

## As Introduced

129th General Assembly  
Regular Session  
2011-2012

H. B. No. 86

Representatives Blessing, Heard

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### 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)(l) 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 (NH<sub>3</sub>). 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 <del>five hundred</del> <u>one thousand</u> dollars or more and is less than <del>five</del> <u>seven</u> thousand <del>five</del> <u>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 <del>five</del> <u>seven</u> thousand <del>five</del> <u>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 <del>five</del> <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 <del>five</del> <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~~ 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 registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the internet.	2640 2641 2642 2643
(4) "Electronic mail," "originating address," and "receiving address" have the same meanings as in section 2307.64 of the Revised Code.	2644 2645 2646
(5) "Electronic mail message" means each electronic mail addressed to a discrete addressee.	2647 2648
(6) "Electronic mail service provider" means any person, including an internet service provider, that is an intermediary in sending and receiving electronic mail and that provides to the public electronic mail accounts or online user accounts from which electronic mail may be sent.	2649 2650 2651 2652 2653
(7) "Header information" means the source, destination, and routing information attached to an electronic mail message, including the originating domain name, the originating address, and technical information that authenticates the sender of an electronic mail message for computer network security or computer network management purposes.	2654 2655 2656 2657 2658 2659
(8) "Initiate the transmission" or "initiated" means to originate or transmit a commercial electronic mail message or to procure the origination or transmission of that message, regardless of whether the message reaches its intended recipients, but does not include actions that constitute routine conveyance of such message.	2660 2661 2662 2663 2664 2665
(9) "Internet" has the same meaning as in section 341.42 of the Revised Code.	2666 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 3259  
court, in determining the degree of the offense pursuant to 3260  
division (I) of this section, may aggregate all credit, property, 3261  
or services obtained or sought to be obtained by the offender and 3262  
all debts or other legal obligations avoided or sought to be 3263  
avoided by the offender in the violations involved in that course 3264  
of conduct. The course of conduct may involve one victim or more 3265  
than one victim. 3266

(2) If an offender commits a violation of division (C) of 3267  
this section and the violation occurs as part of a course of 3268  
conduct involving other violations of division (C) of this section 3269  
or violations of, attempts to violate, conspiracies to violate, or 3270  
complicity in violations of division (B), (D), or (E) of this 3271  
section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 3272  
2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in 3273  
determining the degree of the offense pursuant to division (I) of 3274  
this section, may aggregate all credit, property, or services 3275  
obtained or sought to be obtained by the person aided or abetted 3276  
and all debts or other legal obligations avoided or sought to be 3277  
avoided by the person aided or abetted in the violations involved 3278  
in that course of conduct. The course of conduct may involve one 3279  
victim or more than one victim. 3280

(I)(1) Whoever violates this section is guilty of identity 3281  
fraud. 3282

(2) Except as otherwise provided in this division or division 3283  
(I)(3) of this section, identity fraud is a felony of the fifth 3284  
degree. If the value of the credit, property, services, debt, or 3285  
other legal obligation involved in the violation or course of 3286  
conduct is ~~five hundred~~ one thousand dollars or more and is less 3287  
than ~~five~~ seven thousand five hundred dollars, except as otherwise 3288  
provided in division (I)(3) of this section, identity fraud is a 3289  
felony of the fourth degree. If the value of the credit, property, 3290

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, claim check, 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
<b>Sec. 2917.32.</b> (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  
4105

(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  
4107  
4108  
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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  
4112  
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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  
4118  
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 5717  
distillate form; 5718

(5) If the drug to be sold or offered for sale is heroin or a 5719  
compound, mixture, preparation, or substance containing heroin, an 5720  
amount of the heroin that equals or exceeds ten unit doses or 5721  
equals or exceeds one gram; 5722

(6) If the drug to be sold or offered for sale is hashish or 5723  
a compound, mixture, preparation, or substance containing hashish, 5724  
an amount of the hashish that equals or exceeds ten grams if the 5725  
hashish is in a solid form or equals or exceeds two grams if the 5726  
hashish is in a liquid concentrate, liquid extract, or liquid 5727  
distillate form. 5728

(B) This section does not apply to any person listed in 5729  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 5730  
Code to the extent and under the circumstances described in those 5731  
divisions. 5732

