

**As Pending in the House Criminal Justice Committee (L# 0829-1)**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 86**

**Representatives Blessing, Heard**

—

**A BILL**

To amend sections 109.42, 307.93, 309.18, 341.12, 1  
926.99, 1333.99, 1707.99, 1716.99, 2301.27, 2  
2301.30, 2743.191, 2909.03, 2909.05, 2909.11, 3  
2911.12, 2913.01, 2913.02, 2913.03, 2913.04, 4  
2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 5  
2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 6  
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 7  
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 8  
2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 9  
2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 10  
2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 11  
2929.20, 2929.26, 2929.34, 2930.12, 2930.16, 12  
2930.17, 2950.99, 2951.041, 2951.08, 2967.05, 13  
2967.14, 2967.193, 2967.28, 2981.07, 4507.51, 14  
5120.07, 5120.10, 5120.111, 5120.16, 5120.331, 15  
5120.48, 5120.59, 5120.60, 5120.66, 5149.01, 16  
5149.10, 5149.31, 5149.32, 5149.33, 5149.34, and 17  
5149.36 and to enact sections 307.932, 2301.271, 18  
2929.143, 2951.022, 2967.19, 5120.035, 5120.036, 19  
5120.113, 5120.114, and 5149.311 of the Revised 20  
Code to increase from \$500 to \$1,000 the threshold 21  
amount for determining increased penalties for 22  
theft-related offenses and for certain elements of 23  
"vandalism" and "engaging in a pattern of corrupt 24

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

earn days of credit for productive participation 58  
in specified prison programs and the number of 59  
days of credit that may be earned; to require GPS 60  
monitoring of a prisoner placed on post-release 61  
control who was released early from prison due to 62  
earning 60 or more days of credit; to enact a new 63  
mechanism for the possible release with sentencing 64  
court approval of certain Department inmates who 65  
have served at least 85% of their prison term; to 66  
expand the membership of a county's local 67  
corrections planning board; to expand the 68  
authorization to transfer certain Ohio prisoners 69  
for pretrial confinement to a contiguous county in 70  
an adjoining state to also apply to postconviction 71  
confinement and confinement upon civil process; to 72  
make changes regarding halfway houses and 73  
community residential centers and authorize 74  
reentry centers; to allow placement in a skilled 75  
nursing facility for care of an inmate who is 76  
released on indefinite parole due to being in 77  
imminent danger of death, medically incapacitated, 78  
or terminally ill; to provide for the 79  
establishment and operation of community 80  
alternative sentencing centers for misdemeanants 81  
sentenced directly to the centers under a 82  
community residential sanction or an OVI term of 83  
confinement not exceeding 30 days; to change the 84  
membership of the Ex-offender Reentry Coalition by 85  
reducing the number and functions of members from 86  
the Governor's office and adding the Director of 87  
Veterans Services; to remove judges from the 88  
membership of a corrections commission and instead 89  
have them form an advisory board; to require the 90

Department to develop a reentry plan for each 91  
inmate committed to the Department who was not 92  
sentenced to a term of life without parole or a 93  
sentence of death and who is expected to be 94  
imprisoned for more than 30 days; to revise the 95  
procedures governing the Department's issuance of 96  
an inmate identification card upon an inmate's 97  
release and the use of such a card to obtain a 98  
state identification card; to authorize, instead 99  
of require, the Department to discontinue subsidy 100  
payment to a political subdivision that reduces 101  
local funding for corrections by the amount of a 102  
community-based corrections subsidy or that uses a 103  
subsidy for capital improvements; to require the 104  
Department, together with the Department of 105  
Alcohol and Drug Addiction Services, to develop an 106  
implementation plan related to funding through the 107  
federal Second Chance Act related to community 108  
reentry of offenders; to adopt a single validated 109  
risk assessment tool to be used by courts, 110  
probation departments, and the Department of 111  
Rehabilitation and Correction to evaluate risk 112  
levels of offenders; to provide judges the option 113  
of risk reduction sentencing to allow for early 114  
release of prisoners who complete treatment and 115  
programming while incarcerated; to require 116  
offenders convicted of or pleading guilty to a 117  
felony of the fourth or fifth degree that is not 118  
an offense of violence to serve community control 119  
sanctions; to create the offense of trespass in a 120  
habitation of a person when any person other than 121  
an accomplice of the offender is present or likely 122  
to be present; to change the sentencing structure 123

for felonies of the first and third degree; to 124  
restrict sentencing to community-based 125  
correctional facilities to offenders who are a 126  
high risk to reoffend; to reduce duplication of 127  
probation supervision resources and to require 128  
probation departments to provide a monthly report 129  
with statistical data to the Department of 130  
Rehabilitation and Correction; and to require the 131  
Department of Rehabilitation and Correction to 132  
establish and administer the probation improvement 133  
grant and the probation incentive grant. 134

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

**Section 1.** That sections 109.42, 307.93, 309.18, 341.12, 135  
926.99, 1333.99, 1707.99, 1716.99, 2301.27, 2301.30, 2743.191, 136  
2909.03, 2909.05, 2909.11, 2911.12, 2913.01, 2913.02, 2913.03, 137  
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 138  
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 139  
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 140  
2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 2923.31, 2925.01, 141  
2925.03, 2925.05, 2925.11, 2929.01, 2929.13, 2929.14, 2929.15, 142  
2929.16, 2929.20, 2929.26, 2929.34, 2930.12, 2930.16, 2930.17, 143  
2950.99, 2951.041, 2951.08, 2967.05, 2967.14, 2967.193, 2967.28, 144  
2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.16, 5120.331, 145  
5120.48, 5120.59, 5120.60, 5120.66, 5149.01, 5149.10, 5149.31, 146  
5149.32, 5149.33, 5149.34, and 5149.36 be amended and sections 147  
307.932, 2301.271, 2929.143, 2951.022, 2967.19, 5120.035, 148  
5120.036, 5120.113, 5120.114, and 5149.311 of the Revised Code be 149  
enacted to read as follows: 150

**Sec. 109.42.** (A) The attorney general shall prepare and have 151  
printed a pamphlet that contains a compilation of all statutes 152

relative to victim's rights in which the attorney general lists 153  
and explains the statutes in the form of a victim's bill of 154  
rights. The attorney general shall distribute the pamphlet to all 155  
sheriffs, marshals, municipal corporation and township police 156  
departments, constables, and other law enforcement agencies, to 157  
all prosecuting attorneys, city directors of law, village 158  
solicitors, and other similar chief legal officers of municipal 159  
corporations, and to organizations that represent or provide 160  
services for victims of crime. The victim's bill of rights set 161  
forth in the pamphlet shall contain a description of all of the 162  
rights of victims that are provided for in Chapter 2930. or in any 163  
other section of the Revised Code and shall include, but not be 164  
limited to, all of the following: 165

(1) The right of a victim or a victim's representative to 166  
attend a proceeding before a grand jury, in a juvenile case, or in 167  
a criminal case pursuant to a subpoena without being discharged 168  
from the victim's or representative's employment, having the 169  
victim's or representative's employment terminated, having the 170  
victim's or representative's pay decreased or withheld, or 171  
otherwise being punished, penalized, or threatened as a result of 172  
time lost from regular employment because of the victim's or 173  
representative's attendance at the proceeding pursuant to the 174  
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 175  
2945.451 of the Revised Code; 176

(2) The potential availability pursuant to section 2151.359 177  
or 2152.61 of the Revised Code of a forfeited recognizance to pay 178  
damages caused by a child when the delinquency of the child or 179  
child's violation of probation or community control is found to be 180  
proximately caused by the failure of the child's parent or 181  
guardian to subject the child to reasonable parental authority or 182  
to faithfully discharge the conditions of probation or community 183  
control; 184

(3) The availability of awards of reparations pursuant to	185
sections 2743.51 to 2743.72 of the Revised Code for injuries	186
caused by criminal offenses;	187
(4) The right of the victim in certain criminal or juvenile	188
cases or a victim's representative to receive, pursuant to section	189
2930.06 of the Revised Code, notice of the date, time, and place	190
of the trial or delinquency proceeding in the case or, if there	191
will not be a trial or delinquency proceeding, information from	192
the prosecutor, as defined in section 2930.01 of the Revised Code,	193
regarding the disposition of the case;	194
(5) The right of the victim in certain criminal or juvenile	195
cases or a victim's representative to receive, pursuant to section	196
2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the	197
name of the person charged with the violation, the case or docket	198
number assigned to the charge, and a telephone number or numbers	199
that can be called to obtain information about the disposition of	200
the case;	201
(6) The right of the victim in certain criminal or juvenile	202
cases or of the victim's representative pursuant to section	203
2930.13 or 2930.14 of the Revised Code, subject to any reasonable	204
terms set by the court as authorized under section 2930.14 of the	205
Revised Code, to make a statement about the victimization and, if	206
applicable, a statement relative to the sentencing or disposition	207
of the offender;	208
(7) The opportunity to obtain a court order, pursuant to	209
section 2945.04 of the Revised Code, to prevent or stop the	210
commission of the offense of intimidation of a crime victim or	211
witness or an offense against the person or property of the	212
complainant, or of the complainant's ward or child;	213
(8) The right of the victim in certain criminal or juvenile	214
cases or a victim's representative pursuant to sections 2151.38,	215

2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to 216  
receive notice of a pending motion for judicial release, release 217  
pursuant to section 2967.19 of the Revised Code, or other early 218  
release of the person who committed the offense against the 219  
victim, to make an oral or written statement at the court hearing 220  
on the motion, and to be notified of the court's decision on the 221  
motion; 222

(9) The right of the victim in certain criminal or juvenile 223  
cases or a victim's representative pursuant to section 2930.16, 224  
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 225  
of any pending commutation, pardon, parole, transitional control, 226  
discharge, other form of authorized release, post-release control, 227  
or supervised release for the person who committed the offense 228  
against the victim or any application for release of that person 229  
and to send a written statement relative to the victimization and 230  
the pending action to the adult parole authority or the release 231  
authority of the department of youth services; 232

(10) The right of the victim to bring a civil action pursuant 233  
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 234  
from the offender's profit fund; 235

(11) The right, pursuant to section 3109.09 of the Revised 236  
Code, to maintain a civil action to recover compensatory damages 237  
not exceeding ten thousand dollars and costs from the parent of a 238  
minor who willfully damages property through the commission of an 239  
act that would be a theft offense, as defined in section 2913.01 240  
of the Revised Code, if committed by an adult; 241

(12) The right, pursuant to section 3109.10 of the Revised 242  
Code, to maintain a civil action to recover compensatory damages 243  
not exceeding ten thousand dollars and costs from the parent of a 244  
minor who willfully and maliciously assaults a person; 245

(13) The possibility of receiving restitution from an 246

offender or a delinquent child pursuant to section 2152.20, 247  
2929.18, or 2929.28 of the Revised Code; 248

