 7471
stolen property is a firearm or dangerous ordnance, or a felony 7472
violation of division (B) of section 2921.331 of the Revised Code, 7473
the offender shall serve that prison term consecutively to any 7474
other prison term or mandatory prison term previously or 7475
subsequently imposed upon the offender. 7476

(4) If multiple prison terms are imposed on an offender for 7477
convictions of multiple offenses, the court may require the 7478
offender to serve the prison terms consecutively if the court 7479
finds that the consecutive service is necessary to protect the 7480
public from future crime or to punish the offender and that 7481
consecutive sentences are not disproportionate to the seriousness 7482
of the offender's conduct and to the danger the offender poses to 7483
the public, and if the court also finds any of the following: 7484

(a) The offender committed one or more of the multiple 7485
offenses while the offender was awaiting trial or sentencing, was 7486
under a sanction imposed pursuant to section 2929.16, 2929.17, or 7487
2929.18 of the Revised Code, or was under post-release control for 7488
a prior offense. 7489

(b) At least two of the multiple offenses were committed as 7490
part of one or more courses of conduct, and the harm caused by two 7491
or more of the multiple offenses so committed was so great or 7492
unusual that no single prison term for any of the offenses 7493
committed as part of any of the courses of conduct adequately 7494
reflects the seriousness of the offender's conduct. 7495

(c) The offender's history of criminal conduct demonstrates 7496
that consecutive sentences are necessary to protect the public 7497
from future crime by the offender. 7498

(5) If a mandatory prison term is imposed upon an offender 7499
pursuant to division (D)(5) or (6) of this section, the offender 7500

shall serve the mandatory prison term consecutively to and prior 7501
to any prison term imposed for the underlying violation of 7502
division (A)(1) or (2) of section 2903.06 of the Revised Code 7503
pursuant to division (A) of this section or section 2929.142 of 7504
the Revised Code. If a mandatory prison term is imposed upon an 7505
offender pursuant to division (D)(5) of this section, and if a 7506
mandatory prison term also is imposed upon the offender pursuant 7507
to division (D)(6) of this section in relation to the same 7508
violation, the offender shall serve the mandatory prison term 7509
imposed pursuant to division (D)(5) of this section consecutively 7510
to and prior to the mandatory prison term imposed pursuant to 7511
division (D)(6) of this section and consecutively to and prior to 7512
any prison term imposed for the underlying violation of division 7513
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 7514
division (A) of this section or section 2929.142 of the Revised 7515
Code. 7516

(6) When consecutive prison terms are imposed pursuant to 7517
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 7518
of this section, the term to be served is the aggregate of all of 7519
the terms so imposed. 7520

(F)(1) If a court imposes a prison term for a felony of the 7521
first degree, for a felony of the second degree, for a felony sex 7522
offense, or for a felony of the third degree that is not a felony 7523
sex offense and in the commission of which the offender caused or 7524
threatened to cause physical harm to a person, it shall include in 7525
the sentence a requirement that the offender be subject to a 7526
period of post-release control after the offender's release from 7527
imprisonment, in accordance with that division. If a court imposes 7528
a sentence including a prison term of a type described in this 7529
division on or after July 11, 2006, the failure of a court to 7530
include a post-release control requirement in the sentence 7531
pursuant to this division does not negate, limit, or otherwise 7532

affect the mandatory period of post-release control that is 7533
required for the offender under division (B) of section 2967.28 of 7534
the Revised Code. Section 2929.191 of the Revised Code applies if, 7535
prior to July 11, 2006, a court imposed a sentence including a 7536
prison term of a type described in this division and failed to 7537
include in the sentence pursuant to this division a statement 7538
regarding post-release control. 7539

(2) If a court imposes a prison term for a felony of the 7540
third, fourth, or fifth degree that is not subject to division 7541
(F)(1) of this section, it shall include in the sentence a 7542
requirement that the offender be subject to a period of 7543
post-release control after the offender's release from 7544
imprisonment, in accordance with that division, if the parole 7545
board determines that a period of post-release control is 7546
necessary. Section 2929.191 of the Revised Code applies if, prior 7547
to July 11, 2006, a court imposed a sentence including a prison 7548
term of a type described in this division and failed to include in 7549
the sentence pursuant to this division a statement regarding 7550
post-release control. 7551

(G) The court shall impose sentence upon the offender in 7552
accordance with section 2971.03 of the Revised Code, and Chapter 7553
2971. of the Revised Code applies regarding the prison term or 7554
term of life imprisonment without parole imposed upon the offender 7555
and the service of that term of imprisonment if any of the 7556
following apply: 7557

(1) A person is convicted of or pleads guilty to a violent 7558
sex offense or a designated homicide, assault, or kidnapping 7559
offense, and, in relation to that offense, the offender is 7560
adjudicated a sexually violent predator. 7561

(2) A person is convicted of or pleads guilty to a violation 7562
of division (A)(1)(b) of section 2907.02 of the Revised Code 7563
committed on or after January 2, 2007, and either the court does 7564

not impose a sentence of life without parole when authorized 7565
pursuant to division (B) of section 2907.02 of the Revised Code, 7566
or division (B) of section 2907.02 of the Revised Code provides 7567
that the court shall not sentence the offender pursuant to section 7568
2971.03 of the Revised Code. 7569

(3) A person is convicted of or pleads guilty to attempted 7570
rape committed on or after January 2, 2007, and a specification of 7571
the type described in section 2941.1418, 2941.1419, or 2941.1420 7572
of the Revised Code. 7573

(4) A person is convicted of or pleads guilty to a violation 7574
of section 2905.01 of the Revised Code committed on or after 7575
January 1, 2008, and that section requires the court to sentence 7576
the offender pursuant to section 2971.03 of the Revised Code. 7577

(5) A person is convicted of or pleads guilty to aggravated 7578
murder committed on or after January 1, 2008, and division 7579
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 7580
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 7581
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 7582
2929.06 of the Revised Code requires the court to sentence the 7583
offender pursuant to division (B)(3) of section 2971.03 of the 7584
Revised Code. 7585

(6) A person is convicted of or pleads guilty to murder 7586
committed on or after January 1, 2008, and division (B)(2) of 7587
section 2929.02 of the Revised Code requires the court to sentence 7588
the offender pursuant to section 2971.03 of the Revised Code. 7589

(H) If a person who has been convicted of or pleaded guilty 7590
to a felony is sentenced to a prison term or term of imprisonment 7591
under this section, sections 2929.02 to 2929.06 of the Revised 7592
Code, section 2929.142 of the Revised Code, section 2971.03 of the 7593
Revised Code, or any other provision of law, section 5120.163 of 7594
the Revised Code applies regarding the person while the person is 7595

confined in a state correctional institution. 7596

(I) If an offender who is convicted of or pleads guilty to a 7597
felony that is an offense of violence also is convicted of or 7598
pleads guilty to a specification of the type described in section 7599
2941.142 of the Revised Code that charges the offender with having 7600
committed the felony while participating in a criminal gang, the 7601
court shall impose upon the offender an additional prison term of 7602
one, two, or three years. 7603

(J)(1) If an offender who is convicted of or pleads guilty to 7604
aggravated murder, murder, or a felony of the first, second, or 7605
third degree that is an offense of violence also is convicted of 7606
or pleads guilty to a specification of the type described in 7607
section 2941.143 of the Revised Code that charges the offender 7608
with having committed the offense in a school safety zone or 7609
towards a person in a school safety zone, the court shall impose 7610
upon the offender an additional prison term of two years. The 7611
offender shall serve the additional two years consecutively to and 7612
prior to the prison term imposed for the underlying offense. 7613

(2)(a) If an offender is convicted of or pleads guilty to a 7614
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 7615
of the Revised Code and to a specification of the type described 7616
in section 2941.1421 of the Revised Code and if the court imposes 7617
a prison term on the offender for the felony violation, the court 7618
may impose upon the offender an additional prison term as follows: 7619

(i) Subject to division (J)(2)(a)(ii) of this section, an 7620
additional prison term of one, two, three, four, five, or six 7621
months; 7622

(ii) If the offender previously has been convicted of or 7623
pleaded guilty to one or more felony or misdemeanor violations of 7624
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 7625
Revised Code and also was convicted of or pleaded guilty to a 7626

specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (J)(2)(a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (J)(2)(a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(K) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or

make no recommendation on placement of the offender. In no case 7659
shall the department of rehabilitation and correction place the 7660
offender in a program or prison of that nature unless the 7661
department determines as specified in section 5120.031 or 5120.032 7662
of the Revised Code, whichever is applicable, that the offender is 7663
eligible for the placement. 7664

If the court disapproves placement of the offender in a 7665
program or prison of that nature, the department of rehabilitation 7666
and correction shall not place the offender in any program of 7667
shock incarceration or intensive program prison. 7668

If the court recommends placement of the offender in a 7669
program of shock incarceration or in an intensive program prison, 7670
and if the offender is subsequently placed in the recommended 7671
program or prison, the department shall notify the court of the 7672
placement and shall include with the notice a brief description of 7673
the placement. 7674

If the court recommends placement of the offender in a 7675
program of shock incarceration or in an intensive program prison 7676
and the department does not subsequently place the offender in the 7677
recommended program or prison, the department shall send a notice 7678
to the court indicating why the offender was not placed in the 7679
recommended program or prison. 7680

If the court does not make a recommendation under this 7681
division with respect to an offender and if the department 7682
determines as specified in section 5120.031 or 5120.032 of the 7683
Revised Code, whichever is applicable, that the offender is 7684
eligible for placement in a program or prison of that nature, the 7685
department shall screen the offender and determine if there is an 7686
available program of shock incarceration or an intensive program 7687
prison for which the offender is suited. If there is an available 7688
program of shock incarceration or an intensive program prison for 7689
which the offender is suited, the department shall notify the 7690

court of the proposed placement of the offender as specified in 7691
section 5120.031 or 5120.032 of the Revised Code and shall include 7692
with the notice a brief description of the placement. The court 7693
shall have ten days from receipt of the notice to disapprove the 7694
placement. 7695

(L) If a person is convicted of or pleads guilty to 7696
aggravated vehicular homicide in violation of division (A)(1) of 7697
section 2903.06 of the Revised Code and division (B)(2)(c) of that 7698
section applies, the person shall be sentenced pursuant to section 7699
2929.142 of the Revised Code. 7700

Sec. 2929.20. (A) As used in this section: 7701

(1)(a) Except as provided in division (A)(1)(b) of this 7702
section, "eligible offender" means any person who, on or after 7703
April 7, 2009, is serving a stated prison term of that includes 7704
one or more nonmandatory prison terms that in the aggregate are 7705
ten years or less ~~when either of the following applies:~~ 7706

~~(i) The stated prison term does not include a mandatory~~ 7707
~~prison term.~~ 7708

~~(ii) The stated prison term includes a mandatory prison term,~~ 7709
~~and the person has served the mandatory prison term.~~ 7710

(b) "Eligible offender" does not include any person who, on 7711
or after April 7, 2009, is serving a stated prison term for any of 7712
the following criminal offenses that was a felony and was 7713
committed while the person held a public office in this state: 7714

(i) A violation of section 2921.02, 2921.03, 2921.05, 7715
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 7716
Code; 7717

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 7718
2921.12 of the Revised Code, when the conduct constituting the 7719
violation was related to the duties of the offender's public 7720

office or to the offender's actions as a public official holding 7721
that public office; 7722

(iii) A violation of an existing or former municipal 7723
ordinance or law of this or any other state or the United States 7724
that is substantially equivalent to any violation listed in 7725
division (A)(1)(b)(i) of this section; 7726

(iv) A violation of an existing or former municipal ordinance 7727
or law of this or any other state or the United States that is 7728
substantially equivalent to any violation listed in division 7729
(A)(1)(b)(ii) of this section, when the conduct constituting the 7730
violation was related to the duties of the offender's public 7731
office or to the offender's actions as a public official holding 7732
that public office; 7733

(v) A conspiracy to commit, attempt to commit, or complicity 7734
in committing any offense listed in division (A)(1)(b)(i) or 7735
described in division (A)(1)(b)(iii) of this section; 7736

(vi) A conspiracy to commit, attempt to commit, or complicity 7737
in committing any offense listed in division (A)(1)(b)(ii) or 7738
described in division (A)(1)(b)(iv) of this section, if the 7739
conduct constituting the offense that was the subject of the 7740
conspiracy, that would have constituted the offense attempted, or 7741
constituting the offense in which the offender was complicit was 7742
or would have been related to the duties of the offender's public 7743
office or to the offender's actions as a public official holding 7744
that public office. 7745

(2) "Nonmandatory prison term" means a prison term that is 7746
not a mandatory prison term. 7747

(3) "Public office" means any elected federal, state, or 7748
local government office in this state. 7749

(B) On the motion of an eligible offender or upon its own 7750
motion, the sentencing court may reduce the eligible offender's 7751

~~stated aggregated nonmandatory prison term or terms of ten years~~ 7752
~~or less~~ through a judicial release under this section. 7753

(C) An eligible offender may file a motion for judicial 7754
release with the sentencing court within the following applicable 7755
periods: 7756

(1) If the ~~stated aggregated nonmandatory prison term or~~ 7757
~~terms~~ is less than two years, the eligible offender may file the 7758
motion ~~not earlier than thirty days~~ after the offender is 7759
~~delivered to a state correctional institution or, if the prison~~ 7760
~~term includes a mandatory prison term or terms, not earlier than~~ 7761
~~has served~~ thirty days after the expiration of all mandatory 7762
~~prison terms~~ of the aggregated nonmandatory prison term or terms. 7763

(2) If the ~~stated aggregated nonmandatory prison term or~~ 7764
~~terms~~ is at least two years but less than five years, the eligible 7765
offender may file the motion ~~not earlier than one hundred eighty~~ 7766
~~days~~ after the offender is ~~delivered to a state correctional~~ 7767
~~institution or, if the prison term includes a mandatory prison~~ 7768
~~term or terms, not earlier than~~ has served one hundred eighty days 7769
~~after the expiration of all mandatory prison terms~~ of the 7770
aggregated nonmandatory prison term or terms. 7771

(3) If the aggregated nonmandatory prison term or terms is 7772
five years, the eligible offender may file the motion after the 7773
eligible offender has served four years of the aggregated 7774
nonmandatory prison term or terms. 7775

(4) If the ~~stated aggregated nonmandatory prison term or~~ 7776
~~terms~~ is more than five years ~~or more~~ but not more than ten years, 7777
the eligible offender may file the motion ~~not earlier than five~~ 7778
~~years~~ after the eligible offender is ~~delivered to a state~~ 7779
~~correctional institution or, if the prison term includes a~~ 7780
~~mandatory prison term or terms, not earlier than~~ has served five 7781
~~years after the expiration of all mandatory prison~~ of the 7782

aggregated nonmandatory prison term or terms. 7783

(D) Upon receipt of a timely motion for judicial release 7784
filed by an eligible offender under division (C) of this section 7785
or upon the sentencing court's own motion made within the 7786
appropriate time specified in that division, the court may deny 7787
the motion without a hearing or schedule a hearing on the motion. 7788
The court shall not grant the motion without a hearing. If a court 7789
denies a motion without a hearing, the court later may consider 7790
judicial release for that eligible offender on a subsequent motion 7791
filed by that eligible offender unless the court denies the motion 7792
with prejudice. If a court denies a motion with prejudice, the 7793
court may later consider judicial release on its own motion. If a 7794
court denies a motion after a hearing, the court shall not 7795
consider a subsequent motion for that eligible offender. The court 7796
shall hold only one hearing for any eligible offender. 7797

A hearing under this section shall be conducted in open court 7798
within sixty days after the motion is filed, provided that the 7799
court may delay the hearing for one hundred eighty additional 7800
days. If the court holds a hearing, the court shall enter a ruling 7801
on the motion within ten days after the hearing. If the court 7802
denies the motion without a hearing, the court shall enter its 7803
ruling on the motion within sixty days after the motion is filed. 7804

(E) If a court schedules a hearing under division (D) of this 7805
section, the court shall notify the eligible offender and the head 7806
of the state correctional institution in which the eligible 7807
offender is confined prior to the hearing. The head of the state 7808
correctional institution immediately shall notify the appropriate 7809
person at the department of rehabilitation and correction of the 7810
hearing, and the department within twenty-four hours after receipt 7811
of the notice, shall post on the database it maintains pursuant to 7812
section 5120.66 of the Revised Code the offender's name and all of 7813
the information specified in division (A)(1)(c)(i) of that 7814

section. If the court schedules a hearing for judicial release, 7815
the court promptly shall give notice of the hearing to the 7816
prosecuting attorney of the county in which the eligible offender 7817
was indicted. Upon receipt of the notice from the court, the 7818
prosecuting attorney shall notify the victim of the offense or the 7819
victim's representative pursuant to section 2930.16 of the Revised 7820
Code. 7821