(C)(1) If the drug involved in the violation is any compound, 5733  
mixture, preparation, or substance included in schedule I or II, 5734  
with the exception of marihuana, whoever violates division (A) of 5735  
this section is guilty of aggravated funding of drug trafficking, 5736  
a felony of the first degree, and, subject to division (E) of this 5737  
section, the court shall impose as a mandatory prison term one of 5738  
the prison terms prescribed for a felony of the first degree. 5739

(2) If the drug involved in the violation is any compound, 5740  
mixture, preparation, or substance included in schedule III, IV, 5741  
or V, whoever violates division (A) of this section is guilty of 5742  
funding of drug trafficking, a felony of the second degree, and 5743  
the court shall impose as a mandatory prison term one of the 5744  
prison terms prescribed for a felony of the second degree. 5745

(3) If the drug involved in the violation is marihuana, 5746  
whoever violates division (A) of this section is guilty of funding 5747

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 5780  
court immediately shall comply with section 2925.38 of the Revised 5781  
Code. 5782

(E) Notwithstanding the prison term otherwise authorized or 5783  
required for the offense under division (C) of this section and 5784  
sections 2929.13 and 2929.14 of the Revised Code, if the violation 5785  
of division (A) of this section involves the sale, offer to sell, 5786  
or possession of a schedule I or II controlled substance, with the 5787  
exception of marihuana, and if the court imposing sentence upon 5788  
the offender finds that the offender as a result of the violation 5789  
is a major drug offender and is guilty of a specification of the 5790  
type described in section 2941.1410 of the Revised Code, the 5791  
court, in lieu of the prison term otherwise authorized or 5792  
required, shall impose upon the offender the mandatory prison term 5793  
specified in division (D)(3)(a) of section 2929.14 of the Revised 5794  
Code and may impose an additional prison term under division 5795  
(D)(3)(b) of that section. 5796

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 5797  
or use a controlled substance. 5798

(B) This section does not apply to any of the following: 5799

(1) Manufacturers, licensed health professionals authorized 5800  
to prescribe drugs, pharmacists, owners of pharmacies, and other 5801  
persons whose conduct was in accordance with Chapters 3719., 5802  
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 5803

(2) If the offense involves an anabolic steroid, any person 5804  
who is conducting or participating in a research project involving 5805  
the use of an anabolic steroid if the project has been approved by 5806  
the United States food and drug administration; 5807

(3) Any person who sells, offers for sale, prescribes, 5808  
dispenses, or administers for livestock or other nonhuman species 5809

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 section. 6369  
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(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code. 6371  
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(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense. 6376  
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(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. 6379  
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(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense. 6389  
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(HH) "Fourth degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree. 6394  
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(II) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative 6397  
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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 6963  
judge shall perform the duties specified in that section, or, if 6964  
required under division (A)(6) of section 2950.03 of the Revised 6965  
Code, the judge shall perform the duties specified in that 6966  
division. 6967

(J)(1) Except as provided in division (J)(2) of this section, 6968  
when considering sentencing factors under this section in relation 6969  
to an offender who is convicted of or pleads guilty to an attempt 6970  
to commit an offense in violation of section 2923.02 of the 6971  
Revised Code, the sentencing court shall consider the factors 6972  
applicable to the felony category of the violation of section 6973  
2923.02 of the Revised Code instead of the factors applicable to 6974  
the felony category of the offense attempted. 6975

(2) When considering sentencing factors under this section in 6976  
relation to an offender who is convicted of or pleads guilty to an 6977  
attempt to commit a drug abuse offense for which the penalty is 6978  
determined by the amount or number of unit doses of the controlled 6979  
substance involved in the drug abuse offense, the sentencing court 6980  
shall consider the factors applicable to the felony category that 6981  
the drug abuse offense attempted would be if that drug abuse 6982  
offense had been committed and had involved an amount or number of 6983  
unit doses of the controlled substance that is within the next 6984  
lower range of controlled substance amounts than was involved in 6985  
the attempt. 6986

(K) As used in this section, "drug abuse offense" has the 6987  
same meaning as in section 2925.01 of the Revised Code. 6988

(L) At the time of sentencing an offender for any sexually 6989  
oriented offense, if the offender is a tier III sex 6990  
offender/child-victim offender relative to that offense and the 6991  
offender does not serve a prison term or jail term, the court may 6992  
require that the offender be monitored by means of a global 6993  
positioning device. If the court requires such monitoring, the 6994