(14) The right of the victim in certain criminal or juvenile 249  
cases or a victim's representative, pursuant to section 2930.16 of 250  
the Revised Code, to receive notice of the escape from confinement 251  
or custody of the person who committed the offense, to receive 252  
that notice from the custodial agency of the person at the 253  
victim's last address or telephone number provided to the 254  
custodial agency, and to receive notice that, if either the 255  
victim's address or telephone number changes, it is in the 256  
victim's interest to provide the new address or telephone number 257  
to the custodial agency; 258

(15) The right of a victim of domestic violence to seek the 259  
issuance of a civil protection order pursuant to section 3113.31 260  
of the Revised Code, the right of a victim of a violation of 261  
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 262  
of the Revised Code, a violation of a substantially similar 263  
municipal ordinance, or an offense of violence who is a family or 264  
household member of the offender at the time of the offense to 265  
seek the issuance of a temporary protection order pursuant to 266  
section 2919.26 of the Revised Code, and the right of both types 267  
of victims to be accompanied by a victim advocate during court 268  
proceedings; 269

(16) The right of a victim of a sexually oriented offense or 270  
of a child-victim oriented offense that is committed by a person 271  
who is convicted of, pleads guilty to, or is adjudicated a 272  
delinquent child for committing the offense and who is in a 273  
category specified in division (B) of section 2950.10 of the 274  
Revised Code to receive, pursuant to that section, notice that the 275  
person has registered with a sheriff under section 2950.04, 276  
2950.041, or 2950.05 of the Revised Code and notice of the 277  
person's name, the person's residence that is registered, and the 278

offender's school, institution of higher education, or place of 279  
employment address or addresses that are registered, the person's 280  
photograph, and a summary of the manner in which the victim must 281  
make a request to receive the notice. As used in this division, 282  
"sexually oriented offense" and "child-victim oriented offense" 283  
have the same meanings as in section 2950.01 of the Revised Code. 284

(17) The right of a victim of certain sexually violent 285  
offenses committed by an offender who also is convicted of or 286  
pleads guilty to a sexually violent predator specification and who 287  
is sentenced to a prison term pursuant to division (A)(3) of 288  
section 2971.03 of the Revised Code, of a victim of a violation of 289  
division (A)(1)(b) of section 2907.02 of the Revised Code 290  
committed on or after January 2, 2007, by an offender who is 291  
sentenced for the violation pursuant to division (B)(1)(a), (b), 292  
or (c) of section 2971.03 of the Revised Code, of a victim of an 293  
attempted rape committed on or after January 2, 2007, by an 294  
offender who also is convicted of or pleads guilty to a 295  
specification of the type described in section 2941.1418, 296  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 297  
the violation pursuant to division (B)(2)(a), (b), or (c) of 298  
section 2971.03 of the Revised Code, and of a victim of an offense 299  
that is described in division (B)(3)(a), (b), (c), or (d) of 300  
section 2971.03 of the Revised Code and is committed by an 301  
offender who is sentenced pursuant to one of those divisions to 302  
receive, pursuant to section 2930.16 of the Revised Code, notice 303  
of a hearing to determine whether to modify the requirement that 304  
the offender serve the entire prison term in a state correctional 305  
facility, whether to continue, revise, or revoke any existing 306  
modification of that requirement, or whether to terminate the 307  
prison term. As used in this division, "sexually violent offense" 308  
and "sexually violent predator specification" have the same 309  
meanings as in section 2971.01 of the Revised Code. 310

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

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

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

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

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first

contact with them and does not have a second contact with the 343  
victim, the victim's family, or the victim's dependents, the 344  
agency shall mail a copy of the pamphlet to the victim, the 345  
victim's family, or the victim's dependents at their last known 346  
address. 347

(c) In complying on and after December 9, 1994, with the 348  
duties imposed by division (B)(1)(a) or (b) of this section, an 349  
official or a law enforcement agency shall use copies of the 350  
pamphlet that are in the official's or agency's possession on 351  
December 9, 1994, until the official or agency has distributed all 352  
of those copies. After the official or agency has distributed all 353  
of those copies, the official or agency shall use only copies of 354  
the pamphlet that contain at least the information described in 355  
divisions (A)(1) to (17) of this section. 356

(2) The failure of a law enforcement agency or of a 357  
prosecuting attorney, assistant prosecuting attorney, city 358  
director of law, assistant city director of law, village 359  
solicitor, assistant village solicitor, or similar chief legal 360  
officer of a municipal corporation or an assistant to any of those 361  
officers to give, as required by division (B)(1) of this section, 362  
the victim of an offense or delinquent act, the victim's family, 363  
or the victim's dependents a copy of the pamphlet prepared 364  
pursuant to division (A) of this section does not give the victim, 365  
the victim's family, the victim's dependents, or a victim's 366  
representative any rights under section 2743.51 to 2743.72, 367  
2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the 368  
Revised Code or under any other provision of the Revised Code and 369  
does not affect any right under those sections. 370

(3) A law enforcement agency, a prosecuting attorney or 371  
assistant prosecuting attorney, or a city director of law, 372  
assistant city director of law, village solicitor, assistant 373  
village solicitor, or similar chief legal officer of a municipal 374

corporation that distributes a copy of the pamphlet prepared 375  
pursuant to division (A) of this section shall not be required to 376  
distribute a copy of an information card or other printed material 377  
provided by the clerk of the court of claims pursuant to section 378  
2743.71 of the Revised Code. 379

(C) The cost of printing and distributing the pamphlet 380  
prepared pursuant to division (A) of this section shall be paid 381  
out of the reparations fund, created pursuant to section 2743.191 382  
of the Revised Code, in accordance with division (D) of that 383  
section. 384

(D) As used in this section: 385

(1) "Victim's representative" has the same meaning as in 386  
section 2930.01 of the Revised Code; 387

(2) "Victim advocate" has the same meaning as in section 388  
2919.26 of the Revised Code. 389

**Sec. 307.93.** (A) The boards of county commissioners of two or 390  
more adjacent counties may contract for the joint establishment of 391  
a multicounty correctional center, and the board of county 392  
commissioners of a county or the boards of two or more counties 393  
may contract with any municipal corporation or municipal 394  
corporations located in that county or those counties for the 395  
joint establishment of a municipal-county or multicounty-municipal 396  
correctional center. The center shall augment county and, where 397  
applicable, municipal jail programs and facilities by providing 398  
custody and rehabilitative programs for those persons under the 399  
charge of the sheriff of any of the contracting counties or of the 400  
officer or officers of the contracting municipal corporation or 401  
municipal corporations having charge of persons incarcerated in 402  
the municipal jail, workhouse, or other correctional facility who, 403  
in the opinion of the sentencing court, need programs of custody 404  
and rehabilitation not available at the county or municipal jail 405

and by providing custody and rehabilitative programs in accordance 406  
with division (C) of this section, if applicable. The contract may 407  
include, but need not be limited to, provisions regarding the 408  
acquisition, construction, maintenance, repair, termination of 409  
operations, and administration of the center. The contract shall 410  
prescribe the manner of funding of, and debt assumption for, the 411  
center and the standards and procedures to be followed in the 412  
operation of the center. Except as provided in division (H) of 413  
this section, the contracting counties and municipal corporations 414  
shall form a corrections commission to oversee the administration 415  
of the center. Members of the commission shall consist of the 416  
sheriff of each participating county, ~~the president~~ a member of 417  
the board of county commissioners of each participating county, 418  
~~the presiding judge of the court of common pleas of each~~ 419  
~~participating county, or, if the court of common pleas of a~~ 420  
~~participating county has only one judge, then that judge,~~ the 421  
chief of police of each participating municipal corporation, and 422  
the mayor or city manager of each participating municipal 423  
corporation, ~~and the presiding judge or the sole judge of the~~ 424  
~~municipal court of each participating municipal corporation.~~ Any 425  
of the foregoing officers may appoint a designee to serve in the 426  
officer's place on the corrections commission. The standards and 427  
procedures shall be formulated and agreed to by the commission and 428  
may be amended at any time during the life of the contract by 429  
agreement of the parties to the contract upon the advice of the 430  
commission. The standards and procedures formulated by the 431  
commission shall include, but need not be limited to, designation 432  
of the person in charge of the center, designation of a fiscal 433  
agent, the categories of employees to be employed at the center, 434  
the appointing authority of the center, and the standards of 435  
treatment and security to be maintained at the center. The person 436  
in charge of, and all persons employed to work at, the center 437  
shall have all the powers of police officers that are necessary 438

for the proper performance of the duties relating to their 439  
positions at the center. 440

(B)(1) Upon the establishment of a corrections commission 441  
under division (A) of this section, the judges specified in this 442  
division shall form a judicial advisory board for the purpose of 443  
making recommendations to the corrections commission on issues of 444  
bed allocation, expansion of the center that the corrections 445  
commission oversees, and other issues concerning the 446  
administration of sentences or any other matter determined to be 447  
appropriate by the corrections commission. The judges who shall 448  
form the judicial advisory board for a corrections commission are 449  
the administrative judge of the general division of the court of 450  
common pleas of each county participating in the corrections 451  
center, the presiding judge of the municipal court of each 452  
municipal corporation participating in the corrections center, and 453  
the presiding judge of each county court of each county 454  
participating in the corrections center. Any of the foregoing 455  
judges may appoint a designee to serve in the judge's place on the 456  
judicial advisory board, provided that the designee shall be a 457  
judge of the same court as the judge who makes the appointment. 458  
The judicial advisory board for a corrections commission shall 459  
meet with the corrections commission at least once each year. 460

(2) Each board of county commissioners that enters a contract 461  
under division (A) of this section may appoint a building 462  
commission pursuant to section 153.21 of the Revised Code. If any 463  
commissions are appointed, they shall function jointly in the 464  
construction of a multicounty or multicounty-municipal 465  
correctional center with all the powers and duties authorized by 466  
law. 467

(C) Prior to the acceptance for custody and rehabilitation 468  
into a center established under this section of any persons who 469  
are designated by the department of rehabilitation and correction, 470

who plead guilty to or are convicted of a felony of the fourth or 471  
fifth degree, and who satisfy the other requirements listed in 472  
section 5120.161 of the Revised Code, the corrections commission 473  
of a center established under this section shall enter into an 474  
agreement with the department of rehabilitation and correction 475  
under section 5120.161 of the Revised Code for the custody and 476  
rehabilitation in the center of persons who are designated by the 477  
department, who plead guilty to or are convicted of a felony of 478  
the fourth or fifth degree, and who satisfy the other requirements 479  
listed in that section, in exchange for a per diem fee per person. 480  
Persons incarcerated in the center pursuant to an agreement 481  
entered into under this division shall be subject to supervision 482  
and control in the manner described in section 5120.161 of the 483  
Revised Code. This division does not affect the authority of a 484  
court to directly sentence a person who is convicted of or pleads 485  
guilty to a felony to the center in accordance with section 486  
2929.16 of the Revised Code. 487