(F) Upon an offender's successful completion of 7822
rehabilitative activities, the head of the state correctional 7823
institution may notify the sentencing court of the successful 7824
completion of the activities. 7825

(G) Prior to the date of the hearing on a motion for judicial 7826
release under this section, the head of the state correctional 7827
institution in which the eligible offender is confined shall send 7828
to the court a report on the eligible offender's conduct in the 7829
institution and in any institution from which the eligible 7830
offender may have been transferred. The report shall cover the 7831
eligible offender's participation in school, vocational training, 7832
work, treatment, and other rehabilitative activities and any 7833
disciplinary action taken against the eligible offender. The 7834
report shall be made part of the record of the hearing. 7835

(H) If the court grants a hearing on a motion for judicial 7836
release under this section, the eligible offender shall attend the 7837
hearing if ordered to do so by the court. Upon receipt of a copy 7838
of the journal entry containing the order, the head of the state 7839
correctional institution in which the eligible offender is 7840
incarcerated shall deliver the eligible offender to the sheriff of 7841
the county in which the hearing is to be held. The sheriff shall 7842
convey the eligible offender to and from the hearing. 7843

(I) At the hearing on a motion for judicial release under 7844
this section, the court shall afford the eligible offender and the 7845
eligible offender's attorney an opportunity to present written 7846

and, if present, oral information relevant to the motion. The 7847
court shall afford a similar opportunity to the prosecuting 7848
attorney, the victim or the victim's representative, as defined in 7849
section 2930.01 of the Revised Code, and any other person the 7850
court determines is likely to present additional relevant 7851
information. The court shall consider any statement of a victim 7852
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 7853
any victim impact statement prepared pursuant to section 2947.051 7854
of the Revised Code, and any report made under division (G) of 7855
this section. The court may consider any written statement of any 7856
person submitted to the court pursuant to division (L) of this 7857
section. After ruling on the motion, the court shall notify the 7858
victim of the ruling in accordance with sections 2930.03 and 7859
2930.16 of the Revised Code. 7860

(J)(1) A court shall not grant a judicial release under this 7861
section to an eligible offender who is imprisoned for a felony of 7862
the first or second degree, or to an eligible offender who 7863
committed an offense under Chapter 2925. or 3719. of the Revised 7864
Code and for whom there was a presumption under section 2929.13 of 7865
the Revised Code in favor of a prison term, unless the court, with 7866
reference to factors under section 2929.12 of the Revised Code, 7867
finds both of the following: 7868

(a) That a sanction other than a prison term would adequately 7869
punish the offender and protect the public from future criminal 7870
violations by the eligible offender because the applicable factors 7871
indicating a lesser likelihood of recidivism outweigh the 7872
applicable factors indicating a greater likelihood of recidivism; 7873

(b) That a sanction other than a prison term would not demean 7874
the seriousness of the offense because factors indicating that the 7875
eligible offender's conduct in committing the offense was less 7876
serious than conduct normally constituting the offense outweigh 7877
factors indicating that the eligible offender's conduct was more 7878

serious than conduct normally constituting the offense. 7879

(2) A court that grants a judicial release to an eligible 7880
offender under division (J)(1) of this section shall specify on 7881
the record both findings required in that division and also shall 7882
list all the factors described in that division that were 7883
presented at the hearing. 7884

(K) If the court grants a motion for judicial release under 7885
this section, the court shall order the release of the eligible 7886
offender, shall place the eligible offender under an appropriate 7887
community control sanction, under appropriate conditions, and 7888
under the supervision of the department of probation serving the 7889
court and shall reserve the right to reimpose the sentence that it 7890
reduced if the offender violates the sanction. If the court 7891
reimposes the reduced sentence, it may do so either concurrently 7892
with, or consecutive to, any new sentence imposed upon the 7893
eligible offender as a result of the violation that is a new 7894
offense. The period of community control shall be no longer than 7895
five years. The court, in its discretion, may reduce the period of 7896
community control by the amount of time the eligible offender 7897
spent in jail or prison for the offense and in prison. If the 7898
court made any findings pursuant to division (J)(1) of this 7899
section, the court shall serve a copy of the findings upon counsel 7900
for the parties within fifteen days after the date on which the 7901
court grants the motion for judicial release. 7902

If the court grants a motion for judicial release, the court 7903
shall notify the appropriate person at the department of 7904
rehabilitation and correction, and the department shall post 7905
notice of the release on the database it maintains pursuant to 7906
section 5120.66 of the Revised Code. 7907

(L) In addition to and independent of the right of a victim 7908
to make a statement pursuant to section 2930.14, 2930.17, or 7909
2946.051 of the Revised Code and any right of a person to present 7910

written information or make a statement pursuant to division (I) 7911
of this section, any person may submit to the court, at any time 7912
prior to the hearing on the offender's motion for judicial 7913
release, a written statement concerning the effects of the 7914
offender's crime or crimes, the circumstances surrounding the 7915
crime or crimes, the manner in which the crime or crimes were 7916
perpetrated, and the person's opinion as to whether the offender 7917
should be released. 7918

(M) The changes to this section that are made on the 7919
effective date of this division apply to any judicial release 7920
decision made on or after the effective date of this division for 7921
any eligible offender. 7922

Sec. 2929.26. (A) Except when a mandatory jail term is 7923
required by law, the court imposing a sentence for a misdemeanor, 7924
other than a minor misdemeanor, may impose upon the offender any 7925
community residential sanction or combination of community 7926
residential sanctions under this section. Community residential 7927
sanctions include, but are not limited to, the following: 7928

(1) A term of up to one hundred eighty days in a halfway 7929
house or a term in a halfway house not to exceed the longest jail 7930
term available for the offense, whichever is shorter, if the 7931
political subdivision that would have responsibility for paying 7932
the costs of confining the offender in a jail has entered into a 7933
contract with the halfway house for use of the facility for 7934
misdemeanor offenders; 7935

(2) A term of up to one hundred eighty days in an alternative 7936
residential facility or a term in an alternative residential 7937
facility not to exceed the longest jail term available for the 7938
offense, whichever is shorter. The court may specify the level of 7939
security in the alternative residential facility that is needed 7940
for the offender. 7941

(3) If the offender is an eligible offender, as defined in 7942
section 307.932 of the Revised Code, a term of up to thirty days 7943
in a community alternative sentencing center or district community 7944
alternative sentencing center established and operated in 7945
accordance with that section, in the circumstances specified in 7946
that section, with one of the conditions of the sanction being 7947
that the offender complete in the center the entire term imposed. 7948

(B) The A sentence to a community residential sanction under 7949
division (A)(3) of this section shall be in accordance with 7950
section 307.932 of the Revised Code. In all other cases, the court 7951
that sentences an offender to a community residential sanction 7952
under this section may do either or both of the following: 7953

(1) Permit the offender to serve the offender's sentence in 7954
intermittent confinement, overnight, on weekends or at any other 7955
time or times that will allow the offender to continue at the 7956
offender's occupation or care for the offender's family; 7957

(2) Authorize the offender to be released so that the 7958
offender may seek or maintain employment, receive education or 7959
training, receive treatment, perform community service, or 7960
otherwise fulfill an obligation imposed by law or by the court. A 7961
release pursuant to this division shall be only for the duration 7962
of time that is needed to fulfill the purpose of the release and 7963
for travel that reasonably is necessary to fulfill the purposes of 7964
the release. 7965

(C) The court may order that a reasonable portion of the 7966
income earned by the offender upon a release pursuant to division 7967
(B) of this section be applied to any financial sanction imposed 7968
under section 2929.28 of the Revised Code. 7969

(D) No court shall sentence any person to a prison term for a 7970
misdemeanor or minor misdemeanor or to a jail term for a minor 7971
misdemeanor. 7972

(E) If a court sentences a person who has been convicted of or pleaded guilty to a misdemeanor to a community residential sanction as described in division (A) of this section, at the time of reception and at other times the person in charge of the operation of the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction determines to be appropriate, the person in charge of the operation of the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction may cause a convicted offender in the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

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

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life

imprisonment or a prison term pursuant to that conviction shall 8005
serve that term in an institution under the control of the 8006
department of rehabilitation and correction. 8007

(B)(1) A person who is convicted of or pleads guilty to a 8008
felony other than aggravated murder, murder, or an offense 8009
punishable by life imprisonment and who is sentenced to a term of 8010
imprisonment or a prison term pursuant to that conviction shall 8011
serve that term as follows: 8012

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 8013
section, in an institution under the control of the department of 8014
rehabilitation and correction if the term is a prison term or as 8015
otherwise determined by the sentencing court pursuant to section 8016
2929.16 of the Revised Code if the term is not a prison term; 8017

(b) In a facility of a type described in division (G)(1) of 8018
section 2929.13 of the Revised Code, if the offender is sentenced 8019
pursuant to that division. 8020

(2) If the term is a prison term, the person may be 8021
imprisoned in a jail that is not a minimum security jail pursuant 8022
to agreement under section 5120.161 of the Revised Code between 8023
the department of rehabilitation and correction and the local 8024
authority that operates the jail. 8025

(C) A person who is convicted of or pleads guilty to one or 8026
more misdemeanors and who is sentenced to a jail term or term of 8027
imprisonment pursuant to the conviction or convictions shall serve 8028
that term in a county, multicounty, municipal, municipal-county, 8029
or multicounty-municipal jail or workhouse; in a community 8030
alternative sentencing center or district community alternative 8031
sentencing center when authorized by section 307.932 of the 8032
Revised Code; or, if the misdemeanor or misdemeanors are not 8033
offenses of violence, in a minimum security jail. 8034

(D) Nothing in this section prohibits the commitment, 8035
referral, or sentencing of a person who is convicted of or pleads 8036
guilty to a felony to a community-based correctional facility. 8037

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in 8038
a case who has requested to receive notice under this section 8039
shall be given notice of the incarceration of the defendant. If an 8040
alleged juvenile offender is committed to the temporary custody of 8041
a school, camp, institution, or other facility operated for the 8042
care of delinquent children or to the legal custody of the 8043
department of youth services, a victim in a case who has requested 8044
to receive notice under this section shall be given notice of the 8045
commitment. Promptly after sentence is imposed upon the defendant 8046
or the commitment of the alleged juvenile offender is ordered, the 8047
prosecutor in the case shall notify the victim of the date on 8048
which the defendant will be released from confinement or the 8049
prosecutor's reasonable estimate of that date or the date on which 8050
the alleged juvenile offender will have served the minimum period 8051
of commitment or the prosecutor's reasonable estimate of that 8052
date. The prosecutor also shall notify the victim of the name of 8053
the custodial agency of the defendant or alleged juvenile offender 8054
and tell the victim how to contact that custodial agency. If the 8055
custodial agency is the department of rehabilitation and 8056
correction, the prosecutor shall notify the victim of the services 8057
offered by the office of victims' services pursuant to section 8058
5120.60 of the Revised Code. If the custodial agency is the 8059
department of youth services, the prosecutor shall notify the 8060
victim of the services provided by the office of victims' services 8061
within the release authority of the department pursuant to section 8062
5139.55 of the Revised Code and the victim's right pursuant to 8063
section 5139.56 of the Revised Code to submit a written request to 8064
the release authority to be notified of actions the release 8065
authority takes with respect to the alleged juvenile offender. The 8066

victim shall keep the custodial agency informed of the victim's 8067
current address and telephone number. 8068

(B)(1) Upon the victim's request, the prosecutor promptly 8069
shall notify the victim of any hearing for judicial release of the 8070
defendant pursuant to section 2929.20 of the Revised Code, of any 8071
hearing for release of the defendant pursuant to section 2967.19 8072
of the Revised Code, or of any hearing for judicial release or 8073
early release of the alleged juvenile offender pursuant to section 8074
2151.38 of the Revised Code and of the victim's right to make a 8075
statement under those sections. The court shall notify the victim 8076
of its ruling in each of those hearings and on each of those 8077
applications. 8078

(2) If an offender is sentenced to a prison term pursuant to 8079
division (A)(3) or (B) of section 2971.03 of the Revised Code, 8080
upon the request of the victim of the crime, the prosecutor 8081
promptly shall notify the victim of any hearing to be conducted 8082
pursuant to section 2971.05 of the Revised Code to determine 8083
whether to modify the requirement that the offender serve the 8084
entire prison term in a state correctional facility in accordance 8085
with division (C) of that section, whether to continue, revise, or 8086
revoke any existing modification of that requirement, or whether 8087
to terminate the prison term in accordance with division (D) of 8088
that section. The court shall notify the victim of any order 8089
issued at the conclusion of the hearing. 8090

(C) Upon the victim's request made at any time before the 8091
particular notice would be due, the custodial agency of a 8092
defendant or alleged juvenile offender shall give the victim any 8093
of the following notices that is applicable: 8094

(1) At least three weeks before the adult parole authority 8095
recommends a pardon or commutation of sentence for the defendant 8096
or at least three weeks prior to a hearing before the adult parole 8097
authority regarding a grant of parole to the defendant, notice of 8098

the victim's right to submit a statement regarding the impact of 8099
the defendant's release in accordance with section 2967.12 of the 8100
Revised Code and, if applicable, of the victim's right to appear 8101
at a full board hearing of the parole board to give testimony as 8102
authorized by section 5149.101 of the Revised Code; 8103

(2) At least three weeks before the defendant is transferred 8104
to transitional control under section 2967.26 of the Revised Code, 8105
notice of the pendency of the transfer and of the victim's right 8106
under that section to submit a statement regarding the impact of 8107
the transfer; 8108

(3) At least thirty days before the release authority of the 8109
department of youth services holds a release review, release 8110
hearing, or discharge review for the alleged juvenile offender, 8111
notice of the pendency of the review or hearing, of the victim's 8112
right to make an oral or written statement regarding the impact of 8113
the crime upon the victim or regarding the possible release or 8114
discharge, and, if the notice pertains to a hearing, of the 8115
victim's right to attend and make statements or comments at the 8116
hearing as authorized by section 5139.56 of the Revised Code; 8117

(4) Prompt notice of the defendant's or alleged juvenile 8118
offender's escape from a facility of the custodial agency in which 8119
the defendant was incarcerated or in which the alleged juvenile 8120
offender was placed after commitment, of the defendant's or 8121
alleged juvenile offender's absence without leave from a mental 8122
health or mental retardation and developmental disabilities 8123
facility or from other custody, and of the capture of the 8124
defendant or alleged juvenile offender after an escape or absence; 8125

(5) Notice of the defendant's or alleged juvenile offender's 8126
death while in confinement or custody; 8127

(6) Notice of the defendant's or alleged juvenile offender's 8128
release from confinement or custody and the terms and conditions 8129

of the release. 8130

Sec. 2930.17. (A) In determining whether to grant a judicial 8131
release to a defendant from a prison term pursuant to section 8132
2929.20 of the Revised Code at a time before the defendant's 8133
stated prison term expires, in determining whether to grant a 8134
release to an offender from a prison term pursuant to section 8135
2967.19 of the Revised Code at a time before the offender's stated 8136
prison term expires, or in determining whether to grant a judicial 8137
release or early release to an alleged juvenile offender from a 8138
commitment to the department of youth services pursuant to section 8139
2151.38 of the Revised Code, the court shall permit a victim of a 8140
crime or specified delinquent act for which the defendant or 8141
alleged juvenile offender was incarcerated or committed to make a 8142
statement, in addition to any other statement made under this 8143
chapter, concerning the effects of that crime or specified 8144
delinquent act on the victim, the circumstances surrounding the 8145
crime or specified delinquent act, the manner in which the crime 8146
or specified delinquent act was perpetrated, and the victim's 8147
opinion whether the defendant or alleged juvenile offender should 8148
be released. The victim may make the statement in writing or 8149
orally, at the court's discretion. The court shall give the 8150
defendant or alleged juvenile offender and either the adult parole 8151
authority or the department of youth services, whichever is 8152
applicable, a copy of any written impact statement made by the 8153
victim under this division. 8154

(B) In deciding whether to grant a judicial release or early 8155
release to the defendant or alleged juvenile offender, the court 8156
shall consider a statement made by the victim under division (A) 8157
of this section or section 2930.14 or 2947.051 of the Revised 8158
Code. 8159

Sec. 2950.99. (A)(1)(a) Except as otherwise provided in 8160

division (A)(1)(b) of this section, whoever violates a prohibition 8161
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 8162
Code shall be punished as follows: 8163