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 7973  
or pleaded guilty to a misdemeanor to a community residential 7974  
sanction as described in division (A) of this section, at the time 7975  
of reception and at other times the person in charge of the 7976  
operation of the halfway house, alternative residential facility, 7977  
community alternative sentencing center, district community 7978  
alternative sentencing center, or other place at which the 7979  
offender will serve the residential sanction determines to be 7980  
appropriate, the person in charge of the operation of the halfway 7981  
house, alternative residential facility, community alternative 7982  
sentencing center, district community alternative sentencing 7983  
center, or other place may cause the convicted offender to be 7984  
examined and tested for tuberculosis, HIV infection, hepatitis, 7985  
including, but not limited to, hepatitis A, B, and C, and other 7986  
contagious diseases. The person in charge of the operation of the 7987  
halfway house, alternative residential facility, community 7988  
alternative sentencing center, district community alternative 7989  
sentencing center, or other place at which the offender will serve 7990  
the residential sanction may cause a convicted offender in the 7991  
halfway house, alternative residential facility, community 7992  
alternative sentencing center, district community alternative 7993  
sentencing center, or other place who refuses to be tested or 7994  
treated for tuberculosis, HIV infection, hepatitis, including, but 7995  
not limited to, hepatitis A, B, and C, or another contagious 7996  
disease to be tested and treated involuntarily. 7997

(F) A political subdivision may enter into a contract with a 7998  
halfway house for use of the halfway house to house misdemeanor 7999  
offenders under a sanction imposed under division (A)(1) of this 8000  
section. 8001

**Sec. 2929.34.** (A) A person who is convicted of or pleads 8002  
guilty to aggravated murder, murder, or an offense punishable by 8003  
life imprisonment and who is sentenced to a term of life 8004

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  
8534  
8535  
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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 degree. 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 9456  
applications denied and cards issued or canceled. 9457

(C) In addition to any other information it contains, on and 9458  
after the date that is fifteen months after the effective date of 9459  
this amendment, the form furnished by the registrar of motor 9460  
vehicles for an application for an identification card or 9461  
duplicate shall inform applicants that the applicant must present 9462  
a copy of the applicant's DD-214 or an equivalent document in 9463  
order to qualify to have the card or duplicate indicate that the 9464  
applicant is an honorably discharged veteran of the armed forces 9465  
of the United States based on a request made pursuant to division 9466  
(A)(2)(b) of this section. 9467

Sec. 5120.035. (A) As used in this section: 9468

(1) "Alcohol and drug addiction services" has the same 9469  
meaning as in section 3793.01 of the Revised Code. 9470

(2) "Second Chance Act" means the "Second Chance Act of 2007:  
Community Safety Through Recidivism Prevention," 122 Stat. 657, 42 9471  
U.S.C. 17501, et seq., as now or hereafter amended. 9472  
9473

(B) The department of rehabilitation and correction, together 9474  
with the department of alcohol and drug addiction services as the 9475  
single state authority for alcohol and drug addiction services, 9476  
shall develop an implementation plan related to any funding 9477  
approved by the bureau of justice assistance of the United States 9478  
department of justice through the Second Chance Act related to 9479  
reentry of offenders into the community. The department of 9480  
rehabilitation and correction, together with the department of 9481  
alcohol and drug addiction services, shall develop the plan not 9482  
later than ninety days after either of the departments is notified 9483  
by the United States department of justice that this state will 9484  
receive funding through the Second Chance Act. The implementation 9485  
plan shall include, but is not limited to, all of the following: 9486

<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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<b>Sec. 5120.07.</b> (A) There is hereby created the ex-offender reentry coalition consisting of the following seventeen members or their designees:	9492
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	9494
(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) <del>The director</del> <u>A representative or member</u> of the governor's <del>office of external affairs and economic opportunity staff;</del>	9507
	9508
	9509
(14) <del>The director of the governor's office of faith based and community initiatives;</del>	9510
	9511
<del>(15)</del> The director of the rehabilitation services commission;	9512
<del>(16)</del> <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<sub>7i</sub>; one or more 10085  
additional representatives of the law enforcement community<sub>7i</sub>; one 10086  
or more additional representatives of the judiciary<sub>7i</sub>; one or more 10087  
additional representatives of the field of corrections<sub>7i</sub>; 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