(D) Pursuant to section 2929.37 of the Revised Code, each 488  
board of county commissioners and the legislative authority of 489  
each municipal corporation that enters into a contract under 490  
division (A) of this section may require a person who was 491  
convicted of an offense, who is under the charge of the sheriff of 492  
their county or of the officer or officers of the contracting 493  
municipal corporation or municipal corporations having charge of 494  
persons incarcerated in the municipal jail, workhouse, or other 495  
correctional facility, and who is confined in the multicounty, 496  
municipal-county, or multicounty-municipal correctional center as 497  
provided in that division, to reimburse the applicable county or 498  
municipal corporation for its expenses incurred by reason of the 499  
person's confinement in the center. 500

(E) Notwithstanding any contrary provision in this section or 501  
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 502

corrections commission of a center may establish a policy that 503  
complies with section 2929.38 of the Revised Code and that 504  
requires any person who is not indigent and who is confined in the 505  
multicounty, municipal-county, or multicounty-municipal 506  
correctional center to pay a reception fee, a fee for medical 507  
treatment or service requested by and provided to that person, or 508  
the fee for a random drug test assessed under division (E) of 509  
section 341.26 of the Revised Code. 510

(F)(1) The corrections commission of a center established 511  
under this section may establish a commissary for the center. The 512  
commissary may be established either in-house or by another 513  
arrangement. If a commissary is established, all persons 514  
incarcerated in the center shall receive commissary privileges. A 515  
person's purchases from the commissary shall be deducted from the 516  
person's account record in the center's business office. The 517  
commissary shall provide for the distribution to indigent persons 518  
incarcerated in the center of necessary hygiene articles and 519  
writing materials. 520

(2) If a commissary is established, the corrections 521  
commission of a center established under this section shall 522  
establish a commissary fund for the center. The management of 523  
funds in the commissary fund shall be strictly controlled in 524  
accordance with procedures adopted by the auditor of state. 525  
Commissary fund revenue over and above operating costs and reserve 526  
shall be considered profits. All profits from the commissary fund 527  
shall be used to purchase supplies and equipment for the benefit 528  
of persons incarcerated in the center and to pay salary and 529  
benefits for employees of the center, or for any other persons, 530  
who work in or are employed for the sole purpose of providing 531  
service to the commissary. The corrections commission shall adopt 532  
rules and regulations for the operation of any commissary fund it 533  
establishes. 534

(G) In lieu of forming a corrections commission to administer 535  
a multicounty correctional center or a municipal-county or 536  
multicounty-municipal correctional center, the boards of county 537  
commissioners and the legislative authorities of the municipal 538  
corporations contracting to establish the center may also agree to 539  
contract for the private operation and management of the center as 540  
provided in section 9.06 of the Revised Code, but only if the 541  
center houses only misdemeanor inmates. In order to enter into a 542  
contract under section 9.06 of the Revised Code, all the boards 543  
and legislative authorities establishing the center shall approve 544  
and be parties to the contract. 545

(H) If a person who is convicted of or pleads guilty to an 546  
offense is sentenced to a term in a multicounty correctional 547  
center or a municipal-county or multicounty-municipal correctional 548  
center or is incarcerated in the center in the manner described in 549  
division (C) of this section, or if a person who is arrested for 550  
an offense, and who has been denied bail or has had bail set and 551  
has not been released on bail is confined in a multicounty 552  
correctional center or a municipal-county or multicounty-municipal 553  
correctional center pending trial, at the time of reception and at 554  
other times the officer, officers, or other person in charge of 555  
the operation of the center determines to be appropriate, the 556  
officer, officers, or other person in charge of the operation of 557  
the center may cause the convicted or accused offender to be 558  
examined and tested for tuberculosis, HIV infection, hepatitis, 559  
including but not limited to hepatitis A, B, and C, and other 560  
contagious diseases. The officer, officers, or other person in 561  
charge of the operation of the center may cause a convicted or 562  
accused offender in the center who refuses to be tested or treated 563  
for tuberculosis, HIV infection, hepatitis, including but not 564  
limited to hepatitis A, B, and C, or another contagious disease to 565  
be tested and treated involuntarily. 566

(I) As used in this section, "multicounty-municipal" means 567  
more than one county and a municipal corporation, or more than one 568  
municipal corporation and a county, or more than one municipal 569  
corporation and more than one county. 570

**Sec. 307.932.** (A) As used in this section: 571

(1) "Division of parole and community services" means the 572  
division of parole and community services of the department of 573  
rehabilitation and correction. 574

(2) "Eligible offender" means, in relation to a particular 575  
community alternative sentencing center or district community 576  
alternative sentencing center established and operated under 577  
division (E) of this section, an offender who has been convicted 578  
of or pleaded guilty to a qualifying misdemeanor offense, for whom 579  
no provision of the Revised Code or ordinance of a municipal 580  
corporation other than section 4511.19 of the Revised Code or an 581  
ordinance of a municipal corporation that provides the penalties 582  
for a municipal OVI offense of the municipal corporation requires 583  
the imposition of a mandatory jail term for that qualifying 584  
misdemeanor offense, and who is eligible to be sentenced directly 585  
to that center and admitted to it under rules adopted under 586  
division (G) of this section by the board of county commissioners 587  
or affiliated group of boards of county commissioners that 588  
established and operates that center. 589

(3) "Municipal OVI offense" has the same meaning as in 590  
section 4511.181 of the Revised Code. 591

(4) "OVI term of confinement" means a term of confinement 592  
imposed for a violation of section 4511.19 of the Revised Code or 593  
for a municipal OVI offense, including any mandatory jail term or 594  
mandatory term of local incarceration imposed for that violation 595  
or offense. 596

(5) "Community residential sanction" means a community residential sanction imposed under section 2929.26 of the Revised Code for a misdemeanor violation of a section of the Revised Code or a term of confinement imposed for a misdemeanor violation of a municipal ordinance that is not a jail term. 597  
598  
599  
600  
601

(6) "Qualifying misdemeanor offense" means a violation of any section of the Revised Code that is a misdemeanor or a violation of any ordinance of a municipal corporation located in the county that is a misdemeanor. 602  
603  
604  
605

(B)(1) The board of county commissioners of any county, in consultation with the sheriff of the county, may formulate a proposal for a community alternative sentencing center that, upon implementation by the county or being subcontracted to or operated by a nonprofit organization, would be used for the confinement of eligible offenders sentenced directly to the center by a court located in the county pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than thirty days, and for the purpose of closely monitoring those eligible offenders' adjustment to community supervision. A board that formulates a proposal pursuant to this division shall do so by resolution. 606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617

(2) The boards of county commissioners of two or more adjoining or neighboring counties, in consultation with the sheriffs of each of those counties, may affiliate and formulate by resolution adopted by each of them a proposal for a district community alternative sentencing center that, upon implementation by the counties or being subcontracted to or operated by a nonprofit organization, would be used for the confinement of eligible offenders sentenced directly to the center by a court located in any of those counties pursuant to a community residential sanction of not more than thirty days or pursuant to an OVI term of confinement of not more than thirty days, and for 618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628

the purpose of closely monitoring those eligible offenders' 629  
adjustment to community supervision. Each board that affiliates 630  
with one or more other boards to formulate a proposal pursuant to 631  
this division shall formulate the proposal by resolution. 632

(C) Each proposal for a community alternative sentencing 633  
center or a district community alternative sentencing center that 634  
is formulated under division (B)(1) or (2) of this section shall 635  
include proposals for operation of the center and for criteria to 636  
define which offenders are eligible to be sentenced directly to 637  
the center and admitted to it. At a minimum, the proposed criteria 638  
that define which offenders are eligible to be sentenced directly 639  
to the center and admitted to it shall provide all of the 640  
following: 641

(1) That an offender is eligible to be sentenced directly to 642  
the center and admitted to it if the offender has been convicted 643  
of or pleaded guilty to a qualifying misdemeanor offense and is 644  
sentenced directly to the center for the qualifying misdemeanor 645  
offense pursuant to a community residential sanction of not more 646  
than thirty days or pursuant to an OVI term of confinement of not 647  
more than thirty days by a court that is located in the county or 648  
one of the counties served by the board of county commissioners or 649  
by any of the affiliated group of boards of county commissioners 650  
that submits the proposal; 651

(2) That no offender is eligible to be sentenced directly to 652  
the center or admitted to it if, in addition to the community 653  
residential sanction or OVI term of confinement described in 654  
division (C)(1) of this section, the offender is serving or has 655  
been sentenced to serve any other jail term, prison term, or 656  
community residential sanction. 657

(D)(1) If a board of county commissioners formulates a 658  
proposal for a community alternative sentencing center pursuant to 659  
division (B)(1) of this section or an affiliated group of boards 660

of county commissioners formulates a proposal for a district 661  
community alternative sentencing center pursuant to division 662  
(B)(2) of this section, prior to establishing or operating the 663  
center, the board or the affiliated group of boards shall submit 664  
the proposal for certification to the division of parole and 665  
community services of the department of rehabilitation and 666  
correction for approval and certification pursuant to division (F) 667  
of section 5120.10 of the Revised Code. The division may approve 668  
and certify a center as a suitable facility for the care and 669  
treatment of adult offenders only if the center complies with the 670  
standards for the certification of the centers that the division 671  
adopts by rule in accordance with Chapter 119. of the Revised 672  
Code. The division shall inspect each center to which a proposal 673  
submitted under this division applies and annually shall inspect 674  
each center established or operated under an approved and 675  
certified proposal to determine if the proposed or certified 676  
center is in compliance with the certification standards. A board 677  
or affiliated group of boards shall not establish or operate a 678  
center without the division's approval and certification. The 679  
approval and certification of a center by the division is not a 680  
requirement for, and is not an affirmation that the division or 681  
the department of rehabilitation and correction must or will 682  
provide, funding for the operation of the center. 683

(2) If a proposal for a community alternative sentencing 684  
center or a district community alternative sentencing center that 685  
is formulated under division (B)(1) or (2) of this section 686  
contemplates the use of an existing facility, or a part of an 687  
existing facility, as the center, nothing in this section limits, 688  
restricts, or precludes the use of the facility, the part of the 689  
facility, or any other part of the facility for any purpose other 690  
than as a community alternative sentencing center or district 691  
community alternative sentencing center. 692

(E) Upon approval and certification by the division of parole and community services of a proposal for a community alternative sentencing center or for a district community alternative sentencing center submitted to the division under division (D) of this section, the board of county commissioners or the affiliated group of boards of county commissioners that submitted the proposal may establish and operate the center in accordance with the approved and certified proposal, division (G) of this section, and rules adopted under that division. The establishment and operation of the center may be done by subcontracting with a nonprofit organization for the operation of the center. 693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703

If a board of county commissioners or an affiliated group of boards of county commissioners establishes and operates a community alternative sentencing center or district community alternative sentencing center under this division, except as otherwise provided in this division, the center is not a minimum security jail under section 341.14, section 753.21, or any other provision of the Revised Code, is not a jail or alternative residential facility as defined in section 2929.01 of the Revised Code, is not required to satisfy or comply with minimum standards for minimum security jails or other jails that are promulgated under division (A) of section 5120.10 of the Revised Code, is not a local detention facility as defined in section 2929.36 of the Revised Code, and is not a residential unit as defined in section 2950.01 of the Revised Code. The center is a detention facility as defined in sections 2921.01 and 2923.124 of the Revised Code, and an eligible offender confined in the center is under detention as defined in section 2921.01 of the Revised Code. Regarding persons sentenced directly to the center under an OVI term of confinement, the center shall be considered a "jail" or "local correctional facility" for purposes of any provision in section 4511.19 of the Revised Code or in an ordinance of a municipal corporation that requires a mandatory jail term or mandatory term of local 704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725