(i) If the most serious sexually oriented offense that was 8164
the basis of the registration, notice of intent to reside, change 8165
of address notification, or address verification requirement that 8166
was violated under the prohibition is aggravated murder or murder 8167
if committed by an adult or a comparable category of offense 8168
committed in another jurisdiction, the offender is guilty of a 8169
felony of the first degree. 8170

(ii) If the most serious sexually oriented offense or 8171
child-victim oriented offense that was the basis of the 8172
registration, notice of intent to reside, change of address 8173
notification, or address verification requirement that was 8174
violated under the prohibition is a felony of the first, second, 8175
third, or fourth degree if committed by an adult or a comparable 8176
category of offense committed in another jurisdiction, the 8177
offender is guilty of a felony of the same degree as the most 8178
serious sexually oriented offense or child-victim oriented offense 8179
that was the basis of the registration, notice of intent to 8180
reside, change of address, or address verification requirement 8181
that was violated under the prohibition, or, if the most serious 8182
sexually oriented offense or child-victim oriented offense that 8183
was the basis of the registration, notice of intent to reside, 8184
change of address, or address verification requirement that was 8185
violated under the prohibition is a comparable category of offense 8186
committed in another jurisdiction, the offender is guilty of a 8187
felony of the same degree as that offense committed in the other 8188
jurisdiction would constitute if committed in this state. 8189

(iii) If the most serious sexually oriented offense or 8190
child-victim oriented offense that was the basis of the 8191
registration, notice of intent to reside, change of address 8192

notification, or address verification requirement that was 8193
violated under the prohibition is a felony of the fifth degree or 8194
a misdemeanor if committed by an adult or a comparable category of 8195
offense committed in another jurisdiction, the offender is guilty 8196
of a felony of the fourth degree. 8197

(b) If the offender previously has been convicted of or 8198
pleaded guilty to, or previously has been adjudicated a delinquent 8199
child for committing, a violation of a prohibition in section 8200
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 8201
whoever violates a prohibition in section 2950.04, 2950.041, 8202
2950.05, or 2950.06 of the Revised Code shall be punished as 8203
follows: 8204

(i) If the most serious sexually oriented offense that was 8205
the basis of the registration, notice of intent to reside, change 8206
of address notification, or address verification requirement that 8207
was violated under the prohibition is aggravated murder or murder 8208
if committed by an adult or a comparable category of offense 8209
committed in another jurisdiction, the offender is guilty of a 8210
felony of the first degree. 8211

(ii) If the most serious sexually oriented offense or 8212
child-victim oriented offense that was the basis of the 8213
registration, notice of intent to reside, change of address 8214
notification, or address verification requirement that was 8215
violated under the prohibition is a felony of the first, second, 8216
or third degree if committed by an adult or a comparable category 8217
of offense committed in another jurisdiction, the offender is 8218
guilty of a felony of the same degree as the most serious sexually 8219
oriented offense or child-victim oriented offense that was the 8220
basis of the registration, notice of intent to reside, change of 8221
address, or address verification requirement that was violated 8222
under the prohibition, or, if the most serious sexually oriented 8223
offense or child-victim oriented offense that was the basis of the 8224

registration, notice of intent to reside, change of address, or 8225
address verification requirement that was violated under the 8226
prohibition is a comparable category of offense committed in 8227
another jurisdiction, the offender is guilty of a felony of the 8228
same degree as that offense committed in the other jurisdiction 8229
would constitute if committed in this state. 8230

(iii) If the most serious sexually oriented offense or 8231
child-victim oriented offense that was the basis of the 8232
registration, notice of intent to reside, change of address 8233
notification, or address verification requirement that was 8234
violated under the prohibition is a felony of the fourth or fifth 8235
degree if committed by an adult or a comparable category of 8236
offense committed in another jurisdiction, the offender is guilty 8237
of a felony of the third degree. 8238

(iv) If the most serious sexually oriented offense or 8239
child-victim oriented offense that was the basis of the 8240
registration, notice of intent to reside, change of address 8241
notification, or address verification requirement that was 8242
violated under the prohibition is a misdemeanor if committed by an 8243
adult or a comparable category of offense committed in another 8244
jurisdiction, the offender is guilty of a felony of the fourth 8245
degree. 8246

(2)(a) In addition to any penalty or sanction imposed under 8247
division (A)(1) of this section or any other provision of law for 8248
a violation of a prohibition in section 2950.04, 2950.041, 8249
2950.05, or 2950.06 of the Revised Code, if the offender or 8250
delinquent child is subject to a community control sanction, is on 8251
parole, is subject to one or more post-release control sanctions, 8252
or is subject to any other type of supervised release at the time 8253
of the violation, the violation shall constitute a violation of 8254
the terms and conditions of the community control sanction, 8255
parole, post-release control sanction, or other type of supervised 8256

release. 8257

(b) In addition to any penalty or sanction imposed under 8258
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 8259
provision of law for a violation of a prohibition in section 8260
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 8261
offender previously has been convicted of or pleaded guilty to, or 8262
previously has been adjudicated a delinquent child for committing, 8263
a violation of a prohibition in section 2950.04, 2950.041, 8264
2950.05, or 2950.06 of the Revised Code when the most serious 8265
sexually oriented offense or child-victim oriented offense that 8266
was the basis of the requirement that was violated under the 8267
prohibition is a felony if committed by an adult or a comparable 8268
category of offense committed in another jurisdiction, the court 8269
imposing a sentence upon the offender shall impose a definite 8270
prison term of no less than three years. The definite prison term 8271
imposed under this section is not restricted by division (B) of 8272
section 2929.14 of the Revised Code and, subject to division (C) 8273
of section 2967.19 of the Revised Code, shall not be reduced to 8274
less than three years pursuant to any provision of Chapter 2967. 8275
or any other provision of the Revised Code. 8276

(3) As used in division (A)(1) of this section, "comparable 8277
category of offense committed in another jurisdiction" means a 8278
sexually oriented offense or child-victim oriented offense that 8279
was the basis of the registration, notice of intent to reside, 8280
change of address notification, or address verification 8281
requirement that was violated, that is a violation of an existing 8282
or former law of another state or the United States, an existing 8283
or former law applicable in a military court or in an Indian 8284
tribal court, or an existing or former law of any nation other 8285
than the United States, and that, if it had been committed in this 8286
state, would constitute or would have constituted aggravated 8287
murder or murder for purposes of division (A)(1)(a)(i) of this 8288

section, a felony of the first, second, third, or fourth degree 8289
for purposes of division (A)(1)(a)(ii) of this section, a felony 8290
of the fifth degree or a misdemeanor for purposes of division 8291
(A)(1)(a)(iii) of this section, aggravated murder or murder for 8292
purposes of division (A)(1)(b)(i) of this section, a felony of the 8293
first, second, or third degree for purposes of division 8294
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 8295
degree for purposes of division (A)(1)(b)(iii) of this section, or 8296
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 8297
section. 8298

(B) If a person violates a prohibition in section 2950.04, 8299
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 8300
the person as a result of the person being adjudicated a 8301
delinquent child and being classified a juvenile offender 8302
registrant or an out-of-state juvenile offender registrant, both 8303
of the following apply: 8304

(1) If the violation occurs while the person is under 8305
eighteen years of age, the person is subject to proceedings under 8306
Chapter 2152. of the Revised Code based on the violation. 8307

(2) If the violation occurs while the person is eighteen 8308
years of age or older, the person is subject to criminal 8309
prosecution based on the violation. 8310

(C) Whoever violates division (C) of section 2950.13 of the 8311
Revised Code is guilty of a misdemeanor of the first degree. 8312

Sec. 2951.041. (A)(1) If an offender is charged with a 8313
criminal offense, including but not limited to a violation of 8314
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 8315
the Revised Code, and the court has reason to believe that drug or 8316
alcohol usage by the offender was a factor leading to the 8317
offender's criminal offense with which the offender is charged or 8318
that, at the time of committing that offense, the offender had a 8319

mental illness or was a mentally retarded person and that the 8320
mental illness or status as a mentally retarded person was a 8321
factor leading to the offender's criminal behavior, the court may 8322
accept, prior to the entry of a guilty plea, the offender's 8323
request for intervention in lieu of conviction. The request shall 8324
include a statement from the offender as to whether the offender 8325
is alleging that drug or alcohol usage by the offender was a 8326
factor leading to the criminal offense with which the offender is 8327
charged or is alleging that, at the time of committing that 8328
offense, the offender had a mental illness or was a mentally 8329
retarded person and that the mental illness or status as a 8330
mentally retarded person was a factor leading to the criminal 8331
offense with which the offender is charged. The request also shall 8332
include a waiver of the defendant's right to a speedy trial, the 8333
preliminary hearing, the time period within which the grand jury 8334
may consider an indictment against the offender, and arraignment, 8335
unless the hearing, indictment, or arraignment has already 8336
occurred. The court may reject an offender's request without a 8337
hearing. If the court elects to consider an offender's request, 8338
the court shall conduct a hearing to determine whether the 8339
offender is eligible under this section for intervention in lieu 8340
of conviction and shall stay all criminal proceedings pending the 8341
outcome of the hearing. If the court schedules a hearing, the 8342
court shall order an assessment of the offender for the purpose of 8343
determining the offender's eligibility for intervention in lieu of 8344
conviction and recommending an appropriate intervention plan. 8345

If the offender alleges that drug or alcohol usage by the 8346
offender was a factor leading to the criminal offense with which 8347
the offender is charged, the court may order that the offender be 8348
assessed by a program certified pursuant to section 3793.06 of the 8349
Revised Code or a properly credentialed professional for the 8350
purpose of determining the offender's eligibility for intervention 8351
in lieu of conviction and recommending an appropriate intervention 8352

plan. The program or the properly credentialed professional shall 8353
provide a written assessment of the offender to the court. 8354

(2) The victim notification provisions of division (C) of 8355
section 2930.08 of the Revised Code apply in relation to any 8356
hearing held under division (A)(1) of this section. 8357

(B) An offender is eligible for intervention in lieu of 8358
conviction if the court finds all of the following: 8359

(1) The offender previously has not been convicted of or 8360
pleaded guilty to a felony offense of violence or previously has 8361
been convicted of or pleaded guilty to any felony that is not an 8362
offense of violence and the prosecuting attorney recommends that 8363
the offender be found eligible for participation in intervention 8364
in lieu of treatment under this section, previously has not been 8365
through intervention in lieu of conviction under this section or 8366
any similar regimen, and is charged with a felony for which the 8367
court, upon conviction, would impose sentence under division 8368
(B)(2)(b) of section 2929.13 of the Revised Code or with a 8369
misdemeanor. 8370

(2) The offense is not a felony of the first, second, or 8371
third degree, is not an offense of violence, is not a violation of 8372
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 8373
not a violation of division (A)(1) of section 2903.08 of the 8374
Revised Code, is not a violation of division (A) of section 8375
4511.19 of the Revised Code or a municipal ordinance that is 8376
substantially similar to that division, and is not an offense for 8377
which a sentencing court is required to impose a mandatory prison 8378
term, a mandatory term of local incarceration, or a mandatory term 8379
of imprisonment in a jail. 8380

(3) The offender is not charged with a violation of section 8381
2925.02, ~~2925.03~~, 2925.04, or 2925.06 of the Revised Code, is not 8382
charged with a violation of section 2925.03 of the Revised Code 8383

that is a felony of the first, second, third, or fourth degree, 8384
and is not charged with a violation of section 2925.11 of the 8385
Revised Code that is a felony of the first, second, or third 8386
degree. 8387

~~(4) The offender is not charged with a violation of section 8388
2925.11 of the Revised Code that is a felony of the fourth degree, 8389
or the offender is charged with a violation of that section that 8390
is a felony of the fourth degree and the prosecutor in the case 8391
has recommended that the offender be classified as being eligible 8392
for intervention in lieu of conviction under this section. 8393~~

~~(5) The If an offender alleges that drug or alcohol usage by 8394
the offender was a factor leading to the criminal offense with 8395
which the offender is charged, the court has ordered that the 8396
offender ~~has been~~ be assessed by an ~~appropriately licensed~~ 8397
~~provider, certified facility, or licensed and credentialed~~ 8398
~~professional, including, but not limited to, a program licensed by~~ 8399
~~the department of alcohol and drug addiction services pursuant to~~ 8400
~~section 3793.11 of the Revised Code, a program certified by that~~ 8401
~~department pursuant to section 3793.06 of the Revised Code, a~~ 8402
~~public or private hospital, the United States department of~~ 8403
~~veterans affairs, another appropriate agency of the government of~~ 8404
~~the United States, or a licensed physician, psychiatrist,~~ 8405
~~psychologist, independent social worker, professional counselor,~~ 8406
~~or chemical dependency counselor~~ or a properly credentialed 8407
professional for the purpose of determining the offender's 8408
eligibility for intervention in lieu of conviction and 8409
recommending an appropriate intervention plan, the offender has 8410
been assessed by a program of that nature or a properly 8411
credentialed professional in accordance with the court's order, 8412
and the program or properly credentialed professional has filed 8413
the written assessment of the offender with the court. 8414~~

(5) If an offender alleges that, at the time of committing 8415

the criminal offense with which the offender is charged, the 8416
offender had a mental illness or was a mentally retarded person 8417
and that the mental illness or status as a mentally retarded 8418
person was a factor leading to that offense, the offender has been 8419
assessed by a psychiatrist, psychologist, independent social 8420
worker, or professional clinical counselor for the purpose of 8421
determining the offender's eligibility for intervention in lieu of 8422
conviction and recommending an appropriate intervention plan. 8423

(6) The offender's drug ~~or~~ usage, alcohol usage, mental 8424
illness, or mental retardation, whichever is applicable, was a 8425
factor leading to the criminal offense with which the offender is 8426
charged, intervention in lieu of conviction would not demean the 8427
seriousness of the offense, and intervention would substantially 8428
reduce the likelihood of any future criminal activity. 8429

(7) The alleged victim of the offense was not sixty-five 8430
years of age or older, permanently and totally disabled, under 8431
thirteen years of age, or a peace officer engaged in the officer's 8432
official duties at the time of the alleged offense. 8433

(8) If the offender is charged with a violation of section 8434
2925.24 of the Revised Code, the alleged violation did not result 8435
in physical harm to any person, and the offender previously has 8436
not been treated for drug abuse. 8437

(9) The offender is willing to comply with all terms and 8438
conditions imposed by the court pursuant to division (D) of this 8439
section. 8440

(C) At the conclusion of a hearing held pursuant to division 8441
(A) of this section, the court shall enter its determination as to 8442
whether the offender is eligible for intervention in lieu of 8443
conviction and as to whether to grant the offender's request. If 8444
the court finds under division (B) of this section that the 8445
offender is eligible for intervention in lieu of conviction and 8446

grants the offender's request, the court shall accept the 8447
offender's plea of guilty and waiver of the defendant's right to a 8448
speedy trial, the preliminary hearing, the time period within 8449
which the grand jury may consider an indictment against the 8450
offender, and arraignment, unless the hearing, indictment, or 8451
arraignment has already occurred. In addition, the court then may 8452
stay all criminal proceedings and order the offender to comply 8453
with all terms and conditions imposed by the court pursuant to 8454
division (D) of this section. If the court finds that the offender 8455
is not eligible or does not grant the offender's request, the 8456
criminal proceedings against the offender shall proceed as if the 8457
offender's request for intervention in lieu of conviction had not 8458
been made. 8459

(D) If the court grants an offender's request for 8460
intervention in lieu of conviction, the court shall place the 8461
offender under the general control and supervision of the county 8462
probation department, the adult parole authority, or another 8463
appropriate local probation or court services agency, if one 8464
exists, as if the offender was subject to a community control 8465
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 8466
Revised Code. The court shall establish an intervention plan for 8467
the offender. The terms and conditions of the intervention plan 8468
shall require the offender, for at least one year from the date on 8469
which the court grants the order of intervention in lieu of 8470
conviction, to abstain from the use of illegal drugs and alcohol, 8471
to participate in treatment and recovery support services, and to 8472
submit to regular random testing for drug and alcohol use and may 8473
include any other treatment terms and conditions, or terms and 8474
conditions similar to community control sanctions, which may 8475
include community service or restitution, that are ordered by the 8476
court. 8477