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

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

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

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

commissioners of the counties being served by any community 758  
alternative sentencing center terminates its involvement with the 759  
center in accordance with this division, the other boards of 760  
county commissioners of the counties being served by the center 761  
may continue to be served by the center. 762

(G) Upon approval and certification by the division of parole 763  
and community services of a proposal for a community alternative 764  
sentencing center or for a district community alternative 765  
sentencing center submitted to it under division (D) of this 766  
section, prior to establishing or operating the center, the board 767  
of county commissioners or the affiliated group of boards of 768  
county commissioners that submitted the proposal shall adopt rules 769  
for the operation of the center. The rules shall include criteria 770  
that define which offenders are eligible to be sentenced directly 771  
to the center and admitted to it and the criteria so included 772  
shall be consistent with the proposed criteria included in the 773  
proposal approved and certified by the division. 774

(H) If a board of county commissioners establishes and 775  
operates a community alternative sentencing center under division 776  
(E) of this section, or an affiliated group of boards of county 777  
commissioners establishes and operates a district community 778  
alternative sentencing center under that division, all of the 779  
following apply: 780

(1) Any court located within the county served by the board 781  
that establishes and operates a community correctional center may 782  
directly sentence eligible offenders to the center pursuant to a 783  
community residential sanction of not more than thirty days or 784  
pursuant to an OVI term of confinement of not more than thirty 785  
days. Any court located within a county served by any of the 786  
boards that establishes and operates a district community 787  
correctional center may directly sentence eligible offenders to 788  
the center pursuant to a community residential sanction of not 789

more than thirty days or pursuant to an OVI term of confinement of 790  
not more than thirty days. 791

(2) Each eligible offender who is sentenced to the center as 792  
described in division (H)(1) of this section and admitted to it 793  
shall be offered during the eligible offender's confinement at the 794  
center educational and vocational services and reentry planning 795  
and may be offered any other treatment and rehabilitative services 796  
that are available and that the court that sentenced the 797  
particular eligible offender to the center and the administrator 798  
of the center determine are appropriate based upon the offense for 799  
which the eligible offender was sentenced to the community 800  
residential sanction and the length of the sanction. 801

(3) Before accepting an eligible offender sentenced to the 802  
center by a court, the board or the affiliated group of boards 803  
shall enter into an agreement with a political subdivision that 804  
operates that court that addresses the cost and payment of medical 805  
treatment or services received by eligible offenders sentenced by 806  
that court while they are confined in the center. The agreement 807  
may provide for the payment of the costs by the particular 808  
eligible offender who receives the treatment or services, as 809  
described in division (I) of this section. 810

(4) If a court sentences an eligible offender to a center 811  
under authority of division (H)(1) of this section, immediately 812  
after the sentence is imposed, the eligible offender shall be 813  
taken to the probation department that serves the court. The 814  
department shall handle any preliminary matters regarding the 815  
admission of the eligible offender to the center, including a 816  
determination as to whether the eligible offender may be admitted 817  
to the center under the criteria included in the rules adopted 818  
under division (G) of this section that define which offenders are 819  
eligible to be sentenced and admitted to the center. If the 820  
eligible offender is accepted for admission to the center, the 821

department shall schedule the eligible offender for the admission 822  
and shall provide for the transportation of the offender to the 823  
center. If an eligible offender who is sentenced to the center 824  
under a community residential sanction is not accepted for 825  
admission to the center for any reason, the nonacceptance shall be 826  
considered a violation of a condition of the community residential 827  
sanction, the eligible offender shall be taken before the court 828  
that imposed the sentence, and the court may proceed as specified 829  
in division (C)(2) of section 2929.25 of the Revised Code based on 830  
the violation or as provided by ordinance of the municipal 831  
corporation based on the violation, whichever is applicable. If an 832  
eligible offender who is sentenced to the center under an OVI term 833  
of confinement is not accepted for admission to the center for any 834  
reason, the eligible offender shall be taken before the court that 835  
imposed the sentence, and the court shall determine the place at 836  
which the offender is to serve the term of confinement. If the 837  
eligible offender is admitted to the center, all of the following 838  
apply: 839

(a) The admission shall be under the terms and conditions 840  
established by the court and the administrator of the center, and 841  
the court and the administrator of the center shall provide for 842  
the confinement of the eligible offender and supervise the 843  
eligible offender as provided in divisions (H)(4)(b) to (f) of 844  
this section. 845

(b) The eligible offender shall be confined in the center 846  
during any period of time that the eligible offender is not 847  
actually working at the eligible offender's approved work release 848  
described in division (H)(4)(c) of this section, engaged in 849  
community service activities described in division (H)(4)(d) of 850  
this section, engaged in authorized vocational training or another 851  
authorized educational program, engaged in another program 852  
designated by the administrator of the center, or engaged in other 853

activities approved by the court and the administrator of the 854  
center. 855

(c) If the court and the administrator of the center 856  
determine that work release is appropriate based upon the offense 857  
for which the eligible offender was sentenced to the community 858  
residential sanction or OVI term of confinement and the length of 859  
the sanction or term, the eligible offender may be offered work 860  
release from confinement at the center and be released from 861  
confinement while engaged in the work release. 862

(d) If the administrator of the center determines that 863  
community service is appropriate and if the eligible offender will 864  
be confined for more than ten days at the center, the eligible 865  
offender may be required to participate in community service 866  
activities approved by the political subdivision served by the 867  
court. Community service activities that may be required under 868  
this division may take place in facilities of the political 869  
subdivision that operates the court, in the community, or in both 870  
such locales. The eligible offender shall be released from 871  
confinement while engaged in the community service activities. 872  
Community service activities required under this division shall be 873  
supervised by the court or an official designated by the board of 874  
county commissioners or affiliated group of boards of county 875  
commissioners that established and is operating the center. 876  
Community service activities required under this division shall 877  
not exceed in duration the period for which the eligible offender 878  
will be confined at the center under the community residential 879  
sanction or the OVI term of confinement. 880

(e) The confinement of the eligible offender in the center 881  
shall be considered for purposes of this division and division 882  
(H)(4)(f) of this section as including any period of time 883  
described in division (H)(4)(b) of this section when the eligible 884  
offender may be outside of the center and shall continue until the 885

expiration of the community residential sanction or OVI term of 886  
confinement that the eligible offender is serving upon admission 887  
to the center. 888

(f) After the admission and until the expiration of the 889  
community residential sanction or OVI term of confinement that the 890  
eligible offender is serving upon admission to the center, the 891  
eligible offender shall be considered for purposes of any 892  
provision in Title XXIX of the Revised Code to be serving the 893  
community residential sanction or OVI term of confinement. 894

(5) The administrator of the center, or the administrator's 895  
designee, shall post a sign as described in division (A)(4) of 896  
section 2923.1212 of the Revised Code in a conspicuous location at 897  
the center. 898

(I) The board of county commissioners that establishes and 899  
operates a community alternative sentencing center under division 900  
(E) of this section, or the affiliated group of boards of county 901  
commissioners that establishes and operates a district community 902  
alternative sentencing center under that division, may require an 903  
eligible offender who is sentenced directly to the center and 904  
admitted to it to pay to the county served by the board or the 905  
counties served by the affiliated group of boards or the entity 906  
operating the center the reasonable expenses incurred by the 907  
county or counties, whichever is applicable, in supervising or 908  
confining the eligible offender after being sentenced to the 909  
center and admitted. Inability to pay those reasonable expenses 910  
shall not be grounds for refusing to admit an otherwise eligible 911  
offender to the center. 912

(J)(1) If an eligible offender who is directly sentenced to a 913  
community alternative sentencing center or district community 914  
alternative sentencing center and admitted to the center 915  
successfully completes the service of the community residential 916  
sanction in the center, the administrator of the center shall 917

notify the court that imposed the sentence, and the court shall 918  
enter into the journal that the eligible offender successfully 919  
completed the service of the sanction. 920

(2) If an eligible offender who is directly sentenced to a 921  
community alternative sentencing center or district community 922  
alternative sentencing center and admitted to the center violates 923  
any rule established under this section by the board of county 924  
commissioners or the affiliated group of boards of county 925  
commissioners that establishes and operates the center, violates 926  
any condition of the community residential sanction or OVI term of 927  
confinement imposed by the sentencing court, or otherwise does not 928  
successfully complete the service of the community residential 929  
sanction or OVI term of confinement in the center, the 930  
administrator of the center shall report the violation or failure 931  
to successfully complete the sanction or term directly to the 932  
court or to the probation department or probation officer with 933  
general control and supervision over the eligible offender. A 934  
failure to successfully complete the service of the community 935  
residential sanction or OVI term of confinement in the center 936  
shall be considered a violation of a condition of the community 937  
residential sanction or the OVI term of confinement. If the 938  
administrator reports the violation to the probation department or 939  
probation officer, the department or officer shall report the 940  
violation to the court. Upon its receipt under this division of a 941  
report of a violation or failure to complete the sanction by a 942  
person sentenced to the center under a community residential 943  
sanction, the court may proceed as specified in division (C)(2) of 944  
section 2929.25 of the Revised Code based on the violation or as 945  
provided by ordinance of the municipal corporation based on the 946  
violation, whichever is applicable. Upon its receipt under this 947  
division of a report of a violation or failure to complete the 948  
term by a person sentenced to the center under an OVI term of 949  
confinement, the court shall determine the place at which the 950

offender is to serve the remainder of the term of confinement. The 951  
eligible offender shall receive credit towards completing the 952  
eligible offender's sentence for the time spent in the center 953  
after admission to it. 954

**Sec. 309.18.** (A) If a prosecuting attorney of a county 955  
receives notice from the ~~department of rehabilitation and~~ 956  
~~correction pursuant to section 5120.14 of the Revised Code that a~~ 957  
~~person indicted in that county for an offense of violence that is~~ 958  
~~a felony has escaped from a correctional institution under the~~ 959  
~~control of the department or otherwise has escaped from the~~ 960  
~~custody of the department, receives notice from the sheriff of the~~ 961  
county pursuant to section 341.011 of the Revised Code that a 962  
person indicted for or otherwise charged with an offense of 963  
violence that is a felony and that was committed in the county has 964  
escaped from the county jail or workhouse or otherwise has escaped 965  
from the custody of the sheriff, or receives notice from a chief 966  
of police or other chief law enforcement officer of a municipal 967  
corporation pursuant to section 753.19 of the Revised Code that a 968  
person indicted for or otherwise charged with an offense of 969  
violence that is a felony and that was committed in the county has 970  
escaped from a jail or workhouse of that municipal corporation or 971  
otherwise has escaped from the custody of that municipal 972  
corporation, the prosecuting attorney shall notify each victim of 973  
an offense of violence that is a felony committed by that person 974  
of the person's escape and, if applicable, of ~~his~~ the person's 975  
subsequent apprehension. The notice of escape shall be given as 976  
soon as possible after receipt of the notice from the department, 977  
sheriff, or chief law enforcement officer of the municipal 978  
corporation and shall be given by telephone or in person, except 979  
that, if a prosecuting attorney tries and fails to give the notice 980  
of escape by telephone at the victim's last known telephone number 981  
or tries and fails to give the notice of escape in person at the 982

victim's last known address, the notice of escape shall be given 983  
to the victim at ~~his~~ the victim's last known address by certified 984  
mail, return receipt requested. The notice of apprehension shall 985  
be given as soon as possible after the person is apprehended and 986  
shall be given in the same manner as is the notice of escape. 987

Any prosecuting attorney who fails to give any notice 988  
required by this ~~section~~ division is immune from civil liability 989  
for any injury, death, or loss to person or property that might be 990  
incurred as a result of that failure to give notice. 991

(B) If a prosecuting attorney of a county receives notice 992  
from the department of rehabilitation and correction pursuant to 993  
section 5120.14 of the Revised Code or otherwise receives notice 994  
from the department that a person who was convicted of or pleaded 995  
guilty in that county to an offense of violence that is a felony 996  
has escaped from a correctional institution under the control of 997  
the department or otherwise has escaped from the custody of the 998  
department, and if the office of victim services of the department 999  
requests assistance from the prosecuting attorney in identifying 1000  
and locating the victim of the offense, the prosecuting attorney 1001  
promptly shall provide the information requested, if available, to 1002  
the office of victim services. 1003

**Sec. 341.12.** In a county not having a sufficient jail or 1004  
staff, the sheriff shall convey any person charged with the 1005  
commission of an offense, sentenced to imprisonment in the county 1006  
jail, or in custody upon civil process to a jail in any county the 1007  
sheriff considers most convenient and secure. ~~In the case of a 1008  
person who has been charged with an offense and is being held 1009  
pending trial~~ As used in this paragraph, any county includes a 1010  
contiguous county in an adjoining state. 1011

The sheriff may call such aid as is necessary in guarding, 1012  
transporting, or returning such person. Whoever neglects or 1013

refuses to render such aid, when so called upon, shall forfeit and 1014  
pay the sum of ten dollars, to be recovered by an action in the 1015  
name and for the use of the county. 1016

Such sheriff and his assistants shall receive such 1017  
compensation for their services as the county auditor of the 1018  
county from which such person was removed considers reasonable. 1019  
The compensation shall be paid from the county treasury on the 1020  
warrant of the auditor. 1021

The receiving sheriff shall not, pursuant to this section, 1022  
convey the person received to any county other than the one from 1023  
which the person was removed. 1024

**Sec. 926.99.** (A)(1) Except as provided in division (A)(2) of 1025  
this section, whoever violates section 926.04 of the Revised Code 1026  
is guilty of a misdemeanor of the first degree on a first offense 1027  
and a felony of the fifth degree on each subsequent offense. 1028

(2) A person who violates section 926.04 of the Revised Code 1029  
and who is insolvent and financially unable to satisfy a claimant 1030  
as defined in section 926.021 of the Revised Code is guilty of a 1031  
felony of the fifth degree if the financial obligation owed by the 1032  
offender to the claimant is ~~five hundred~~ one thousand dollars or 1033  
more and is less than ~~five~~ seven thousand ~~five hundred~~ 1034  
dollars. If the financial obligation is ~~five~~ seven thousand five hundred 1035  
dollars or more and is less than one hundred fifty thousand 1036  
dollars, the offender is guilty of a felony of the fourth degree. 1037  
If the financial obligation is one hundred fifty thousand dollars 1038  
or more, the offender is guilty of a felony of the third degree. 1039

(B) Whoever violates division (E) or (F) of section 926.20 or 1040  
division (A) of section 926.22 of the Revised Code is guilty of a 1041  
minor misdemeanor on a first offense and a misdemeanor of the 1042  
second degree on each subsequent offense. 1043

(C) Whoever violates division (G) of section 926.20 or 1044  
section 926.34 or 926.35 of the Revised Code is guilty of a felony 1045  
of the fourth degree. 1046

(D) Whoever violates division (A) of section 926.28 or 1047  
division (B) of section 926.29 of the Revised Code is guilty of a 1048  
felony of the fifth degree. 1049

(E) Whoever violates section 926.31 of the Revised Code is 1050  
guilty of a misdemeanor of the fourth degree. 1051

**Sec. 1333.99.** (A) Whoever violates sections 1333.01 to 1052  
1333.04 of the Revised Code is guilty of a minor misdemeanor. 1053

(B) Whoever violates section 1333.12 or 1333.71 of the 1054  
Revised Code is guilty of a misdemeanor of the fourth degree. 1055

(C) Whoever violates section 1333.36 of the Revised Code is 1056  
guilty of a misdemeanor of the third degree. 1057

(D) A prosecuting attorney may file an action to restrain any 1058  
person found in violation of section 1333.36 of the Revised Code. 1059  
Upon the filing of such an action, the common pleas court may 1060  
receive evidence of such violation and forthwith grant a temporary 1061  
restraining order as may be prayed for, pending a hearing on the 1062  
merits of said cause. 1063

(E) Whoever violates division (A)(1) of section 1333.52 or 1064  
section 1333.81 of the Revised Code is guilty of a misdemeanor of 1065  
the first degree. 1066

(F) Whoever violates division (A)(2) or (B) of section 1067  
1333.52 of the Revised Code is guilty of a misdemeanor of the 1068  
second degree. 1069

(G) Except as otherwise provided in this division, whoever 1070  
violates section 1333.92 of the Revised Code is guilty of a 1071  
misdemeanor of the first degree. If the value of the compensation 1072  
is ~~five hundred~~ one thousand dollars or more and less than ~~five~~ 1073

seven thousand five hundred dollars, whoever violates section 1074  
1333.92 of the Revised Code is guilty of a felony of the fifth 1075  
degree. If the value of the compensation is ~~five~~ seven thousand 1076  
five hundred dollars or more and less than one hundred fifty 1077  
thousand dollars, whoever violates section 1333.92 of the Revised 1078  
Code is guilty of a felony of the fourth degree. If the value of 1079  
the compensation is one hundred fifty thousand dollars or more, 1080  
whoever violates section 1333.92 of the Revised Code is guilty of 1081  
a felony of the third degree. 1082

**Sec. 1707.99.** Whoever commits any act described in division 1083  
(A) of section 1707.042 or section 1707.44 of the Revised Code is 1084  
guilty of a violation of sections 1707.01 to 1707.45 of the 1085  
Revised Code and the following apply to the offender: 1086

(A) If the value of the funds or securities involved in the 1087  
offense or the loss to the victim is less than ~~five hundred~~ one 1088  
thousand dollars, the offender is guilty of a felony of the fifth 1089  
degree, and the court may impose upon the offender an additional 1090  
fine of not more than two thousand five hundred dollars. 1091

(B) If the value of the funds or securities involved in the 1092  
offense or the loss to the victim is ~~five hundred~~ one thousand 1093  
dollars or more but less than ~~five~~ seven thousand five hundred 1094  
dollars, the offender is guilty of a felony of the fourth degree, 1095  
and the court may impose upon the offender an additional fine of 1096  
not more than five thousand dollars. 1097

(C) If the value of the funds or securities involved in the 1098  
offense or the loss to the victim is ~~five~~ seven thousand five 1099  
hundred dollars or more but less than ~~twenty-five~~ thirty-seven 1100  
thousand five hundred dollars, the offender is guilty of a felony 1101  
of the third degree, and the court may impose upon the offender an 1102  
additional fine of not more than ten thousand dollars. 1103

(D) If the value of the funds or securities involved in the 1104

offense or the loss to the victim is ~~twenty-five~~ thirty-seven 1105  
thousand five hundred dollars or more but less than one hundred 1106  
fifty thousand dollars, the offender is guilty of a felony of the 1107  
second degree, and the court may impose upon the offender an 1108  
additional fine of not more than fifteen thousand dollars. 1109

(E) If the value of the funds or securities involved in the 1110  
offense or the loss to the victim is one hundred fifty thousand 1111  
dollars or more, the offender is guilty of a felony of the first 1112  
degree, and the court may impose upon the offender an additional 1113  
fine of not more than twenty thousand dollars. 1114

**Sec. 1716.99.** (A) Whoever violates any provision of sections 1115  
1716.02 to 1716.17 of the Revised Code, other than division (A)(1) 1116  
of section 1716.14 of the Revised Code, is guilty of a misdemeanor 1117  
of the first degree. 1118

Each occurrence of a solicitation of a contribution from any 1119  
person in violation of any provision of sections 1716.02 to 1120  
1716.17 of the Revised Code, other than division (A)(1) of section 1121  
1716.14 of the Revised Code, is considered a separate offense. 1122

(B)(1) Whoever violates division (A)(1) of section 1716.14 of 1123  
the Revised Code is guilty of solicitation fraud and shall be 1124  
punished as provided in divisions (B)(2) to (4) of this section. 1125

(2) Except as otherwise provided in division (B)(4) of this 1126  
section, division (B)(3) of this section applies to solicitation 1127  
fraud, and solicitation fraud is one of the following: 1128

(a) Except as otherwise provided in divisions (B)(2)(b) to 1129  
(d) of this section, a misdemeanor of the first degree or, if the 1130  
offender previously has been convicted of or pleaded guilty to a 1131  
theft offense or a violation of division (A)(1) of section 1716.14 1132  
of the Revised Code, a felony of the fifth degree. 1133

(b) If the value of the contribution or contributions made in 1134

the violation is ~~five hundred~~ one thousand dollars or more but 1135  
less than ~~five~~ seven thousand five hundred dollars, a felony of 1136  
the fifth degree or, if the offender previously has been convicted 1137  
of or pleaded guilty to a theft offense or a violation of division 1138  
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1139  
fourth degree. 1140

(c) If the value of the contribution or contributions made in 1141  
the violation is ~~five~~ seven thousand five hundred dollars or more 1142  
but less than one hundred fifty thousand dollars, a felony of the 1143  
fourth degree or, if the offender previously has been convicted of 1144  
or pleaded guilty to a theft offense or a violation of division 1145  
(A)(1) of section 1716.14 of the Revised Code, a felony of the 1146  
third degree. 1147

(d) If the value of the contribution or contributions made in 1148  
the violation is one hundred fifty thousand dollars or more, a 1149  
felony of the third degree. 1150

(3) When an offender commits a series of offenses in 1151  
violation of division (A)(1) of section 1716.14 of the Revised 1152  
Code as part of a common scheme or plan to defraud multiple 1153  
victims, all of the offenses may be tried as a single offense. If 1154  
the offenses are tried as a single offense, the value of the 1155  
contributions for purposes of determining the value as required by 1156  
division (B)(2) of this section is the aggregate value of all 1157  
contributions involved in all offenses in the common scheme or 1158  
plan to defraud multiple victims. In prosecuting a single offense 1159  
under this division, it is not necessary to separately allege and 1160  
prove each offense in the series. Rather, it is sufficient to 1161  
allege and prove that the offender, within a given span of time, 1162  
committed one or more offenses as part of a common scheme or plan 1163  
to defraud multiple victims as described in this division. 1164