(E) If the court grants an offender's request for 8478

intervention in lieu of conviction and the court finds that the 8479
offender has successfully completed the intervention plan for the 8480
offender, including the requirement that the offender abstain from 8481
using illegal drugs and alcohol for a period of at least one year 8482
from the date on which the court granted the order of intervention 8483
in lieu of conviction, the requirement that the offender 8484
participate in treatment and recovery support services, and all 8485
other terms and conditions ordered by the court, the court shall 8486
dismiss the proceedings against the offender. Successful 8487
completion of the intervention plan and period of abstinence under 8488
this section shall be without adjudication of guilt and is not a 8489
criminal conviction for purposes of any disqualification or 8490
disability imposed by law and upon conviction of a crime, and the 8491
court may order the sealing of records related to the offense in 8492
question in the manner provided in sections 2953.31 to 2953.36 of 8493
the Revised Code. 8494

(F) If the court grants an offender's request for 8495
intervention in lieu of conviction and the offender fails to 8496
comply with any term or condition imposed as part of the 8497
intervention plan for the offender, the supervising authority for 8498
the offender promptly shall advise the court of this failure, and 8499
the court shall hold a hearing to determine whether the offender 8500
failed to comply with any term or condition imposed as part of the 8501
plan. If the court determines that the offender has failed to 8502
comply with any of those terms and conditions, it shall enter a 8503
finding of guilty and shall impose an appropriate sanction under 8504
Chapter 2929. of the Revised Code. If the court sentences the 8505
offender to a prison term, the court, after consulting with the 8506
department of rehabilitation and correction regarding the 8507
availability of services, may order continued court-supervised 8508
activity and treatment of the offender during the prison term and, 8509
upon consideration of reports received from the department 8510
concerning the offender's progress in the program of activity and 8511

treatment, may consider judicial release under section 2929.20 of the Revised Code. 8512
8513

(G) As used in this section: 8514

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 8515
8516

(2) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section. 8517
8518

(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 8519
8520

(4) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code. 8521
8522

(5) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 8523
8524

(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 8525
8526

Sec. 2967.05. (A) As used in this section: 8527

(1) "Imminent danger of death" means that the inmate has a medically diagnosable condition that will cause death to occur within a short period of time. 8528
8529
8530

As used in division (A)(1) of this section, "within a short period of time" means generally within six months. 8531
8532

(2)(a) "Medically incapacitated" means any diagnosable medical condition, including mental dementia and severe, permanent medical or cognitive disability, that prevents the inmate from completing activities of daily living without significant assistance, that incapacitates the inmate to the extent that institutional confinement does not offer additional restrictions, that is likely to continue throughout the entire period of parole, and that is unlikely to improve noticeably. 8533
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(b) "Medically incapacitated" does not include conditions 8541
related solely to mental illness unless the mental illness is 8542
accompanied by injury, disease, or organic defect. 8543

(3)(a) "Terminal illness" means a condition that satisfies 8544
all of the following criteria: 8545

(i) The condition is irreversible and incurable and is caused 8546
by disease, illness, or injury from which the inmate is unlikely 8547
to recover. 8548

(ii) In accordance with reasonable medical standards and a 8549
reasonable degree of medical certainty, the condition is likely to 8550
cause death to the inmate within twelve months. 8551

(iii) Institutional confinement of the inmate does not offer 8552
additional protections for public safety or against the inmate's 8553
risk to reoffend. 8554

(b) The department of rehabilitation and correction shall 8555
adopt rules pursuant to Chapter 119. of the Revised Code to 8556
implement the definition of "terminal illness" in division 8557
(A)(3)(a) of this section. 8558

(B)(1) Upon the recommendation of the director of 8559
rehabilitation and correction, accompanied by a certificate of the 8560
attending physician that an inmate is terminally ill, medically 8561
incapacitated, or in imminent danger of death, the governor may 8562
order the inmate's release ~~as if~~ on indefinite parole on or after 8563
a specified date, reserving the right to return the inmate to the 8564
institution pursuant to this section. ~~If~~ An inmate ordered to be 8565
released under this section may be released to a skilled nursing 8566
facility or may be released under a general release that is not to 8567
a skilled nursing facility. 8568

(2) An inmate who is to be released under this section to a 8569
skilled nursing facility shall not be released until an 8570
appropriate placement in a skilled nursing facility has been 8571

secured for the inmate and the skilled nursing facility has 8572
secured a funding source for the placement. When an inmate is to 8573
be released under this section to a skilled nursing facility, the 8574
department of job and family services shall give priority to the 8575
processing and determination of an inmate's eligibility for 8576
initial or continued medicaid funding under this section. When an 8577
inmate is to be released under this section to a skilled nursing 8578
facility, the department of job and family services' processing 8579
and determination of the inmate's eligibility may be based solely 8580
on identifying information provided by the department of 8581
rehabilitation and correction. In addition to the reimbursement 8582
otherwise provided to a skilled nursing facility under Chapter 8583
5111. of the Revised Code, the department of job and family 8584
services, through the medicaid program, shall reimburse a skilled 8585
nursing facility that provides care to inmates under this section 8586
for reasonable additional costs incurred by the facility in 8587
providing the security required by division (D)(1)(e) of this 8588
section and will take all necessary steps to implement the payment 8589
of these additional costs. An inmate shall not be released to a 8590
skilled nursing facility used for the placement of inmates under 8591
this division until the inmate has undergone preadmission 8592
screening and resident review and the level of care review and 8593
determination process established under the Administrative Code 8594
and has been determined to meet the criteria for skilled nursing 8595
care. A skilled nursing facility shall meet the requirements set 8596
forth in division (D) of this section. 8597

(3) If an inmate is released under this section to a skilled 8598
nursing facility or is released under this section under a general 8599
release that is not to a skilled nursing facility, and if, 8600
subsequent to the inmate's release, the inmate's health improves 8601
so that the inmate is no longer terminally ill, medically 8602
incapacitated, or in imminent danger of death, the inmate shall be 8603
returned, by order of the governor, to the institution from which 8604

the inmate was released. If the inmate violates any rules or 8605
conditions applicable to the inmate, the inmate may be returned to 8606
an institution under the control of the department of 8607
rehabilitation and correction. The governor may direct the adult 8608
parole authority to investigate or cause to be investigated the 8609
inmate and make a recommendation in the manner set forth in 8610
section 2967.03 of the Revised Code. An inmate released under this 8611
section shall be subject to supervision by the adult parole 8612
authority in accordance with any recommendation of the adult 8613
parole authority that is approved by the governor. The adult 8614
parole authority shall adopt rules pursuant to section 119.03 of 8615
the Revised Code to establish the procedure for medical release of 8616
an inmate when an inmate is terminally ill, medically 8617
incapacitated, or in imminent danger of death. 8618

(C)(1) No inmate is eligible for release under this section 8619
to a skilled nursing facility if the inmate is serving a death 8620
sentence, a sentence of life without parole, or a sentence under 8621
Chapter 2971. of the Revised Code for a felony of the first or 8622
second degree₇. 8623

(2) No inmate is eligible for release under this section 8624
under a general release that is not to a skilled nursing facility 8625
if the inmate is serving any type of sentence identified in 8626
division (C)(1) of this section or is serving a sentence for 8627
aggravated murder or murder, or a mandatory prison term for an 8628
offense of violence or any specification described in Chapter 8629
2941. of the Revised Code. 8630

(D)(1) An inmate shall not be released to a skilled nursing 8631
facility under this section unless the skilled nursing facility 8632
meets all of the following requirements: 8633

(a) The skilled nursing facility is certified as a skilled 8634
nursing facility under Title XVIII or XIX of the "Social Security 8635
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and has 8636

obtained any approval or authorization needed for its operation as 8637
described in division (E) of this section. 8638

(b) The skilled nursing facility is under contract with the 8639
department of rehabilitation and correction solely for the care of 8640
inmates released under this section, is certified by the 8641
department, and does not house any person who is not an inmate 8642
released under this section. 8643

(c) The skilled nursing facility is located in Ohio, and the 8644
facility's location presents a minimal risk to public safety. 8645

(d) The skilled nursing facility is operated by a licensed 8646
nursing home administrator who has a minimum of six years of 8647
active licensure, a master's degree in healthcare administration, 8648
and experience in the administration of an assisted living 8649
program, a home care program, a skilled nursing facility, a 8650
hospice care program, and a long term acute care hospital. 8651

(e) Employees of the facility or a contractor provide 8652
security to the skilled nursing facility. The security staff shall 8653
be directed by a person with at least thirty years of experience 8654
as a law enforcement officer with a law enforcement agency 8655
employing a minimum of five hundred law enforcement officers, 8656
whose experience includes a minimum of five years of supervisory 8657
experience. 8658

(3) The department of health shall issue a certificate of 8659
need to the operator of a skilled nursing facility that accepts 8660
inmates under this section. 8661

(E) The department of job and family services shall apply to 8662
the centers for medicare and medicaid services of the United 8663
States department of health and human services for any approval or 8664
other authorization needed for the operation of the skilled 8665
nursing facility to be used to provide care to inmates under this 8666
section, and for a statement of the applicable parameters for 8667

operation of the facility. The department shall notify the 8668
facility and the department of rehabilitation and correction of 8669
the grant by the centers of any such approval or authorization 8670
needed for the facility and of the applicable parameters for its 8671
operation. 8672

(F) Sections 3721.10 to 3721.18 of the Revised Code do not 8673
apply to an inmate receiving care in a skilled nursing facility 8674
under divisions (B) to (D) of this section. 8675

Sec. 2967.14. (A) The department of rehabilitation and 8676
correction or the adult parole authority may require or allow a 8677
parolee ~~or~~, a releasee, or a prisoner otherwise released from a 8678
state correctional institution to reside in a halfway house or 8679
other suitable community residential center that has been licensed 8680
by the division of parole and community services pursuant to 8681
division (C) of this section during a part or for the entire 8682
period of the offender's or parolee's conditional release or of 8683
the releasee's term of post-release control. The court of common 8684
pleas that placed an offender under a sanction consisting of a 8685
term in a halfway house or in an alternative residential sanction 8686
may require the offender to reside in a halfway house or other 8687
suitable community residential center that is designated by the 8688
court and that has been licensed by the division pursuant to 8689
division (C) of this section during a part or for the entire 8690
period of the offender's residential sanction. 8691

(B) The division of parole and community services may 8692
negotiate and enter into agreements with any public or private 8693
agency or a department or political subdivision of the state that 8694
operates a halfway house, reentry center, or community residential 8695
center that has been licensed by the division pursuant to division 8696
(C) of this section. An agreement under this division shall 8697
provide for the purchase of beds, shall set limits of supervision 8698

and levels of occupancy, and shall determine the scope of services 8699
for all eligible offenders, including those subject to a 8700
residential sanction, as defined in rules adopted by the director 8701
of rehabilitation and correction in accordance with Chapter 119. 8702
of the Revised Code, or those released from prison without 8703
supervision. ~~The payments for beds and services shall be equal to~~ 8704
~~the halfway house's or community residential center's average~~ 8705
~~daily per capita costs with its facility at full occupancy.~~ The 8706
payments for beds and services shall not exceed the total 8707
operating costs of the halfway house, reentry center, or community 8708
residential center during the term of an agreement. The director 8709
of rehabilitation and correction shall adopt rules in accordance 8710
with Chapter 119. of the Revised Code for determining includable 8711
and excludable costs and income to be used in computing the 8712
agency's average daily per capita costs with its facility at full 8713
occupancy. 8714

The department of rehabilitation and correction may use no 8715
more than ten per cent of the amount appropriated to the 8716
department each fiscal year for the halfway house, reentry center, 8717
and community residential center program to pay for contracts for 8718
nonresidential services for offenders under the supervision of the 8719
adult parole authority. The nonresidential services may include, 8720
but are not limited to, treatment for substance abuse, mental 8721
health counseling, ~~and~~ counseling for sex offenders, and 8722
electronic monitoring services. 8723

(C) The division of parole and community services may license 8724
a halfway house, reentry center, or community residential center 8725
as a suitable facility for the care and treatment of adult 8726
offenders, including offenders sentenced under section 2929.16 or 8727
2929.26 of the Revised Code, only if the halfway house, reentry 8728
center, or community residential center complies with the 8729
standards that the division adopts in accordance with Chapter 119. 8730

of the Revised Code for the licensure of halfway houses, reentry 8731
centers, and community residential centers. The division shall 8732
annually inspect each licensed halfway house, licensed reentry 8733
center, and licensed community residential center to determine if 8734
it is in compliance with the licensure standards. 8735

Sec. 2967.19. (A) As used in this section: 8736

(1) "Deadly weapon" and "dangerous ordnance" have the same 8737
meanings as in section 2923.11 of the Revised. 8738

(2) "Disqualifying prison term" means any of the following: 8739

(a) A prison term imposed for aggravated murder, murder, 8740
voluntary manslaughter, involuntary manslaughter, felonious 8741
assault, kidnapping, rape, aggravated arson, or aggravated 8742
robbery; 8743

(b) A prison term imposed for complicity in, an attempt to 8744
commit, or conspiracy to commit any offense listed in division 8745
(A)(2)(a) of this section; 8746

(c) A prison term of life imprisonment, including any term of 8747
life imprisonment that has parole eligibility; 8748

(d) A prison term imposed for any felony other than carrying 8749
a concealed weapon an essential element of which is any conduct or 8750
failure to act expressly involving any deadly weapon or dangerous 8751
ordnance; 8752

(e) A prison term imposed for any violation of section 8753
2925.03 of the Revised Code that is a felony of the first or 8754
second degree; 8755

(f) A prison term imposed for engaging in a pattern of 8756
corrupt activity in violation of section 2923.32 of the Revised 8757
Code; 8758

(g) A prison term imposed pursuant to section 2971.03 of the 8759

Revised Code. 8760

(3) "Eligible prison term" means any prison term that is not 8761
a disqualifying prison term and is not a restricting prison term. 8762

(4) "Restricting prison term" means any of the following: 8763

(a) A mandatory prison term imposed under division (D)(1)(a), 8764
(D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 2929.14 of 8765
the Revised Code for a specification of the type described in that 8766
division; 8767

(b) In the case of an offender who has been sentenced to a 8768
mandatory prison term for a specification of the type described in 8769
division (A)(4)(a) of this section, the prison term imposed for 8770
the felony offense for which the specification was stated at the 8771
end of the body of the indictment, count in the indictment, or 8772
information charging the offense; 8773

(c) A prison term imposed for any offense that is described 8774
in division (A)(4)(c)(i) of this section if division (A)(4)(c)(ii) 8775
of this section applies to the offender: 8776

(i) The offense is a felony of the first or second degree 8777
that is an offense of violence and that is not described in 8778
division (A)(2)(a) or (b) of this section, an attempt to commit a 8779
felony of the first or second degree that is an offense of 8780
violence and that is not described in division (A)(2)(a) or (b) of 8781
this section if the attempt is a felony of the first or second 8782
degree, or an offense under an existing or former law of this 8783
state, another state, or the United States that is or was 8784
substantially equivalent to any other offense described in this 8785
division. 8786

(ii) The offender previously was convicted of or pleaded 8787
guilty to any offense listed in division (A)(4)(c)(i) of this 8788
section. 8789

(B) The director of rehabilitation and correction may 8790
petition the sentencing court for the release from prison of any 8791
offender confined in a state correctional institution under a 8792
stated prison term who is eligible under division (C) of this 8793
section for a release under this section, who has one year or more 8794
of that stated prison term that remains to be served after the 8795
offender becomes eligible as described in that division, and who 8796
has served at least eighty-five per cent of that stated prison 8797
term that remains to be served after the offender becomes eligible 8798
as described in that division. If the director wishes to submit a 8799
petition for release under this section, the director shall submit 8800
the petition not earlier than ninety days prior to the date on 8801
which the offender has served eighty-five per cent of the 8802
offender's stated prison term that remains to be served after the 8803
offender becomes eligible as described in division (C) of this 8804
section. The director's submission of a petition for release under 8805
this section constitutes a recommendation by the director that the 8806
court strongly consider release of the offender consistent with 8807
the purposes and principles of sentencing set forth in section 8808
2929.13 of the Revised Code. 8809

(C) Except as otherwise provided in this division, an 8810
offender serving a stated prison term of one year or more is 8811
eligible for release from prison under this section upon the 8812
offender's commencement of service of that stated prison term. An 8813
offender serving a stated prison term that includes a 8814
disqualifying prison term is not eligible for release from prison 8815
under this section. An offender serving a stated prison term that 8816
consists solely of one or more restricting prison terms is not 8817
eligible for release under this section. An offender serving a 8818
stated prison term that includes one or more restricting prison 8819
terms and one or more eligible prison terms becomes eligible for 8820
release under this section after having fully served each 8821
restricting prison term. For purposes of determining an offender's 8822

eligibility for release under this section, if the offender's 8823
stated prison term includes consecutive prison terms, any 8824
restricting prison terms shall be deemed served prior to any 8825
eligible prison terms that run consecutively to the restricting 8826
prison terms, and the eligible prison terms are deemed to commence 8827
after all of the restricting prison terms have been fully served. 8828

An offender serving a stated prison term that includes a 8829
mandatory prison term that is not a disqualifying prison term and 8830
is not a restricting prison term is not automatically ineligible 8831
as a result of the offender's service of that mandatory term for 8832
release from prison under this section, and the offender's 8833
eligibility for release from prison under this section is 8834
determined in accordance with this division. 8835

If an offender confined in a state correctional institution 8836
under a stated prison term is eligible for release under this 8837
section as described in this division, if the offender has one 8838
year or more of that stated prison term that remains to be served 8839
after the offender becomes eligible, and if the offender has 8840
served at least eighty-five per cent of that stated prison term 8841
that remains to be served after the offender becomes eligible, the 8842
director of rehabilitation and correction may petition the 8843
sentencing court pursuant to division (B) of this section for the 8844
release from prison of the offender. 8845

(D) The director shall include with any petition submitted to 8846
the sentencing court under this section an institutional summary 8847
report that covers the offender's participation while confined in 8848
a state correctional institution in school, training, work, 8849
treatment, and other rehabilitative activities and any 8850
disciplinary action taken against the offender while so confined. 8851
The director shall include with the petition a post-release 8852
control assessment and placement plan, when relevant, and any 8853
other documentation requested by the court, if available. 8854

(E) When the director submits a petition under this section for release of an offender, the department promptly shall give notice of the petition to the prosecuting attorney of the county in which the offender was indicted and to any victim of the offender or victim's representative of any victim of the offender who is registered with the office of victim's services.

The department also shall post notice of the petition on the database it maintains under section 5120.66 of the Revised Code and include information on where a person may send comments regarding the petition.

(F) Upon receipt of a petition for release of an offender submitted by the director under this section, the court may deny the petition without a hearing. The court shall not grant a petition for release of an offender without a hearing. If a court denies a petition for release of an offender without a hearing, the court may later consider release of that offender on a subsequent petition. The court shall enter its ruling within thirty days after the petition is filed.

(G) If the court grants a hearing on a petition for release of an offender submitted under this section, the court shall notify the head of the state correctional institution in which the offender is confined of the hearing prior to the hearing. If the court makes a journal entry ordering the offender to be conveyed to the hearing, except as otherwise provided in this division, the head of the correctional institution shall deliver the offender to the sheriff of the county in which the hearing is to be held, and the sheriff shall convey the offender to and from the hearing. Upon the court's own motion or the motion of the offender or the prosecuting attorney of the county in which the offender was indicted, the court may permit the offender to appear at the hearing by video conferencing equipment if equipment of that nature is available and compatible.

Upon receipt of notice from a court of a hearing on the 8887
release of an offender under this division, the head of the state 8888
correctional institution in which the offender is confined 8889
immediately shall notify the appropriate person at the department 8890
of rehabilitation and correction of the hearing, and the 8891
department within twenty-four hours after receipt of the notice 8892
shall post on the database it maintains pursuant to section 8893
5120.66 of the Revised Code the offender's name and all of the 8894
information specified in division (A)(1)(c)(i) of that section. If 8895
the court grants a hearing on a petition for release of an 8896
offender under this section, the court promptly shall give notice 8897
of the hearing to the prosecuting attorney of the county in which 8898
the offender was indicted. Upon receipt of the notice from the 8899
court, the prosecuting attorney shall notify pursuant to section 8900
2930.16 of the Revised Code any victim of the offender or the 8901
victim's representative of the hearing. 8902

(H) If the court grants a hearing on a petition for release 8903
of an offender under this section, at the hearing, the court shall 8904
afford the offender and the offender's attorney an opportunity to 8905
present written information and, if present, oral information 8906
relevant to the motion. The court shall afford a similar 8907
opportunity to the prosecuting attorney, victim or victim's 8908
representative, as defined in section 2930.01 of the Revised Code, 8909
and any other person the court determines is likely to present 8910
additional relevant information. If the court pursuant to division 8911
(G) of this section permits the offender to appear at the hearing 8912
by video conferencing equipment, the offender's opportunity to 8913
present oral information shall be as a part of the video 8914
conferencing. The court shall consider any statement of a victim 8915
made under section 2930.14 or 2930.17 of the Revised Code, any 8916
victim impact statement prepared under 2947.051 of the Revised 8917
Code, and any report, plan, and other documentation submitted by 8918
the director under division (D) of this section. After ruling on 8919

the motion, the court shall notify the victim in accordance with 8920
sections 2930.03 and 2930.16 of the Revised Code. 8921

(I) If the court grants a petition for release of an offender 8922
under this section, it shall order the offender's release under 8923
the supervision of the adult parole authority. The court shall not 8924
make a release under this section effective prior to the date on 8925
which the offender has served at least eighty-five per cent of the 8926
offender's stated prison term that remains to be served after the 8927
offender becomes eligible as described in division (C) of this 8928
section. If the sentence under which the offender is confined in a 8929
state correctional institution and from which the offender is 8930
being released was imposed for a felony of the first or second 8931
degree, the court shall order that the offender be monitored by 8932
means of a global positioning device, with the cost of monitoring 8933
borne by the offender through the imposition of supervision fees 8934
under section 5120.56 of the Revised Code. If the offender is 8935
indigent, the cost shall be paid out of the reparations fund 8936
created under section 2743.191 of the Revised Code. The initial 8937
period of supervision by the adult parole authority and the 8938
monitoring of the offender by means of a global positioning device 8939
when ordered shall conclude on the date of expiration of the 8940
stated prison term from which the offender was released. If the 8941
parole board imposed a period of post-release control on the 8942
offender under section 2967.28 of the Revised Code, upon the 8943
conclusion of that initial period of supervision and that initial 8944
period of monitoring when ordered, the offender shall be placed on 8945
post-release control in accordance with the post-release control 8946
sanctions the board imposed on the offender under that section. 8947

If the court grants a petition for release of an offender 8948
under this section, it shall notify the appropriate person at the 8949
department of rehabilitation and correction of the release, and 8950
the department shall post notice of the release on the database it 8951

maintains pursuant to section 5120.66 of the Revised Code. 8952

(J) Within ninety days after the effective date of this 8953
section, the chair of the parole board or the chair's designee 8954
shall review the cases of all parole-eligible inmates who are age 8955
sixty-five or older and who have had a statutory first parole 8956
consideration hearing. 8957

(K) Upon completion of the review described in division (J) 8958
of this section, the chair of the parole board shall present to 8959
the board the cases of the offenders described in that division. 8960
Upon presentation of the case of an offender, the board, by 8961
majority vote, may choose to rehear the offender's case for 8962
possible release on parole. 8963

(L) The department shall adopt under Chapter 119. of the 8964
Revised Code any rules necessary to implement this section. 8965

Sec. 2967.193. (A) Except as provided in division (C) of this 8966
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 8967
Code and subject to the maximum total specified in this section, a 8968
person confined in a state correctional institution may earn one 8969
day or five days of credit, determined based on the category set 8970
forth in division (D)(1), (2), (3), or (4) of this section in 8971
which the person is included, as a deduction from the person's 8972
stated prison term for each full completed month during which the 8973
person productively participates in an education program, 8974
vocational training, employment in prison industries, or treatment 8975
for substance abuse, ~~treatment as a sex offender, or any other~~ 8976
~~constructive program~~ as developed by the department with specific 8977
standards for performance by prisoners. ~~At the end of each~~ 8978
~~calendar month in which a prisoner productively participates in a~~ 8979
~~program or activity listed in this division, the department of~~ 8980
~~rehabilitation and correction shall deduct one day from the date~~ 8981
~~on which the prisoner's stated prison term will expire. The total~~ 8982

number of days of credit that a person may earn under this section 8983
shall not exceed eight per cent of the total number of days in the 8984
person's stated prison term. If the prisoner violates prison 8985
rules, the department may deny the prisoner a credit that 8986
otherwise could have been awarded to the prisoner or may withdraw 8987
one or more credits previously earned by the prisoner. 8988

~~If a prisoner is released before the expiration of the~~ 8989
~~prisoner's stated prison term by reason of credit earned under~~ 8990
~~this section, the department shall retain control of the prisoner~~ 8991
~~by means of an appropriate post release control sanction imposed~~ 8992
~~by the parole board until the end of the stated prison term if the~~ 8993
~~parole board imposes a post release control sanction pursuant to~~ 8994
~~section 2967.28 of the Revised Code. If the parole board is not~~ 8995
~~required to impose a post release control sanction under section~~ 8996
~~2967.28 of the Revised Code, the parole board may elect not to~~ 8997
~~impose a post release control sanction on the prisoner.~~ 8998

(B) The department of rehabilitation and correction shall 8999
adopt rules that specify the programs or activities for which 9000
credit may be earned under this section, the criteria for 9001
determining productive participation in the programs or activities 9002
and for awarding credit, and the criteria for denying or 9003
withdrawing previously earned credit as a result of a violation of 9004
prison rules. 9005

(C) No person who is serving a sentence of life imprisonment 9006
without parole imposed pursuant to section 2929.03 or 2929.06 of 9007
the Revised Code ~~or~~, who is serving a prison term or a term of 9008
life imprisonment without parole imposed pursuant to section 9009
2971.03 of the Revised Code, or who is serving a sentence for a 9010
sexually oriented offense that was imposed for a conviction 9011
occurring or guilty plea entered on or after the effective date of 9012
this amendment shall be awarded any days of credit under division 9013
(A) of this section. 9014

(D) The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section or in section 2929.13, 2929.14, or 2967.13 of the Revised Code, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

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

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

(2) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section or in section 2929.13, 2929.14, or 2967.13 of the Revised Code, if the most serious offense for which the offender is confined is a sexually oriented offense and the offender was convicted of or pleaded guilty to that offense prior to the effective date of this amendment.

(3) The offender may earn five days of credit under division (A) of this section, except as provided in division (C) of this section or in section 2929.13, 2929.14, or 2967.13 of the Revised

Code, if the most serious offense for which the offender is 9046
confined is a felony of the first or second degree and neither 9047
division (D)(1) nor (2) of this section applies to the offender. 9048

(4) The offender may earn five days of credit under division 9049
(A) of this section, except as provided in division (C) of this 9050
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 9051
Code, if the most serious offense for which the offender is 9052
confined is a felony of the third, fourth, or fifth degree or an 9053
unclassified felony and division (D)(2) of this section does not 9054
apply to the offender. 9055

(E) As used in this section, "sexually oriented offense" has 9056
the same meaning as in section 2950.01 of the Revised Code. 9057

Sec. 2967.28. (A) As used in this section: 9058

(1) "Monitored time" means the monitored time sanction 9059
specified in section 2929.17 of the Revised Code. 9060

(2) "Deadly weapon" and "dangerous ordnance" have the same 9061
meanings as in section 2923.11 of the Revised Code. 9062

(3) "Felony sex offense" means a violation of a section 9063
contained in Chapter 2907. of the Revised Code that is a felony. 9064

(B) Each sentence to a prison term for a felony of the first 9065
degree, for a felony of the second degree, for a felony sex 9066
offense, or for a felony of the third degree that is not a felony 9067
sex offense and in the commission of which the offender caused or 9068
threatened to cause physical harm to a person shall include a 9069
requirement that the offender be subject to a period of 9070
post-release control imposed by the parole board after the 9071
offender's release from imprisonment. If a court imposes a 9072
sentence including a prison term of a type described in this 9073
division on or after July 11, 2006, the failure of a sentencing 9074
court to notify the offender pursuant to division (B)(3)(c) of 9075

section 2929.19 of the Revised Code of this requirement or to 9076
include in the judgment of conviction entered on the journal a 9077
statement that the offender's sentence includes this requirement 9078
does not negate, limit, or otherwise affect the mandatory period 9079
of supervision that is required for the offender under this 9080
division. Section 2929.191 of the Revised Code applies if, prior 9081
to July 11, 2006, a court imposed a sentence including a prison 9082
term of a type described in this division and failed to notify the 9083
offender pursuant to division (B)(3)(c) of section 2929.19 of the 9084
Revised Code regarding post-release control or to include in the 9085
judgment of conviction entered on the journal or in the sentence 9086
pursuant to division (F)(1) of section 2929.14 of the Revised Code 9087
a statement regarding post-release control. Unless reduced by the 9088
parole board pursuant to division (D) of this section when 9089
authorized under that division, a period of post-release control 9090
required by this division for an offender shall be of one of the 9091
following periods: 9092

(1) For a felony of the first degree or for a felony sex 9093
offense, five years; 9094

(2) For a felony of the second degree that is not a felony 9095
sex offense, three years; 9096

(3) For a felony of the third degree that is not a felony sex 9097
offense and in the commission of which the offender caused or 9098
threatened physical harm to a person, three years. 9099

(C) Any sentence to a prison term for a felony of the third, 9100
fourth, or fifth degree that is not subject to division (B)(1) or 9101
(3) of this section shall include a requirement that the offender 9102
be subject to a period of post-release control of up to three 9103
years after the offender's release from imprisonment, if the 9104
parole board, in accordance with division (D) of this section, 9105
determines that a period of post-release control is necessary for 9106
that offender. Section 2929.191 of the Revised Code applies if, 9107

prior to July 11, 2006, a court imposed a sentence including a 9108
prison term of a type described in this division and failed to 9109
notify the offender pursuant to division (B)(3)(d) of section 9110
2929.19 of the Revised Code regarding post-release control or to 9111
include in the judgment of conviction entered on the journal or in 9112
the sentence pursuant to division (F)(2) of section 2929.14 of the 9113
Revised Code a statement regarding post-release control. Pursuant 9114
to an agreement entered into under section 2967.29 of the Revised 9115
Code, a court of common pleas or parole board may impose sanctions 9116
or conditions on an offender who is placed on post-release control 9117
under this division. 9118

(D)(1) Before the prisoner is released from imprisonment, the 9119
parole board or, pursuant to an agreement under section 2967.29 of 9120
the Revised Code, the court shall impose upon a prisoner described 9121
in division (B) of this section, may impose upon a prisoner 9122
described in division (C) of this section, and shall impose upon a 9123
prisoner described in division (B)(2)(b) of section 5120.031 or in 9124
division (B)(1) of section 5120.032 of the Revised Code, one or 9125
more post-release control sanctions to apply during the prisoner's 9126
period of post-release control. Whenever the board or court 9127
imposes one or more post-release control sanctions upon a 9128
prisoner, the board or court, in addition to imposing the 9129
sanctions, also shall include as a condition of the post-release 9130
control that the offender not leave the state without permission 9131
of the court or the offender's parole or probation officer and 9132
that the offender abide by the law. The board or court may impose 9133
any other conditions of release under a post-release control 9134
sanction that the board or court considers appropriate, and the 9135
conditions of release may include any community residential 9136
sanction, community nonresidential sanction, or financial sanction 9137
that the sentencing court was authorized to impose pursuant to 9138
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 9139
to the release of a prisoner for whom it will impose one or more 9140

post-release control sanctions under this division, the parole 9141
board or court shall review the prisoner's criminal history, all 9142
juvenile court adjudications finding the prisoner, while a 9143
juvenile, to be a delinquent child, and the record of the 9144
prisoner's conduct while imprisoned. The parole board or court 9145
shall consider any recommendation regarding post-release control 9146
sanctions for the prisoner made by the office of victims' 9147
services. After considering those materials, the board or court 9148
shall determine, for a prisoner described in division (B) of this 9149
section, division (B)(2)(b) of section 5120.031, or division 9150
(B)(1) of section 5120.032 of the Revised Code, which post-release 9151
control sanction or combination of post-release control sanctions 9152
is reasonable under the circumstances or, for a prisoner described 9153
in division (C) of this section, whether a post-release control 9154
sanction is necessary and, if so, which post-release control 9155
sanction or combination of post-release control sanctions is 9156
reasonable under the circumstances. In the case of a prisoner 9157
convicted of a felony of the fourth or fifth degree other than a 9158
felony sex offense, the board or court shall presume that 9159
monitored time is the appropriate post-release control sanction 9160
unless the board or court determines that a more restrictive 9161
sanction is warranted. A post-release control sanction imposed 9162
under this division takes effect upon the prisoner's release from 9163
imprisonment. 9164