(4) If the victim of the offense is an elderly person or 1165  
disabled adult, division (B)(4) of this section and section 1166

2913.61 of the Revised Code apply to solicitation fraud, and 1167  
solicitation fraud is one of the following: 1168

(a) Except as otherwise provided in divisions (B)(4)(b) to 1169  
(d) of this section, a felony of the fifth degree; 1170

(b) If the value of the contributions made in the violation 1171  
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 1172  
seven thousand five hundred dollars, a felony of the fourth 1173  
degree; 1174

(c) If the value of the contributions made in the violation 1175  
is ~~five~~ seven thousand five hundred dollars or more and is less 1176  
than ~~twenty-five~~ thirty-seven thousand five hundred dollars, a 1177  
felony of the third degree; 1178

(d) If the value of the contributions made in the violation 1179  
is ~~twenty-five~~ thirty-seven thousand five hundred dollars or more, 1180  
a felony of the second degree. 1181

(C) Any person who is found guilty of any act or omission 1182  
prohibited under this chapter shall forfeit the bond described in 1183  
section 1716.05 or 1716.07 of the Revised Code to the state 1184  
treasury to the credit of the charitable law fund established 1185  
under section 109.32 of the Revised Code and shall be prohibited 1186  
from registering with the attorney general or from serving as a 1187  
fund-raising counsel or professional solicitor in this state for a 1188  
period of five years after conviction. 1189

**Sec. 2301.27.** (A)(1)(a) The court of common pleas may 1190  
establish a county department of probation. The establishment of 1191  
the department shall be entered upon the journal of the court, and 1192  
the clerk of the court of common pleas shall certify a copy of the 1193  
journal entry establishing the department to each elective officer 1194  
and board of the county. The department shall consist of a chief 1195  
probation officer and the number of other probation officers and 1196

employees, clerks, and stenographers that is fixed from time to 1197  
time by the court. The court shall appoint those individuals, fix 1198  
their salaries, and supervise their work. ~~The~~ 1199

(b) When appointing a chief probation officer, the court 1200  
shall do all of the following: 1201

(i) Publicly advertise the position on the court's web site, 1202  
including, but not limited to, the job description, qualifications 1203  
for the position, and the application requirements; 1204

(ii) Conduct a competitive hiring process that adheres to 1205  
state and federal equal employment opportunity laws; 1206

(iii) Review applicants who meet the posted qualifications 1207  
and comply with the application requirements. 1208

(c) The court shall not appoint as a probation officer any 1209  
person who does not possess the training, experience, and other 1210  
qualifications prescribed by the adult parole authority created by 1211  
section 5149.02 of the Revised Code. Probation officers have all 1212  
the powers of regular police officers and shall perform any duties 1213  
that are designated by the judge or judges of the court. All 1214  
positions within the department of probation shall be in the 1215  
classified service of the civil service of the county. 1216

(2) If two or more counties desire to jointly establish a 1217  
probation department for those counties, the judges of the courts 1218  
of common pleas of those counties may establish a probation 1219  
department for those counties. If a probation department is 1220  
established pursuant to division (A)(2) of this section to serve 1221  
more than one county, the judges of the courts of common pleas 1222  
that established the department shall designate the county 1223  
treasurer of one of the counties served by the department as the 1224  
treasurer to whom probation fees paid under section 2951.021 of 1225  
the Revised Code are to be appropriated and transferred under 1226  
division (A)(2) of section 321.44 of the Revised Code for deposit 1227

into the multicounty probation services fund established under 1228  
division (B) of section 321.44 of the Revised Code. 1229

The cost of the administration and operation of a probation 1230  
department established for two or more counties shall be prorated 1231  
to the respective counties on the basis of population. 1232

(3) Probation officers shall receive, in addition to their 1233  
respective salaries, their necessary and reasonable travel and 1234  
other expenses incurred in the performance of their duties. Their 1235  
salaries and expenses shall be paid monthly from the county 1236  
treasury in the manner provided for the payment of the 1237  
compensation of other appointees of the court. 1238

(4) Probation officers shall be trained in accordance with a 1239  
set of minimum standards that are established by the supreme 1240  
court. 1241

(B)(1) In lieu of establishing a county department of 1242  
probation under division (A) of this section and in lieu of 1243  
entering into an agreement with the adult parole authority as 1244  
described in division (B) of section 2301.32 of the Revised Code, 1245  
the court of common pleas may request the board of county 1246  
commissioners to contract with, and upon that request the board 1247  
may contract with, any nonprofit, public or private agency, 1248  
association, or organization for the provision of probation 1249  
services and supervisory services for persons placed under 1250  
community control sanctions. The contract shall specify that each 1251  
individual providing the probation services and supervisory 1252  
services shall possess the training, experience, and other 1253  
qualifications prescribed by the adult parole authority. The 1254  
individuals who provide the probation services and supervisory 1255  
services shall not be included in the classified or unclassified 1256  
civil service of the county. 1257

(2) In lieu of establishing a county department of probation 1258

under division (A) of this section and in lieu of entering into an agreement with the adult parole authority as described in division (B) of section 2301.32 of the Revised Code, the courts of common pleas of two or more adjoining counties jointly may request the boards of county commissioners of those counties to contract with, and upon that request the boards of county commissioners of two or more adjoining counties jointly may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services and supervisory services for persons placed under community control sanctions for those counties. The contract shall specify that each individual providing the probation services and supervisory services shall possess the training, experience, and other qualifications prescribed by the adult parole authority. The individuals who provide the probation services and supervisory services shall not be included in the classified or unclassified civil service of any of those counties.

(C) The chief probation officer may grant permission to a probation officer to carry firearms when required in the discharge of official duties if the probation officer has successfully completed a basic firearm training program that is approved by the executive director of the Ohio peace officer training commission. A probation officer who has been granted permission to carry a firearm in the discharge of official duties, annually shall successfully complete a firearms requalification program in accordance with section 109.801 of the Revised Code.

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

Sec. 2301.271. (A) The supreme court, in consultation with the adult parole authority, shall develop minimum standards for

the training of probation officers as provided by section 2301.27 1290  
of the Revised Code. 1291

(B) Within six months after the effective date of this 1292  
section, the supreme court shall provide a copy of the minimum 1293  
standards to the following entities: 1294

(1) The department of rehabilitation and correction; 1295

(2) Every municipal court, county court, and court of common 1296  
pleas; 1297

(3) Every probation department. 1298

**Sec. 2301.30.** The court of common pleas of a county in which 1299  
a county department of probation is established under division (A) 1300  
of section 2301.27 of the Revised Code shall require the 1301  
department, in the rules through which the supervision of the 1302  
department is exercised or otherwise, to do all of the following: 1303

(A) Furnish to each person under a community control sanction 1304  
or post-release control sanction or on parole under its 1305  
supervision or in its custody, a written statement of the 1306  
conditions of the community control sanction, post-release control 1307  
sanction, or parole and instruct the person regarding the 1308  
conditions; 1309

(B) Keep informed concerning the conduct and condition of 1310  
each person in its custody or under its supervision by visiting, 1311  
the requiring of reports, and otherwise; 1312

(C) Use all suitable methods, not inconsistent with the 1313  
conditions of the community control sanction, post-release control 1314  
sanction, or parole, to aid and encourage the persons under its 1315  
supervision or in its custody and to bring about improvement in 1316  
their conduct and condition; 1317

(D) Publish policies regarding the supervision of 1318  
probationers that shall include, but not be limited to, all of the 1319

following: 1320

(1) The minimum number of supervision contacts required for probationers, based on each probationer's risk to reoffend as determined by the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code, under which higher risk probationers receive the greatest amount of supervision; 1321  
1322  
1323  
1324  
1325  
1326

(2) A graduated response policy to govern which types of violations a probation officer may respond to administratively and which type require a violation hearing by the court. 1327  
1328  
1329

(E) Keep detailed records of the work of the department, keep accurate and complete accounts of all moneys collected from persons under its supervision or in its custody, and keep or give receipts for those moneys; 1330  
1331  
1332  
1333

~~(E)~~(F) Make reports to the adult parole authority created by section 5149.02 of the Revised Code that it requires; 1334  
1335

(G) Provide the department of rehabilitation and correction with a monthly report that includes statistical data needed to support budget requests and satisfy requests for information relating to the operation of probation departments under the jurisdiction of courts of common pleas and municipal courts and that shall include all of the following: 1336  
1337  
1338  
1339  
1340  
1341

(1) A count of the number of individuals placed on probation; 1342

(2) A count of the number of individuals terminated from probation listed by type of termination, including revocation; 1343  
1344

(3) The total number of individuals under supervision at the end of the month; 1345  
1346

(4) Any other elements, as determined necessary by the department, that allow for better measurement of the types of individuals placed on probation and their outcomes at termination. 1347  
1348  
1349

**Sec. 2743.191.** (A)(1) There is hereby created in the state 1350  
treasury the reparations fund, which shall be used only for the 1351  
following purposes: 1352

(a) The payment of awards of reparations that are granted by 1353  
the attorney general; 1354

(b) The compensation of any personnel needed by the attorney 1355  
general to administer sections 2743.51 to 2743.72 of the Revised 1356  
Code; 1357

(c) The compensation of witnesses as provided in division (J) 1358  
of section 2743.65 of the Revised Code; 1359

(d) Other administrative costs of hearing and determining 1360  
claims for an award of reparations by the attorney general; 1361

(e) The costs of administering sections 2907.28 and 2969.01 1362  
to 2969.06 of the Revised Code; 1363

(f) The costs of investigation and decision-making as 1364  
certified by the attorney general; 1365

(g) The provision of state financial assistance to victim 1366  
assistance programs in accordance with sections 109.91 and 109.92 1367  
of the Revised Code; 1368

(h) The costs of paying the expenses of sex offense-related 1369  
examinations and antibiotics pursuant to section 2907.28 of the 1370  
Revised Code; 1371

(i) The cost of printing and distributing the pamphlet 1372  
prepared by the attorney general pursuant to section 109.42 of the 1373  
Revised Code; 1374

(j) Subject to division (D) of section 2743.71 of the Revised 1375  
Code, the costs associated with the printing and providing of 1376  
information cards or other printed materials to law enforcement 1377  
agencies and prosecuting authorities and with publicizing the 1378

availability of awards of reparations pursuant to section 2743.71 1379  
of the Revised Code; 1380

(k) The payment of costs of administering a DNA specimen 1381  
collection procedure pursuant to sections 2152.74 and 2901.07 of 1382  
the Revised Code, of performing DNA analysis of those DNA 1383  
specimens, and of entering the resulting DNA records regarding 1384  
those analyses into the DNA database pursuant to section 109.573 1385  
of the Revised Code; 1386

(l) The payment of actual costs associated with initiatives 1387  
by the attorney general for the apprehension, prosecution, and 1388  
accountability of offenders, and the enhancing of services to 1389  
crime victims. The amount of payments made pursuant to division 1390  
(A)(1)(l) of this section during any given fiscal year shall not 1391  
exceed five per cent of the balance of the reparations fund at the 1392  
close of the immediately previous fiscal year; 1393

(m) The costs of administering the adult parole authority's 1394  
supervision pursuant to division (E) of section 2971.05 of the 1395  
Revised Code of sexually violent predators who are sentenced to a 1396  
prison term pursuant to division (A)(3) of section 2971.03 of the 1397  
Revised Code and of offenders who are sentenced to a prison term 1398  
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 1399  
(c), or (B)(3)(a), (b), (c), or (d) of that section; 1400

(n) Subject to the limit set forth in those sections, the 1401  
costs of the installation and monitoring of an electronic 1402  
monitoring device used in the monitoring of a respondent pursuant 1403  
to an electronic monitoring order issued by a court under division 1404  
(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 1405  
2903.214 of the Revised Code if the court determines that the 1406  
respondent is indigent or used in the monitoring of an offender 1407  
pursuant to an electronic monitoring order issued under division 1408  
(B)(5) of section 2919.27 of the Revised Code if the court 1409  
determines that the offender is indigent; 1410

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

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

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

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

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

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

appropriation for emergencies or contingencies, and payment out of 1442  
this account or other appropriation shall be authorized if there 1443  
are sufficient moneys greater than the sum total of then pending 1444  
emergency purposes account requests or requests for releases from 1445  
the other appropriations. 1446

(4) If sufficient moneys do not exist in the account or any 1447  
other appropriation for emergencies or contingencies to pay the 1448  
award, the attorney general shall request the general assembly to 1449  
make an appropriation sufficient to pay the award, and no payment 1450  
shall be made until the appropriation has been made. The attorney 1451  
general shall make this appropriation request during the current 1452  
biennium and during each succeeding biennium until a sufficient 1453  
appropriation is made. If, prior to the time that an appropriation 1454  
is made by the general assembly pursuant to this division, the 1455  
fund has sufficient unencumbered funds to pay the award or part of 1456  
the award, the available funds shall be used to pay the award or 1457  
part of the award, and the appropriation request shall be amended 1458  
to request only sufficient funds to pay that part of the award 1459  
that is unpaid. 1460

(C) The attorney general shall not make payment on a decision 1461  
or order granting an award until all appeals have been determined 1462  
and all rights to appeal exhausted, except as otherwise provided 1463  
in this section. If any party to a claim for an award of 1464  
reparations appeals from only a portion of an award, and a 1465  
remaining portion provides for the payment of money by the state, 1466  
that part of the award calling for the payment of money by the 1467  
state and not a subject of the appeal shall be processed for 1468  
payment as described in this section. 1469

(D) The attorney general shall prepare itemized bills for the 1470  
costs of printing and distributing the pamphlet the attorney 1471  
general prepares pursuant to section 109.42 of the Revised Code. 1472  
The itemized bills shall set forth the name and address of the 1473

persons owed the amounts set forth in them. 1474

(E) As used in this section, "DNA analysis" and "DNA 1475  
specimen" have the same meanings as in section 109.573 of the 1476  
Revised Code. 1477

**Sec. 2909.03.** (A) No person, by means of fire or explosion, 1478  
shall knowingly do any of the following: 1479

(1) Cause, or create a substantial risk of, physical harm to 1480  
any property of another without the other person's consent; 1481

(2) Cause, or create a substantial risk of, physical harm to 1482  
any property of the offender or another, with purpose to defraud; 1483

(3) Cause, or create a substantial risk of, physical harm to 1484  
the statehouse or a courthouse, school building, or other building 1485  
or structure that is owned or controlled by the state, any 1486  
political subdivision, or any department, agency, or 1487  
instrumentality of the state or a political subdivision, and that 1488  
is used for public purposes; 1489

(4) Cause, or create a substantial risk of, physical harm, 1490  
through the offer or the acceptance of an agreement for hire or 1491  
other consideration, to any property of another without the other 1492  
person's consent or to any property of the offender or another 1493  
with purpose to defraud; 1494

(5) Cause, or create a substantial risk of, physical harm to 1495  
any park, preserve, wildlands, brush-covered land, cut-over land, 1496  
forest, timberland, greenlands, woods, or similar real property 1497  
that is owned or controlled by another person, the state, or a 1498  
political subdivision without the consent of the other person, the 1499  
state, or the political subdivision; 1500

(6) With purpose to defraud, cause, or create a substantial 1501  
risk of, physical harm to any park, preserve, wildlands, 1502  
brush-covered land, cut-over land, forest, timberland, greenlands, 1503

woods, or similar real property that is owned or controlled by the offender, another person, the state, or a political subdivision.

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

(2) A violation of division (A)(1) of this section is one of the following:

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

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

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

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

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

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

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

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

(2) No person shall knowingly cause serious physical harm to property that is owned, leased, or controlled by a governmental

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

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

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

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

(F) For purposes of this section:

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

(2) "Serious physical harm" means physical harm to property 1564  
that results in loss to the value of the property of ~~five hundred~~ 1565  
one thousand dollars or more. 1566

**Sec. 2909.11.** (A) When a person is charged with a violation 1567  
of division (A)(1) of section 2909.03 of the Revised Code 1568  
involving property value or an amount of physical harm of ~~five~~ 1569  
~~hundred~~ one thousand dollars or more or with a violation of 1570  
section 2909.05 of the Revised Code involving property value or an 1571  
amount of physical harm of ~~five hundred~~ one thousand dollars or 1572  
more, the jury or court trying the accused shall determine the 1573  
value of the property or amount of physical harm and, if a guilty 1574  
verdict is returned, shall return the finding as part of the 1575  
verdict. In any such case, it is unnecessary to find or return the 1576  
exact value or amount of physical harm, section 2945.75 of the 1577  
Revised Code applies, and it is sufficient if either of the 1578  
following applies, as appropriate, relative to the finding and 1579  
return of the value or amount of physical harm: 1580

(1) If the finding and return relate to a violation of 1581  
division (A)(1) of section 2909.03 of the Revised Code and are 1582  
that the value or amount of the physical harm was ~~five hundred~~ one 1583  
thousand dollars or more, the finding and return shall include a 1584  
statement that the value or amount was ~~five hundred~~ one thousand 1585  
dollars or more. 1586

(2) If the finding and return relate to a violation of 1587  
~~division~~ section 2909.05 of the Revised Code and are that the 1588  
value or amount of the physical harm was in any of the following 1589  
categories, the finding and return shall include one of the 1590  
following statements, as appropriate: 1591

(a) If the finding and return are that the value or amount 1592  
was one hundred fifty thousand dollars or more, a statement that 1593  
the value or amount was one hundred fifty thousand dollars or 1594

more; 1595

(b) If the finding and return are that the value or amount 1596  
was ~~five~~ seven thousand ~~five hundred~~ dollars or more but less than 1597  
one hundred fifty thousand dollars a statement that the value or 1598  
amount was ~~five~~ seven thousand ~~five hundred~~ dollars or more but 1599  
less than one hundred fifty thousand dollars; 1600

(c) If the finding and return are that the value or amount 1601  
was ~~five hundred~~ one thousand dollars or more but less than ~~five~~ 1602  
seven thousand five hundred dollars, a statement that the value or 1603  
amount was ~~five hundred~~ one thousand dollars or more but less than 1604  
~~five~~ seven thousand five hundred dollars. 1605

(B) The following criteria shall be used in determining the 1606  
value of property or amount of physical harm involved in a 1607  
violation of division (A)(1) of section 2909.03 or section 2909.05 1608  
of the Revised Code: 1609

(1) If the property is an heirloom, memento, collector's 1610  
item, antique, museum piece, manuscript, document, record, or 1611  
other thing that is either irreplaceable or is replaceable only on 1612  
the expenditure of substantial time, effort, or money, the value 1613  
of the property or the amount of physical harm involved is the 1614  
amount that would compensate the owner for its loss. 1615

(2) If the property is not covered under division (B)(1) of 1616  
this section and the physical harm is such that the property can 1617  
be restored substantially to its former condition, the amount of 1618  
physical harm involved is the reasonable cost of restoring the 1619  
property. 1620

(3) If the property is not covered under division (B)(1) of 1621  
this section and the physical harm is such that the property 1622  
cannot be restored substantially to its former condition, the 1623  
value of the property, in the case of personal property, is the 1624  
cost of replacing the property with new property of like kind and 1625

quality, and, in the case of real property or real property 1626  
fixtures, is the difference in the fair market value of the 1627  
property immediately before and immediately after the offense. 1628

(C) As used in this section, "fair market value" has the same 1629  
meaning as in section 2913.61 of the Revised Code. 1630

(D) Prima-facie evidence of the value of property, as 1631  
provided in division (E) of section 2913.61 of the Revised Code, 1632  
may be used to establish the value of property pursuant to this 1633  
section. 1634

**Sec. 2911.12.** (A) No person, by force, stealth, or deception, 1635  
shall do any of the following: 1636

(1) Trespass in an occupied structure or in a separately 1637  
secured or separately occupied portion of an occupied structure, 1638  
when another person other than an accomplice of the offender is 1639  
present, with purpose to commit in the structure or in the 1640  
separately secured or separately occupied portion of the structure 1641  
any criminal offense; 1642

(2) Trespass in an occupied structure or in a separately 1643  
secured or separately occupied portion of an occupied structure 1644  
that is a permanent or temporary habitation of any person when any 1645  
person other than an accomplice of the offender is present or 1646  
likely to be present, with purpose to commit in the habitation any 1647  
criminal offense; 1648

(3) Trespass in an occupied structure or in a separately 1649  
secured or separately occupied portion of an occupied structure, 1650  
with purpose to commit in the structure or separately secured or 1651  
separately occupied portion of the structure any criminal 1652  
offense; 1653

~~(4) Trespass~~ (B) No person, by force, stealth, or deception, 1654  
shall trespass in a permanent or temporary habitation of any 1655

person when any person other than an accomplice of the offender is present or likely to be present.

~~(B)~~(C) As used in this section, "occupied structure" has the same meaning as in section 2909.01 of the Revised Code.

~~(C)~~(D) Whoever violates division (A) of this section is guilty of burglary. A violation of division (A)(1) or (2) of this section is a felony of the second degree. A violation of division (A)(3) of this section is a felony of the third degree. ~~A violation of division (A)(4) of this section is a felony of the fourth degree.~~

(E) Whoever violates division (B) of this section is guilty of trespass in a habitation when a person is present or likely to be present, a felony of the fourth degree.

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

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

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

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

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

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

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

(D) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.