Regardless of whether the prisoner was sentenced to the 9165
prison term prior to, on, or after July 11, 2006, prior to the 9166
release of a prisoner for whom it will impose one or more 9167
post-release control sanctions under this division, the parole 9168
board shall notify the prisoner that, if the prisoner violates any 9169
sanction so imposed or any condition of post-release control 9170
described in division (B) of section 2967.131 of the Revised Code 9171
that is imposed on the prisoner, the parole board may impose a 9172
prison term of up to one-half of the stated prison term originally 9173

imposed upon the prisoner. 9174

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the prisoner's stated prison term by reason of credit earned under section 2967.193 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section. 9175
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(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority or court may determine, based upon the review and in accordance with the standards established under division (E) of this section, that a more restrictive or a less restrictive sanction is appropriate and may impose a different sanction. The authority also may recommend that the parole board or court increase or reduce the duration of the period of post-release control imposed by the court. If the authority recommends that the board or court increase the duration of post-release control, the board or court shall review the releasee's behavior and may increase the duration of the period of post-release control imposed by the court up to eight years. If the authority recommends that the board or court reduce the duration of control for an offense described in division (B) or (C) of this section, the board or court shall review the releasee's behavior and may reduce the duration of the period of 9185
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control imposed by the court. In no case shall the board or court 9206
reduce the duration of the period of control imposed for an 9207
offense described in division (B)(1) of this section to a period 9208
less than the length of the stated prison term originally imposed, 9209
and in no case shall the board or court permit the releasee to 9210
leave the state without permission of the court or the releasee's 9211
parole or probation officer. 9212

(E) The department of rehabilitation and correction, in 9213
accordance with Chapter 119. of the Revised Code, shall adopt 9214
rules that do all of the following: 9215

(1) Establish standards for the imposition by the parole 9216
board of post-release control sanctions under this section that 9217
are consistent with the overriding purposes and sentencing 9218
principles set forth in section 2929.11 of the Revised Code and 9219
that are appropriate to the needs of releasees; 9220

(2) Establish standards by which the parole board can 9221
determine which prisoners described in division (C) of this 9222
section should be placed under a period of post-release control; 9223

(3) Establish standards to be used by the parole board in 9224
reducing the duration of the period of post-release control 9225
imposed by the court when authorized under division (D) of this 9226
section, in imposing a more restrictive post-release control 9227
sanction than monitored time upon a prisoner convicted of a felony 9228
of the fourth or fifth degree other than a felony sex offense, or 9229
in imposing a less restrictive control sanction upon a releasee 9230
based on the releasee's activities including, but not limited to, 9231
remaining free from criminal activity and from the abuse of 9232
alcohol or other drugs, successfully participating in approved 9233
rehabilitation programs, maintaining employment, and paying 9234
restitution to the victim or meeting the terms of other financial 9235
sanctions; 9236

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	9237 9238 9239
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	9240 9241 9242 9243
(a) Classify violations according to the degree of seriousness;	9244 9245
(b) Define the circumstances under which formal action by the parole board is warranted;	9246 9247
(c) Govern the use of evidence at violation hearings;	9248
(d) Ensure procedural due process to an alleged violator;	9249
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	9250 9251
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	9252 9253
(F)(1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation	9254 9255 9256 9257 9258 9259 9260 9261 9262 9263 9264 9265 9266

directly to the adult parole authority or to the officer of the 9267
authority who supervises the offender. The authority's officers 9268
may treat the offender as if the offender were on parole and in 9269
violation of the parole, and otherwise shall comply with this 9270
section. 9271

(2) If the adult parole authority or, pursuant to an 9272
agreement under section 2967.29 of the Revised Code, the court 9273
determines that a releasee has violated a post-release control 9274
sanction or any conditions described in division (A) of section 9275
2967.131 of the Revised Code imposed upon the releasee and that a 9276
more restrictive sanction is appropriate, the authority or court 9277
may impose a more restrictive sanction upon the releasee, in 9278
accordance with the standards established under division (E) of 9279
this section or in accordance with the agreement made under 9280
section 2967.29 of the Revised Code, or may report the violation 9281
to the parole board for a hearing pursuant to division (F)(3) of 9282
this section. The authority or court may not, pursuant to this 9283
division, increase the duration of the releasee's post-release 9284
control or impose as a post-release control sanction a residential 9285
sanction that includes a prison term, but the authority or court 9286
may impose on the releasee any other residential sanction, 9287
nonresidential sanction, or financial sanction that the sentencing 9288
court was authorized to impose pursuant to sections 2929.16, 9289
2929.17, and 2929.18 of the Revised Code. 9290

(3) The parole board or, pursuant to an agreement under 9291
section 2967.29 of the Revised Code, the court may hold a hearing 9292
on any alleged violation by a releasee of a post-release control 9293
sanction or any conditions described in division (A) of section 9294
2967.131 of the Revised Code that are imposed upon the releasee. 9295
If after the hearing the board or court finds that the releasee 9296
violated the sanction or condition, the board or court may 9297
increase the duration of the releasee's post-release control up to 9298

the maximum duration authorized by division (B) or (C) of this 9299
section or impose a more restrictive post-release control 9300
sanction. When appropriate, the board or court may impose as a 9301
post-release control sanction a residential sanction that includes 9302
a prison term. The board or court shall consider a prison term as 9303
a post-release control sanction imposed for a violation of 9304
post-release control when the violation involves a deadly weapon 9305
or dangerous ordnance, physical harm or attempted serious physical 9306
harm to a person, or sexual misconduct, or when the releasee 9307
committed repeated violations of post-release control sanctions. 9308
Unless a releasee's stated prison term was reduced pursuant to 9309
section 5120.032 of the Revised Code, the period of a prison term 9310
that is imposed as a post-release control sanction under this 9311
division shall not exceed nine months, and the maximum cumulative 9312
prison term for all violations under this division shall not 9313
exceed one-half of the stated prison term originally imposed upon 9314
the offender as part of this sentence. If a releasee's stated 9315
prison term was reduced pursuant to section 5120.032 of the 9316
Revised Code, the period of a prison term that is imposed as a 9317
post-release control sanction under this division and the maximum 9318
cumulative prison term for all violations under this division 9319
shall not exceed the period of time not served in prison under the 9320
sentence imposed by the court. The period of a prison term that is 9321
imposed as a post-release control sanction under this division 9322
shall not count as, or be credited toward, the remaining period of 9323
post-release control. 9324

If an offender is imprisoned for a felony committed while 9325
under post-release control supervision and is again released on 9326
post-release control for a period of time determined by division 9327
(F)(4)(d) of this section, the maximum cumulative prison term for 9328
all violations under this division shall not exceed one-half of 9329
the total stated prison terms of the earlier felony, reduced by 9330
any prison term administratively imposed by the parole board or 9331

court, plus one-half of the total stated prison term of the new 9332
felony. 9333

(4) Any period of post-release control shall commence upon an 9334
offender's actual release from prison. If an offender is serving 9335
an indefinite prison term or a life sentence in addition to a 9336
stated prison term, the offender shall serve the period of 9337
post-release control in the following manner: 9338

(a) If a period of post-release control is imposed upon the 9339
offender and if the offender also is subject to a period of parole 9340
under a life sentence or an indefinite sentence, and if the period 9341
of post-release control ends prior to the period of parole, the 9342
offender shall be supervised on parole. The offender shall receive 9343
credit for post-release control supervision during the period of 9344
parole. The offender is not eligible for final release under 9345
section 2967.16 of the Revised Code until the post-release control 9346
period otherwise would have ended. 9347

(b) If a period of post-release control is imposed upon the 9348
offender and if the offender also is subject to a period of parole 9349
under an indefinite sentence, and if the period of parole ends 9350
prior to the period of post-release control, the offender shall be 9351
supervised on post-release control. The requirements of parole 9352
supervision shall be satisfied during the post-release control 9353
period. 9354

(c) If an offender is subject to more than one period of 9355
post-release control, the period of post-release control for all 9356
of the sentences shall be the period of post-release control that 9357
expires last, as determined by the parole board or court. Periods 9358
of post-release control shall be served concurrently and shall not 9359
be imposed consecutively to each other. 9360

(d) The period of post-release control for a releasee who 9361
commits a felony while under post-release control for an earlier 9362

felony shall be the longer of the period of post-release control 9363
specified for the new felony under division (B) or (C) of this 9364
section or the time remaining under the period of post-release 9365
control imposed for the earlier felony as determined by the parole 9366
board or court. 9367

Sec. 2981.07. (A) No person shall destroy, damage, remove, or 9368
transfer property that is subject to forfeiture or otherwise take 9369
any action in regard to property that is subject to forfeiture 9370
with purpose to do any of the following: 9371

(1) Prevent or impair the state's or political subdivision's 9372
lawful authority to take the property into its custody or control 9373
under this chapter or to continue holding the property under its 9374
lawful custody or control; 9375

(2) Impair or defeat the court's continuing jurisdiction over 9376
the person and property; 9377

(3) Devalue property that the person knows, or has reasonable 9378
cause to believe, is subject to forfeiture proceedings under this 9379
chapter. 9380

(B)(1) Whoever violates this section is guilty of 9381
interference with or diminishing forfeitable property. 9382

(2) Except as otherwise provided in divisions (B)(3), (4), 9383
and (5) of this section, interference with or diminishing 9384
forfeitable property is a misdemeanor of the first degree. 9385

(3) If the value of the property is ~~five hundred~~ one thousand 9386
dollars or more but less than ~~five~~ seven thousand ~~five hundred~~ 9387
dollars, interference with or diminishing forfeitable property is 9388
a felony of the fifth degree. 9389

(4) If the value of the property is ~~five~~ seven thousand ~~five~~ 9390
hundred dollars or more but less than one hundred fifty thousand 9391
dollars, interference with or diminishing forfeitable property is 9392

a felony of the fourth degree. 9393

(5) If the value of the property is one hundred fifty 9394
thousand dollars or more, interference with or diminishing 9395
forfeitable property is a felony of the third degree. 9396

Sec. 4507.51. (A)(1) Every application for an identification 9397
card or duplicate shall be made on a form furnished by the 9398
registrar of motor vehicles, shall be signed by the applicant, and 9399
by the applicant's parent or guardian if the applicant is under 9400
eighteen years of age, and shall contain the following information 9401
pertaining to the applicant: name, date of birth, sex, general 9402
description including the applicant's height, weight, hair color, 9403
and eye color, address, and social security number. The 9404
application also shall state whether an applicant wishes to 9405
certify willingness to make an anatomical gift under section 9406
2108.05 of the Revised Code and shall include information about 9407
the requirements of sections 2108.01 to 2108.29 of the Revised 9408
Code that apply to persons who are less than eighteen years of 9409
age. The statement regarding willingness to make such a donation 9410
shall be given no consideration in the decision of whether to 9411
issue an identification card. Each applicant shall be photographed 9412
in color at the time of making application. 9413

(2)(a) The application also shall state whether the applicant 9414
has executed a valid durable power of attorney for health care 9415
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 9416
executed a declaration governing the use or continuation, or the 9417
withholding or withdrawal, of life-sustaining treatment pursuant 9418
to sections 2133.01 to 2133.15 of the Revised Code and, if the 9419
applicant has executed either type of instrument, whether the 9420
applicant wishes the identification card issued to indicate that 9421
the applicant has executed the instrument. 9422

(b) On and after October 7, 2009, the application also shall 9423

state whether the applicant is a veteran, active duty, or 9424
reservist of the armed forces of the United States and, if the 9425
applicant is such, whether the applicant wishes the identification 9426
card issued to indicate that the applicant is a veteran, active 9427
duty, or reservist of the armed forces of the United States by a 9428
military designation on the identification card. 9429

(3) The registrar or deputy registrar, in accordance with 9430
section 3503.11 of the Revised Code, shall register as an elector 9431
any person who applies for an identification card or duplicate if 9432
the applicant is eligible and wishes to be registered as an 9433
elector. The decision of an applicant whether to register as an 9434
elector shall be given no consideration in the decision of whether 9435
to issue the applicant an identification card or duplicate. 9436

(B) The application for an identification card or duplicate 9437
shall be filed in the office of the registrar or deputy registrar. 9438
Each applicant shall present documentary evidence as required by 9439
the registrar of the applicant's age and identity, and the 9440
applicant shall swear that all information given is true. An 9441
identification card issued by the department of rehabilitation and 9442
correction under section 5120.59 of the Revised Code shall be 9443
sufficient documentary evidence under this division upon 9444
verification of the applicant's social security number by the 9445
registrar or a deputy registrar. Upon issuing an identification 9446
card under this section for a person who has been issued an 9447
identification card under section 5120.59 of the Revised Code, the 9448
registrar or deputy registrar shall destroy the identification 9449
card issued under section 5120.59 of the Revised Code. 9450

All applications for an identification card or duplicate 9451
shall be filed in duplicate, and if submitted to a deputy 9452
registrar, a copy shall be forwarded to the registrar. The 9453
registrar shall prescribe rules for the manner in which a deputy 9454
registrar is to file and maintain applications and other records. 9455

The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

(C) In addition to any other information it contains, on and after the date that is fifteen months after the effective date of this amendment, the form furnished by the registrar of motor vehicles for an application for an identification card or duplicate shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the card or duplicate indicate that the applicant is an honorably discharged veteran of the armed forces of the United States based on a request made pursuant to division (A)(2)(b) of this section.

Sec. 5120.035. (A) As used in this section:

(1) "Alcohol and drug addiction services" has the same meaning as in section 3793.01 of the Revised Code.

(2) "Second Chance Act" means the "Second Chance Act of 2007: Community Safety Through Recidivism Prevention," 122 Stat. 657, 42 U.S.C. 17501, et seq., as now or hereafter amended.

(B) The department of rehabilitation and correction, together with the department of alcohol and drug addiction services as the single state authority for alcohol and drug addiction services, shall develop an implementation plan related to any funding approved by the bureau of justice assistance of the United States department of justice through the Second Chance Act related to reentry of offenders into the community. The department of rehabilitation and correction, together with the department of alcohol and drug addiction services, shall develop the plan not later than ninety days after either of the departments is notified by the United States department of justice that this state will receive funding through the Second Chance Act. The implementation plan shall include, but is not limited to, all of the following:

<u>(1) A process and funding system for the reentry of offenders seeking alcohol and drug addiction services;</u>	9487
	9488
<u>(2) The planning, development, implementation, outcomes, monitoring, regulation, and evaluation of a statewide system for clinically appropriate alcohol and drug addiction services.</u>	9489
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Sec. 5120.07. (A) There is hereby created the ex-offender reentry coalition consisting of the following seventeen members or their designees:	9492
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(1) The director of rehabilitation and correction;	9495
(2) The director of aging;	9496
(3) The director of alcohol and drug addiction services;	9497
(4) The director of development;	9498
(5) The superintendent of public instruction;	9499
(6) The director of health;	9500
(7) The director of job and family services;	9501
(8) The director of mental health;	9502
(9) The director of developmental disabilities;	9503
(10) The director of public safety;	9504
(11) The director of youth services;	9505
(12) The chancellor of the Ohio board of regents;	9506
(13) The director <u>A representative or member</u> of the governor's office of external affairs and economic opportunity staff;	9507
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	9509
(14) The director of the governor's office of faith based and community initiatives;	9510
	9511
(15) The director of the rehabilitation services commission;	9512
(16) <u>(15)</u> The director of the department of commerce;	9513

~~(17)~~(16) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition;

(17) The director of veterans services.

(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition.

(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, including but not limited to, service providers, community-based organizations, and local governments, the coalition shall identify and examine social service barriers and other obstacles to the reentry of ex-offenders into the community. Not later than one year after April 7, 2009, and on or before the same date of each year thereafter, the coalition shall submit to the speaker of the house of representatives and the president of the senate a report, including recommendations for legislative action, the activities of the coalition, and the barriers affecting the successful reentry of ex-offenders into the community. The report shall analyze the effects of those barriers on ex-offenders and on their children and other family members in various areas, including but not limited to, the following:

(1) Admission to public and other housing;

(2) Child support obligations and procedures;

(3) Parental incarceration and family reunification;

(4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;

(5) Employment;

(6) Education programs and financial assistance;

(7) Substance abuse, mental health, and sex offender

treatment programs and financial assistance; 9544

(8) Civic and political participation; 9545

(9) Other collateral consequences under the Revised Code or 9546
the Ohio administrative code law that may result from a criminal 9547
conviction. 9548

Sec. 5120.10. (A)(1) The director of rehabilitation and 9549
correction, by rule, shall promulgate minimum standards for jails 9550
in Ohio, including minimum security jails dedicated under section 9551
341.34 or 753.21 of the Revised Code. Whenever the director files 9552
a rule or an amendment to a rule in final form with both the 9553
secretary of state and the director of the legislative service 9554
commission pursuant to section 111.15 of the Revised Code, the 9555
director of rehabilitation and correction promptly shall send a 9556
copy of the rule or amendment, if the rule or amendment pertains 9557
to minimum jail standards, by ordinary mail to the political 9558
subdivisions or affiliations of political subdivisions that 9559
operate jails to which the standards apply. 9560

(2) The rules promulgated in accordance with division (A)(1) 9561
of this section shall serve as criteria for the investigative and 9562
supervisory powers and duties vested by division (D) of this 9563
section in the division of parole and community services of the 9564
department of rehabilitation and correction or in another division 9565
of the department to which those powers and duties are assigned. 9566

(B) The director may initiate an action in the court of 9567
common pleas of the county in which a facility that is subject to 9568
the rules promulgated under division (A)(1) of this section is 9569
situated to enjoin compliance with the minimum standards for jails 9570
or with the minimum standards and minimum renovation, 9571
modification, and construction criteria for minimum security 9572
jails. 9573

(C) Upon the request of an administrator of a jail facility, 9574
the chief executive of a municipal corporation, or a board of 9575
county commissioners, the director of rehabilitation and 9576
correction or the director's designee shall grant a variance from 9577
the minimum standards for jails in Ohio for a facility that is 9578
subject to one of those minimum standards when the director 9579
determines that strict compliance with the minimum standards would 9580
cause unusual, practical difficulties or financial hardship, that 9581
existing or alternative practices meet the intent of the minimum 9582
standards, and that granting a variance would not seriously affect 9583
the security of the facility, the supervision of the inmates, or 9584
the safe, healthful operation of the facility. If the director or 9585
the director's designee denies a variance, the applicant may 9586
appeal the denial pursuant to section 119.12 of the Revised Code. 9587

(D) The following powers and duties shall be exercised by the 9588
division of parole and community services unless assigned to 9589
another division by the director: 9590

(1) The investigation and supervision of county and municipal 9591
jails, workhouses, minimum security jails, and other correctional 9592
institutions and agencies; 9593

(2) The review and approval of plans submitted to the 9594
department of rehabilitation and correction pursuant to division 9595
(E) of this section; 9596

(3) The management and supervision of the adult parole 9597
authority created by section 5149.02 of the Revised Code; 9598

(4) The review and approval of proposals for community-based 9599
correctional facilities and programs and district community-based 9600
correctional facilities and programs that are submitted pursuant 9601
to division (B) of section 2301.51 of the Revised Code; 9602

(5) The distribution of funds made available to the division 9603
for purposes of assisting in the renovation, maintenance, and 9604

operation of community-based correctional facilities and programs 9605
and district community-based correctional facilities and programs 9606
in accordance with section 5120.112 of the Revised Code; 9607

(6) The performance of the duty imposed upon the department 9608
of rehabilitation and correction in section 5149.31 of the Revised 9609
Code to establish and administer a program of subsidies to 9610
eligible municipal corporations, counties, and groups of 9611
contiguous counties for the development, implementation, and 9612
operation of community-based corrections programs; 9613

(7) Licensing halfway houses and community residential 9614
centers for the care and treatment of adult offenders in 9615
accordance with section 2967.14 of the Revised Code; 9616

(8) Contracting with a public or private agency or a 9617
department or political subdivision of the state that operates a 9618
licensed halfway house or community residential center for the 9619
provision of housing, supervision, and other services to parolees, 9620
releasees, persons placed under a residential sanction, persons 9621
under transitional control, and other eligible offenders in 9622
accordance with section 2967.14 of the Revised Code. 9623

Other powers and duties may be assigned by the director of 9624
rehabilitation and correction to the division of parole and 9625
community services. This section does not apply to the department 9626
of youth services or its institutions or employees. 9627

(E) No plan for any new jail, workhouse, or lockup, and no 9628
plan for a substantial addition or alteration to an existing jail, 9629
workhouse, or lockup, shall be adopted unless the officials 9630
responsible for adopting the plan have submitted the plan to the 9631
department of rehabilitation and correction for approval, and the 9632
department has approved the plan as provided in division (D)(2) of 9633
this section. 9634

(F) The division of parole and community services shall 9635

review, approve, and certify proposals for community alternative 9636
sentencing centers and district community alternative sentencing 9637
centers that are submitted pursuant to section 307.932 of the 9638
Revised Code. 9639

Sec. 5120.111. With respect to community-based correctional 9640
facilities and programs and district community-based correctional 9641
facilities and programs authorized under section 2301.51 of the 9642
Revised Code and to community alternative sentencing centers and 9643
district community alternative sentencing centers authorized under 9644
section 307.932 of the Revised Code, the department of 9645
rehabilitation and correction shall do all of the following: 9646

(A) Adopt rules, under Chapter 119. of the Revised Code, that 9647
serve as criteria for the operation of community-based 9648
correctional facilities and programs and district community-based 9649
correctional facilities and programs approved in accordance with 9650
sections 2301.51 and 5120.10 of the Revised Code; 9651

(B) Adopt rules, under Chapter 119. of the Revised Code, 9652
governing the procedures for the submission of proposals for the 9653
establishment of community-based correctional facilities and 9654
programs and district community-based correctional facilities and 9655
programs to the division of parole and community services under 9656
division (B) of section 2301.51 of the Revised Code or for the 9657
establishment and operation of community alternative sentencing 9658
centers and district community alternative sentencing centers 9659
under section 307.932 of the Revised Code and adopt rules under 9660
Chapter 119. of the Revised Code that establish certification 9661
guidelines for community alternative sentencing centers and 9662
district community alternative sentencing centers under section 9663
307.932 of the Revised Code; 9664

(C) Prescribe forms that are to be used by facility governing 9665
boards of community-based correctional facilities and programs and 9666

district community-based correctional facilities and programs in 9667
making application for state financial assistance under section 9668
2301.56 of the Revised Code; 9669

(D) Adopt rules, under Chapter 119. of the Revised Code, that 9670
prescribe the standards of operation for the facilities and 9671
programs that must be satisfied for ~~the~~ community-based 9672
correctional facilities and programs and district community-based 9673
correctional facilities and programs to be eligible for state 9674
financial assistance; 9675

(E) Through the division of parole and community services, 9676
accept and review proposals for the establishment of ~~the~~ 9677
community-based correctional facilities and programs and district 9678
community-based correctional facilities and programs and approve 9679
those proposals that satisfy the minimum requirements contained in 9680
section 2301.52 of the Revised Code; and administer the program 9681
for state financial assistance to the facilities and programs in 9682
accordance with section 5120.112 of the Revised Code; 9683

(F) Accept, through the division of parole and community 9684
services, and review proposals for the establishment and operation 9685
of community alternative sentencing centers and district community 9686
alternative sentencing centers and approve and certify those 9687
proposals that satisfy the requirements contained in section 9688
307.932 of the Revised Code. 9689

Sec. 5120.113. (A) For each inmate committed to the 9690
department of rehabilitation and correction, except as provided in 9691
division (B) of this section, the department shall prepare a 9692
written reentry plan for the inmate to help guide the inmate's 9693
rehabilitation program during imprisonment, to assist in the 9694
inmate's reentry into the community, and to assess the inmate's 9695
needs upon release. 9696

(B) Division (A) of this section does not apply to an inmate 9697

who has been sentenced to life imprisonment without parole or who 9698
has been sentenced to death. Division (A) of this section does not 9699
apply to any inmate who is expected to be imprisoned for thirty 9700
days or less, but the department may prepare a written reentry 9701
plan of the type described in that division if the department 9702
determines that the plan is needed. 9703

(C) The department may collect, if available, any social and 9704
other information that will aid in the preparation of reentry 9705
plans under this section. 9706

(D) In the event the department does not prepare a written 9707
reentry plan as specified in division (A) of this section, or 9708
makes a decision to not prepare a written reentry plan under 9709
division (B) of this section or to not collect information under 9710
division (C) of this section, that fact does not give rise to a 9711
claim for damages against the state, the department, the director 9712
of the department, or any employee of the department. 9713

Sec. 5120.59. Before a prisoner is released from a state 9714
correctional institution, the department of rehabilitation and 9715
correction shall attempt to verify the prisoner's identification 9716
and social security number. If the department is not able to 9717
verify the prisoner's identification and social security number, 9718
if the prisoner has no other documentary evidence required by the 9719
registrar of motor vehicles for the issuance of an identification 9720
card under section 4507.50 of the Revised Code, and if the 9721
department determines that the prisoner is legally living in the 9722
United States, the department shall issue to the prisoner upon the 9723
prisoner's release an identification card that the prisoner may 9724
present to the registrar or a deputy registrar of motor vehicles 9725
~~to obtain an identification card under section 4507.50 of the~~ 9726
~~Revised Code. The director of rehabilitation and correction may~~ 9727
~~adopt rules for the implementation of this section.~~ 9728

Sec. 5120.60. (A) There is hereby created in the division of 9729
parole and community services the office of ~~victims'~~ victim 9730
services. 9731

(B) The office shall provide assistance to victims of crime, 9732
victims' representatives designated under section 2930.02 of the 9733
Revised Code, and members of the victim's family. The assistance 9734
shall include, but not be limited to, providing information about 9735
the policies and procedures of the department of rehabilitation 9736
and correction and the status of offenders under the department's 9737
jurisdiction. 9738

(C) The office shall also make available publications that 9739
will assist victims in contacting staff of the department about 9740
problems with offenders under the supervision of the adult parole 9741
authority or confined in state correctional institutions under the 9742
department's jurisdiction. 9743

(D) The office shall employ a ~~victims~~ victim coordinator who 9744
shall administer the office's functions. The ~~victims~~ victim 9745
coordinator shall be in the unclassified civil service and report 9746
directly to the chief of the division. 9747

(E) The office shall also employ at least three persons in 9748
the unclassified civil service whose primary duties shall be to 9749
help parole board hearing officers identify victims' issues and to 9750
make recommendations to the parole board in accordance with rules 9751
adopted by the department. The member of the parole board 9752
appointed pursuant to division (B) of section 5149.10 of the 9753
Revised Code shall approve the hiring of the employees of the 9754
office. 9755

(F) The office shall coordinate its activities with the 9756
member of the parole board appointed pursuant to division (B) of 9757
section 5149.10 of the Revised Code. The ~~victims~~ victim 9758
coordinator and other employees of the office shall have full 9759

access to records of prisoners under the department's 9760
jurisdiction. 9761

(G) Information provided to the office of victim services by 9762
victims of crime or a victim representative designated under 9763
section 2930.02 of the Revised Code for the purpose of program 9764
participation, of receiving services, or to communicate acts of an 9765
inmate or person under the supervision of the adult parole 9766
authority that threaten the safety and security of the victim 9767
shall be confidential and is not a public record under section 9768
149.43 of the Revised Code. 9769

(H)(1) If a person who was convicted of or pleaded guilty to 9770
an offense of violence that is a felony escapes from a 9771
correctional institution under the control of the department of 9772
rehabilitation and correction or otherwise escapes from the 9773
custody of the department, the office of victim services shall 9774
notify each victim of the offense or offenses committed by that 9775
person of that person's escape and, if applicable, of that 9776
person's subsequent apprehension. The office shall give this 9777
notice as soon as practicable after the escape and the office 9778
identifies and locates the victim. The office shall give this 9779
notice to each victim of the escaped person, regardless of whether 9780
the victim is registered for notification with the office, unless 9781
the victim has specifically notified the office that the victim 9782
does not wish to be notified regarding the person. 9783

The office may give the notice required by this division by 9784
telephone, in person, or by e-mail or other electronic means. If 9785
the office cannot locate a victim to whom notice is to be provided 9786
under this division, the office shall send the notice in writing 9787
to the last known address of that victim. 9788

(2) If a person escapes as described in division (H)(1) of 9789
this section, the office of victim services may request assistance 9790
from the prosecuting attorney of the county in which the person 9791

was convicted of or pleaded guilty to the offense in identifying 9792
and locating the victim of the offense. 9793

(I) Any reference in any Revised Code section other than this 9794
section to the "office of victims' services" of the division of 9795
parole and community services or of the department of 9796
rehabilitation and correction shall be construed as being a 9797
reference to, and meaning, the office of victim services created 9798
by division (A) of this section. 9799

(J) As used in this section, "crime," "member of the victim's 9800
family," and "victim" have the meanings given in section 2930.01 9801
of the Revised Code. 9802

Sec. 5120.66. (A) Within ninety days after November 23, 2005, 9803
but not before January 1, 2006, the department of rehabilitation 9804
and correction shall establish and operate on the internet a 9805
database that contains all of the following: 9806

(1) For each inmate in the custody of the department under a 9807
sentence imposed for a conviction of or plea of guilty to any 9808
offense, all of the following information: 9809

(a) The inmate's name; 9810

(b) For each offense for which the inmate was sentenced to a 9811
prison term or term of imprisonment and is in the department's 9812
custody, the name of the offense, the Revised Code section of 9813
which the offense is a violation, the gender of each victim of the 9814
offense if those facts are known, whether each victim of the 9815
offense was an adult or child if those facts are known, the range 9816
of the possible prison terms or term of imprisonment that could 9817
have been imposed for the offense, the actual prison term or term 9818
of imprisonment imposed for the offense, the county in which the 9819
offense was committed, the date on which the inmate began serving 9820
the prison term or term of imprisonment imposed for the offense, 9821

and either the date on which the inmate will be eligible for 9822
parole relative to the offense if the prison term or term of 9823
imprisonment is an indefinite term or life term or the date on 9824
which the term ends if the prison term is a definite term; 9825

(c) All of the following information that is applicable 9826
regarding the inmate: 9827

(i) If known to the department prior to the conduct of any 9828
hearing for judicial release of the defendant pursuant to section 9829
2929.20 of the Revised Code in relation to any prison term or term 9830
of imprisonment the inmate is serving for any offense or any 9831
hearing for release of the defendant pursuant to section 2967.19 9832
of the Revised Code in relation to any such term, notice of the 9833
fact that the inmate will be having a hearing regarding a possible 9834
grant of judicial release or release, the date of the hearing, and 9835
the right of any person pursuant to division (J) of ~~that~~ section 9836
2929.20 or division (H) of section 2967.19 of the Revised Code, 9837
whichever is applicable, to submit to the court a written 9838
statement regarding the possible judicial release; or release. The 9839
department also shall post notice of the filing of any petition 9840
for release of the inmate pursuant to section 2967.19 of the 9841
Revised Code, as required by division (E) of that section. 9842

(ii) If the inmate is serving a prison term pursuant to 9843
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 9844
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 9845
Code, prior to the conduct of any hearing pursuant to section 9846
2971.05 of the Revised Code to determine whether to modify the 9847
requirement that the inmate serve the entire prison term in a 9848
state correctional facility in accordance with division (C) of 9849
that section, whether to continue, revise, or revoke any existing 9850
modification of that requirement, or whether to terminate the 9851
prison term in accordance with division (D) of that section, 9852
notice of the fact that the inmate will be having a hearing 9853

regarding those determinations and of the date of the hearing; 9854

(iii) At least three weeks before the adult parole authority 9855
recommends a pardon or commutation of sentence for the inmate or 9856
at least three weeks prior to a hearing before the adult parole 9857
authority regarding a grant of parole to the inmate in relation to 9858
any prison term or term of imprisonment the inmate is serving for 9859
any offense, notice of the fact that the inmate might be under 9860
consideration for a pardon or commutation of sentence or will be 9861
having a hearing regarding a possible grant of parole, of the date 9862
of any hearing regarding a possible grant of parole, and of the 9863
right of any person to submit a written statement regarding the 9864
pending action; 9865

(iv) At least three weeks before the inmate is transferred to 9866
transitional control under section 2967.26 of the Revised Code in 9867
relation to any prison term or term of imprisonment the inmate is 9868
serving for any offense, notice of the pendency of the transfer, 9869
of the date of the possible transfer, and of the right of any 9870
person to submit a statement regarding the possible transfer; 9871

(v) Prompt notice of the inmate's escape from any facility in 9872
which the inmate was incarcerated and of the capture of the inmate 9873
after an escape; 9874

(vi) Notice of the inmate's death while in confinement; 9875

(vii) Prior to the release of the inmate from confinement, 9876
notice of the fact that the inmate will be released, of the date 9877
of the release, and, if applicable, of the standard terms and 9878
conditions of the release; 9879

(viii) Notice of the inmate's judicial release pursuant to 9880
section 2929.20 of the Revised Code or release pursuant to section 9881
2967.19 of the Revised Code. 9882

(2) Information as to where a person can send written 9883
statements of the types referred to in divisions (A)(1)(c)(i), 9884

(iii), and (iv) of this section. 9885

(B)(1) The department shall update the database required 9886
under division (A) of this section every twenty-four hours to 9887
ensure that the information it contains is accurate and current. 9888

(2) The database required under division (A) of this section 9889
is a public record open for inspection under section 149.43 of the 9890
Revised Code. The department shall make the database searchable by 9891
inmate name and by the county and zip code where the offender 9892
intends to reside after release from a state correctional 9893
institution if this information is known to the department. 9894

(3) The database required under division (A) of this section 9895
may contain information regarding inmates who are listed in the 9896
database in addition to the information described in that 9897
division. 9898

(4) No information included on the database required under 9899
division (A) of this section shall identify or enable the 9900
identification of any victim of any offense committed by an 9901
inmate. 9902

(C) The failure of the department to comply with the 9903
requirements of division (A) or (B) of this section does not give 9904
any rights or any grounds for appeal or post-conviction relief to 9905
any inmate. 9906

(D) This section, and the related provisions of sections 9907
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 9908
in the act in which this section was enacted, shall be known as 9909
"Laura's Law." 9910

Sec. 5149.01. As used in Chapter 5149. of the Revised Code: 9911

(A) "Authority" means the adult parole authority created by 9912
section 5149.02 of the Revised Code. 9913

(B) "State correctional institution," "pardon," 9914

"commutation," "reprieve," "parole," "head of a state correctional institution," "convict," "prisoner," "parolee," "final release," and "parole violator" have the same meanings as in section 2967.01 of the Revised Code.

(C) "Full board hearing" means a parole board hearing conducted by a ~~minimum~~ majority of ~~seven~~ parole board members as described in section 5149.101 of the Revised Code.

Sec. 5149.10. (A)(1) The parole board shall consist of up to twelve members, one of whom shall be designated as chairperson by the director of the department of rehabilitation and correction and who shall continue as chairperson until a successor is designated, and any other personnel that are necessary for the orderly performance of the duties of the board. In addition to the rules authorized by section 5149.02 of the Revised Code, the chief of the adult parole authority, subject to the approval of the chief of the division of parole and community services and subject to this section, shall adopt rules governing the proceedings of the parole board. The rules shall provide for the convening of full board hearings, the procedures to be followed in full board hearings, and general procedures to be followed in other hearings of the board and by the board's hearing officers. The rules also shall require agreement by a majority of all the board members to any recommendation of clemency transmitted to the governor.

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

(3)(a) Except for the chairperson, except for the member

appointed under division (B) of this section, and except as 9946
otherwise provided in division (A)(3)(b) of this section, a member 9947
appointed to the parole board shall be appointed to a six-year 9948
term. A member shall hold office from the date of appointment 9949
until the end of the term for which the member was appointed. A 9950
member is eligible for reappointment for another six-year term 9951
that may or may not be consecutive to the first six-year term. A 9952
member is not eligible for reappointment after serving two 9953
six-year terms whether or not served consecutively. Vacancies 9954
shall be filled in the same manner provided for original 9955
appointments. Any member appointed under this division to fill a 9956
vacancy occurring prior to the expiration date of the term for 9957
which the member's predecessor was appointed shall begin that 9958
member's first six-year term upon appointment, regardless of the 9959
time remaining in the term of the member's predecessor. A member 9960
appointed under this division shall continue in office subsequent 9961
to the expiration date of the member's term until the member's 9962
successor takes office or until a period of sixty days has 9963
elapsed, whichever occurs first. 9964

(b) A member of the parole board on the effective date of 9965
this amendment who has served on the board less than six years 9966
shall have the time so served applied toward a six-year term and 9967
at the end of that six-year term shall be eligible for 9968
reappointment to an additional six-year term. A member of the 9969
parole board on the effective date of this amendment who has 9970
served on the board at least six years but less than twelve years 9971
shall have six of the years so served applied toward the first 9972
six-year term and the remaining time so served applied toward a 9973
second six-year term, shall serve the remainder of that second 9974
six-year term, and at the end of that second six-year term shall 9975
not be eligible for reappointment. A member of the parole board on 9976
the effective date of this amendment who has served on the board 9977
twelve years or longer shall serve until a successor member is 9978

appointed or a period of six months after the effective date of 9979
this amendment has elapsed, whichever occurs first, and after the 9980
end of that service shall be eligible for reappointment to an 9981
additional six-year term. 9982

(4) Except as otherwise provided in division (B) of this 9983
section, no person shall be appointed a member of the board who is 9984
not qualified by education or experience in correctional work, 9985
including law enforcement, prosecution of offenses, advocating for 9986
the rights of victims of crime, probation, or parole, in law, in 9987
social work, or in a combination of the three categories. 9988

(B) The director of rehabilitation and correction, in 9989
consultation with the governor, shall appoint one member of the 9990
board, who shall be a person who has been a victim of crime or who 9991
is a member of a victim's family or who represents an organization 9992
that advocates for the rights of victims of crime. After 9993
appointment, this member shall be an unclassified employee of the 9994
department of rehabilitation and correction. 9995

The initial appointment shall be for a term ending four years 9996
after July 1, 1996. Thereafter, the term of office of the member 9997
appointed under this division shall be for four years, with each 9998
term ending on the same day of the same month as did the term that 9999
it succeeds. The member shall hold office from the date of 10000
appointment until the end of the term for which the member was 10001
appointed and may be reappointed. Vacancies shall be filled in the 10002
manner provided for original appointments. Any member appointed 10003
under this division to fill a vacancy occurring prior to the 10004
expiration date of the term for which the member's predecessor was 10005
appointed shall hold office as a member for the remainder of that 10006
term. The member appointed under this division shall continue in 10007
office subsequent to the expiration date of the member's term 10008
until the member's successor takes office or until a period of 10009
sixty days has elapsed, whichever occurs first. 10010

The member appointed under this division shall be compensated 10011
in the same manner as other board members and shall be reimbursed 10012
for actual and necessary expenses incurred in the performance of 10013
the ~~members'~~ member's duties. The member may vote on all cases 10014
heard by the full board under section 5149.101 of the Revised 10015
Code, has such duties as are assigned by the chairperson of the 10016
board, and shall coordinate the member's activities with the 10017
office of victims' services created under section 5120.60 of the 10018
Revised Code. 10019

As used in this division, "crime," "member of the victim's 10020
family," and "victim" have the meanings given in section 2930.01 10021
of the Revised Code. 10022

(C) The chairperson shall submit all recommendations for or 10023
against clemency directly to the governor. 10024

(D) The chairperson shall transmit to the chief of the adult 10025
parole authority all determinations for or against parole made by 10026
the board. Parole determinations are final and are not subject to 10027
review or change by the chief. 10028

(E) In addition to its duties pertaining to parole and 10029
clemency, if an offender is sentenced to a prison term pursuant to 10030
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 10031
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 10032
Code, the parole board shall have control over the offender's 10033
service of the prison term during the entire term unless the board 10034
terminates its control in accordance with section 2971.04 of the 10035
Revised Code. The parole board may terminate its control over the 10036
offender's service of the prison term only in accordance with 10037
section 2971.04 of the Revised Code. 10038

Sec. 5149.33. No municipal corporation, county, or group of 10039
counties receiving a subsidy under division (A) of section 5149.31 10040
of the Revised Code shall reduce, by the amount of the subsidy it 10041

receives or by a greater or lesser amount, the amount of local, 10042
nonfederal funds it expends for corrections, including, but not 10043
limited to, the amount of local, nonfederal funds it expends for 10044
the operation of the county, multicounty, municipal, 10045
municipal-county, or multicounty-municipal jail or workhouse, for 10046
any county or municipal probation department, or for any community 10047
corrections program. Each subsidy shall be used to make 10048
corrections expenditures in excess of those being made from local, 10049
nonfederal funds. No subsidy or portion of a subsidy shall be used 10050
to make capital improvements. If a recipient violates this 10051
section, the department of rehabilitation and correction ~~shall~~ may 10052
discontinue subsidy payments to the recipient. 10053

Sec. 5149.34. (A)(1) If a county desires to receive a subsidy 10054
from a subsidy program established under division (A) of section 10055
5149.31 of the Revised Code for community corrections programs as 10056
described in division (B) of that section, the board of county 10057
commissioners of the county shall establish, by a resolution as 10058
described in this division, and maintain a local corrections 10059
planning board that, except as provided in division (A)(2) of this 10060
section, shall include an administrator of a county, multicounty, 10061
municipal, municipal-county, or multicounty-municipal jail or 10062
workhouse located in the county; i a county commissioner of that 10063
county; i a judge of the court of common pleas of that county; i a 10064
judge of a municipal court or county court of that county; i an 10065
attorney whose practice of law primarily involves the 10066
representation of criminal defendants; i the chief law enforcement 10067
officer of the largest municipal corporation located in the 10068
county; i the county sheriff; i one or more prosecutors, as defined 10069
in section 2935.01 of the Revised Code; i the executive director of 10070
the board of alcohol, drug addiction, and mental health services 10071
serving that county or the executive director's designee, or the 10072
executive directors of both the community mental health board and 10073

the alcohol and drug addiction services board serving that county 10074
or their designees, whichever is applicable; the executive 10075
director of the county board of mental retardation and 10076
developmental disabilities of that county or the executive 10077
director's designee; an administrator of a halfway house serving 10078
that county, if any, or the administrator's designee; an 10079
administrator of a community-based correctional facility, if any, 10080
serving the court of common pleas of that county or the 10081
administrator's designee; an administrator of a community 10082
corrections act-funded program in that county, if any, or the 10083
administrator's designee; one or more representatives of the 10084
public, one of whom shall be a victim of crime_{7i}; one or more 10085
additional representatives of the law enforcement community_{7i}; one 10086
or more additional representatives of the judiciary_{7i}; one or more 10087
additional representatives of the field of corrections_{7i}; and 10088
officials from the largest municipal corporation located in the 10089
county. A majority of the members of the board shall be employed 10090
in the adult criminal justice field. At least two members of the 10091
board shall be members of the largest racial minority population, 10092
if any, in the county, and at least two other members of the board 10093
shall be women. The resolution shall state the number and nature 10094
of the members, the duration of their terms, the manner of filling 10095
vacancies on the board, and the compensation, if any, that members 10096
are to receive. The board of county commissioners also may 10097
specify, as part of the resolution, any other duties the local 10098
corrections planning board is to assume. 10099

(2) If, for good cause shown, including, but not limited to, 10100
the refusal of a specified individual to serve on a local 10101
corrections planning board, a particular county is not able to 10102
satisfy the requirements specified in division (A)(1) of this 10103
section for the composition of such a board, the director of 10104
rehabilitation and correction may waive the requirements to the 10105
extent necessary and approve a composition for the board that 10106

otherwise is consistent with the requirements. 10107

(B) Each local corrections planning board established 10108
pursuant to division (A) of this section shall adopt within 10109
eighteen months after its establishment, and from time to time 10110
shall revise, a comprehensive plan for the development, 10111
implementation, and operation of corrections services in the 10112
county. The plan shall be adopted and revised after consideration 10113
has been given to the impact that it will have or has had on the 10114
populations of state correctional institutions and county, 10115
multicounty, municipal, municipal-county, or multicounty-municipal 10116
jails or workhouses in the county, and shall be designed to unify 10117
or coordinate corrections services in the county and to reduce the 10118
number of persons committed, consistent with the standards adopted 10119
under division (B) of section 5149.31 of the Revised Code, from 10120
that county to state correctional institutions and to county, 10121
multicounty, municipal, municipal-county, or multicounty-municipal 10122
jails or workhouses. The plan and any revisions to the plan shall 10123
be submitted to the board of county commissioners of the county in 10124
which the local corrections planning board is located for 10125
approval. 10126

If a county has a community-based correctional facility and 10127
program established in accordance with sections 2301.51 to 2301.58 10128
of the Revised Code, the budgets of the facility and program shall 10129
not be subject to approval by the local corrections planning 10130
board, but instead shall continue to be determined in accordance 10131
with those sections. However, the local corrections planning board 10132
shall include the facility and program as part of the 10133
comprehensive plan adopted and revised pursuant to this division. 10134

(C) As used in this section, "halfway house" and 10135
"community-based correctional facility" have the same meanings as 10136
in section 2929.01 of the Revised Code. 10137

Section 2. That existing sections 109.42, 307.93, 309.18, 10138
341.12, 926.99, 1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 10139
2909.05, 2909.11, 2913.01, 2913.02, 2913.03, 2913.04, 2913.11, 10140
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 10141
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 10142
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 10143
2921.13, 2921.34, 2921.41, 2923.31, 2925.01, 2925.03, 2925.05, 10144
2925.11, 2929.01, 2929.13, 2929.14, 2929.20, 2929.26, 2929.34, 10145
2930.16, 2930.17, 2950.99, 2951.041, 2967.05, 2967.14, 2967.193, 10146
2967.28, 2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.59, 10147
5120.60, 5120.66, 5149.01, 5149.10, 5149.33, and 5149.34 of the 10148
Revised Code are hereby repealed. 10149

Section 3. The amendment of section 5120.07 of the Revised 10150
Code by Sections 1 and 2 of this act is not intended to supersede 10151
the earlier repeal of that section, with the delayed effective 10152
date of December 31, 2011. 10153

Section 4. The amendments to sections 2925.01, 2925.03, 10154
2925.05, and 2925.11 of the Revised Code, and to division (W) of 10155
section 2929.01 of the Revised Code, that are made in this act 10156
apply to a person who commits an offense involving marihuana, 10157
cocaine, or hashish on or after the effective date of this act and 10158
to a person to whom division (B) of section 1.58 of the Revised 10159
Code makes the amendments applicable. 10160

The provisions of sections 2925.01, 2925.03, 2925.05, and 10161
2925.11 of the Revised Code, and of division (W) of section 10162
2929.01 of the Revised Code, in existence prior to the effective 10163
date of this act shall apply to a person upon whom a court imposed 10164
sentence prior to the effective date of this act for an offense 10165
involving marihuana, cocaine, or hashish. The amendments to 10166
sections 2925.01, 2925.03, 2925.05, and 2925.11 of the Revised 10167

Code, and to division (W) of section 2929.01 of the Revised Code, 10168
that are made in this act do not apply to a person upon whom a 10169
court imposed sentence prior to the effective date of this act for 10170
an offense involving marihuana, cocaine, or hashish. 10171

Section 5. The amendments to sections 926.99, 1333.99, 10172
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 10173
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 10174
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 10175
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 10176
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 10177
Code that are made in this act apply to a person who commits an 10178
offense specified or penalized under those sections on or after 10179
the effective date of this section and to a person to whom 10180
division (B) of section 1.58 of the Revised Code makes the 10181
amendments applicable. 10182

The provisions of sections 926.99, 1333.99, 1707.99, 1716.99, 10183
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 10184
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 10185
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 10186
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 10187
2921.41, 2923.31, and 2981.07 of the Revised Code in existence 10188
prior to the effective date of this section shall apply to a 10189
person upon whom a court imposed sentence prior to the effective 10190
date of this section for an offense specified or penalized under 10191
those sections. The amendments to sections 926.99, 1333.99, 10192
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 10193
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 10194
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 10195
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 10196
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 10197
Code that are made in this act do not apply to a person who upon 10198
whom a court imposed sentence prior to the effective date of this 10199

section for an offense specified or penalized under those 10200
sections. 10201

Section 6. The report and recommendations of the Council of 10202
State Governments' Justice Reinvestment in Ohio Study shall be 10203
considered for implementation in this act. 10204

Section 7. Section 1716.99 of the Revised Code is presented 10205
in this act as a composite of the section as amended by both Am. 10206
Sub. H.B. 59 and Sub. S.B. 2 of the 123rd General Assembly. 10207
Section 2929.14 of the Revised Code is presented in this act as a 10208
composite of the section as amended by both Am. Sub. H.B. 130 and 10209
Am. Sub. H.B. 280 of the 127th General Assembly. Section 2929.20 10210
of the Revised Code is presented in this act as a composite of the 10211
section as amended by both Am. Sub. H.B. 130 and Sub. S.B. 108 of 10212
the 127th General Assembly. Section 2967.193 of the Revised Code 10213
is presented in this act as a composite of the section as amended 10214
by both Am. Sub. S.B. 269 and Am. Sub. H.B. 180 of the 121st 10215
General Assembly. The General Assembly, applying the principle 10216
stated in division (B) of section 1.52 of the Revised Code that 10217
amendments are to be harmonized if reasonably capable of 10218
simultaneous operation, finds that the composites are the 10219
resulting versions of the sections in effect prior to the 10220
effective date of the sections as presented in this act. 10221