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

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

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

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

(I) "Coin machine" means any mechanical or electronic device

designed to do both of the following: 1717

(1) Receive a coin, bill, or token made for that purpose; 1718

(2) In return for the insertion or deposit of a coin, bill, 1719  
or token, automatically dispense property, provide a service, or 1720  
grant a license. 1721

(J) "Slug" means an object that, by virtue of its size, 1722  
shape, composition, or other quality, is capable of being inserted 1723  
or deposited in a coin machine as an improper substitute for a 1724  
genuine coin, bill, or token made for that purpose. 1725

(K) "Theft offense" means any of the following: 1726

(1) A violation of section 2911.01, 2911.02, 2911.11, 1727  
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1728  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1729  
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1730  
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1731  
2913.51, 2915.05, or 2921.41 of the Revised Code; 1732

(2) A violation of an existing or former municipal ordinance 1733  
or law of this or any other state, or of the United States, 1734  
substantially equivalent to any section listed in division (K)(1) 1735  
of this section or a violation of section 2913.41, 2913.81, or 1736  
2915.06 of the Revised Code as it existed prior to July 1, 1996; 1737

(3) An offense under an existing or former municipal 1738  
ordinance or law of this or any other state, or of the United 1739  
States, involving robbery, burglary, breaking and entering, theft, 1740  
embezzlement, wrongful conversion, forgery, counterfeiting, 1741  
deceit, or fraud; 1742

(4) A conspiracy or attempt to commit, or complicity in 1743  
committing, any offense under division (K)(1), (2), or (3) of this 1744  
section. 1745

(L) "Computer services" includes, but is not limited to, the 1746

use of a computer system, computer network, computer program, data 1747  
that is prepared for computer use, or data that is contained 1748  
within a computer system or computer network. 1749

(M) "Computer" means an electronic device that performs 1750  
logical, arithmetic, and memory functions by the manipulation of 1751  
electronic or magnetic impulses. "Computer" includes, but is not 1752  
limited to, all input, output, processing, storage, computer 1753  
program, or communication facilities that are connected, or 1754  
related, in a computer system or network to an electronic device 1755  
of that nature. 1756

(N) "Computer system" means a computer and related devices, 1757  
whether connected or unconnected, including, but not limited to, 1758  
data input, output, and storage devices, data communications 1759  
links, and computer programs and data that make the system capable 1760  
of performing specified special purpose data processing tasks. 1761

(O) "Computer network" means a set of related and remotely 1762  
connected computers and communication facilities that includes 1763  
more than one computer system that has the capability to transmit 1764  
among the connected computers and communication facilities through 1765  
the use of computer facilities. 1766

(P) "Computer program" means an ordered set of data 1767  
representing coded instructions or statements that, when executed 1768  
by a computer, cause the computer to process data. 1769

(Q) "Computer software" means computer programs, procedures, 1770  
and other documentation associated with the operation of a 1771  
computer system. 1772

(R) "Data" means a representation of information, knowledge, 1773  
facts, concepts, or instructions that are being or have been 1774  
prepared in a formalized manner and that are intended for use in a 1775  
computer, computer system, or computer network. For purposes of 1776  
section 2913.47 of the Revised Code, "data" has the additional 1777

meaning set forth in division (A) of that section. 1778

(S) "Cable television service" means any services provided by 1779  
or through the facilities of any cable television system or other 1780  
similar closed circuit coaxial cable communications system, or any 1781  
microwave or similar transmission service used in connection with 1782  
any cable television system or other similar closed circuit 1783  
coaxial cable communications system. 1784

(T) "Gain access" means to approach, instruct, communicate 1785  
with, store data in, retrieve data from, or otherwise make use of 1786  
any resources of a computer, computer system, or computer network, 1787  
or any cable service or cable system both as defined in section 1788  
2913.04 of the Revised Code. 1789

(U) "Credit card" includes, but is not limited to, a card, 1790  
code, device, or other means of access to a customer's account for 1791  
the purpose of obtaining money, property, labor, or services on 1792  
credit, or for initiating an electronic fund transfer at a 1793  
point-of-sale terminal, an automated teller machine, or a cash 1794  
dispensing machine. It also includes a county procurement card 1795  
issued under section 301.29 of the Revised Code. 1796

(V) "Electronic fund transfer" has the same meaning as in 92 1797  
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1798

(W) "Rented property" means personal property in which the 1799  
right of possession and use of the property is for a short and 1800  
possibly indeterminate term in return for consideration; the 1801  
rentee generally controls the duration of possession of the 1802  
property, within any applicable minimum or maximum term; and the 1803  
amount of consideration generally is determined by the duration of 1804  
possession of the property. 1805

(X) "Telecommunication" means the origination, emission, 1806  
dissemination, transmission, or reception of data, images, 1807  
signals, sounds, or other intelligence or equivalence of 1808

intelligence of any nature over any communications system by any 1809  
method, including, but not limited to, a fiber optic, electronic, 1810  
magnetic, optical, digital, or analog method. 1811

(Y) "Telecommunications device" means any instrument, 1812  
equipment, machine, or other device that facilitates 1813  
telecommunication, including, but not limited to, a computer, 1814  
computer network, computer chip, computer circuit, scanner, 1815  
telephone, cellular telephone, pager, personal communications 1816  
device, transponder, receiver, radio, modem, or device that 1817  
enables the use of a modem. 1818

(Z) "Telecommunications service" means the providing, 1819  
allowing, facilitating, or generating of any form of 1820  
telecommunication through the use of a telecommunications device 1821  
over a telecommunications system. 1822

(AA) "Counterfeit telecommunications device" means a 1823  
telecommunications device that, alone or with another 1824  
telecommunications device, has been altered, constructed, 1825  
manufactured, or programmed to acquire, intercept, receive, or 1826  
otherwise facilitate the use of a telecommunications service or 1827  
information service without the authority or consent of the 1828  
provider of the telecommunications service or information service. 1829  
"Counterfeit telecommunications device" includes, but is not 1830  
limited to, a clone telephone, clone microchip, tumbler telephone, 1831  
or tumbler microchip; a wireless scanning device capable of 1832  
acquiring, intercepting, receiving, or otherwise facilitating the 1833  
use of telecommunications service or information service without 1834  
immediate detection; or a device, equipment, hardware, or software 1835  
designed for, or capable of, altering or changing the electronic 1836  
serial number in a wireless telephone. 1837

(BB)(1) "Information service" means, subject to division 1838  
(BB)(2) of this section, the offering of a capability for 1839  
generating, acquiring, storing, transforming, processing, 1840

retrieving, utilizing, or making available information via 1841  
telecommunications, including, but not limited to, electronic 1842  
publishing. 1843

(2) "Information service" does not include any use of a 1844  
capability of a type described in division (BB)(1) of this section 1845  
for the management, control, or operation of a telecommunications 1846  
system or the management of a telecommunications service. 1847

(CC) "Elderly person" means a person who is sixty-five years 1848  
of age or older. 1849

(DD) "Disabled adult" means a person who is eighteen years of 1850  
age or older and has some impairment of body or mind that makes 1851  
the person unable to work at any substantially remunerative 1852  
employment that the person otherwise would be able to perform and 1853  
that will, with reasonable probability, continue for a period of 1854  
at least twelve months without any present indication of recovery 1855  
from the impairment, or who is eighteen years of age or older and 1856  
has been certified as permanently and totally disabled by an 1857  
agency of this state or the United States that has the function of 1858  
so classifying persons. 1859

(EE) "Firearm" and "dangerous ordnance" have the same 1860  
meanings as in section 2923.11 of the Revised Code. 1861

(FF) "Motor vehicle" has the same meaning as in section 1862  
4501.01 of the Revised Code. 1863

(GG) "Dangerous drug" has the same meaning as in section 1864  
4729.01 of the Revised Code. 1865

(HH) "Drug abuse offense" has the same meaning as in section 1866  
2925.01 of the Revised Code. 1867

(II)(1) "Computer hacking" means any of the following: 1868

(a) Gaining access or attempting to gain access to all or 1869  
part of a computer, computer system, or a computer network without 1870

express or implied authorization with the intent to defraud or 1871  
with intent to commit a crime; 1872

(b) Misusing computer or network services including, but not 1873  
limited to, mail transfer programs, file transfer programs, proxy 1874  
servers, and web servers by performing functions not authorized by 1875  
the owner of the computer, computer system, or computer network or 1876  
other person authorized to give consent. As used in this division, 1877  
"misuse of computer and network services" includes, but is not 1878  
limited to, the unauthorized use of any of the following: 1879

(i) Mail transfer programs to send mail to persons other than 1880  
the authorized users of that computer or computer network; 1881

(ii) File transfer program proxy services or proxy servers to 1882  
access other computers, computer systems, or computer networks; 1883

(iii) Web servers to redirect users to other web pages or web 1884  
servers. 1885

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 1886  
using a group of computer programs commonly known as "port 1887  
scanners" or "probes" to intentionally access any computer, 1888  
computer system, or computer network without the permission of the 1889  
owner of the computer, computer system, or computer network or 1890  
other person authorized to give consent. The group of computer 1891  
programs referred to in this division includes, but is not limited 1892  
to, those computer programs that use a computer network to access 1893  
a computer, computer system, or another computer network to 1894  
determine any of the following: the presence or types of computers 1895  
or computer systems on a network; the computer network's 1896  
facilities and capabilities; the availability of computer or 1897  
network services; the presence or versions of computer software 1898  
including, but not limited to, operating systems, computer 1899  
services, or computer contaminants; the presence of a known 1900  
computer software deficiency that can be used to gain unauthorized 1901

access to a computer, computer system, or computer network; or any other information about a computer, computer system, or computer network not necessary for the normal and lawful operation of the computer initiating the access.

(ii) The group of computer programs referred to in division (II)(1)(c)(i) of this section does not include standard computer software used for the normal operation, administration, management, and test of a computer, computer system, or computer network including, but not limited to, domain name services, mail transfer services, and other operating system services, computer programs commonly called "ping," "tcpdump," and "traceroute" and other network monitoring and management computer software, and computer programs commonly known as "nslookup" and "whois" and other systems administration computer software.

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

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

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

(KK) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this division. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

(LL) "Assistance dog" has the same meaning as in section 1933  
955.011 of the Revised Code. 1934

(MM) "Federally licensed firearms dealer" has the same 1935  
meaning as in section 5502.63 of the Revised Code. 1936

**Sec. 2913.02.** (A) No person, with purpose to deprive the 1937  
owner of property or services, shall knowingly obtain or exert 1938  
control over either the property or services in any of the 1939  
following ways: 1940

(1) Without the consent of the owner or person authorized to 1941  
give consent; 1942

(2) Beyond the scope of the express or implied consent of the 1943  
owner or person authorized to give consent; 1944

(3) By deception; 1945

(4) By threat; 1946

(5) By intimidation. 1947

(B)(1) Whoever violates this section is guilty of theft. 1948

(2) Except as otherwise provided in this division or division 1949  
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 1950  
this section is petty theft, a misdemeanor of the first degree. If 1951  
the value of the property or services stolen is ~~five hundred~~ one 1952  
thousand dollars or more and is less than ~~five~~ seven thousand five 1953  
hundred dollars or if the property stolen is any of the property 1954  
listed in section 2913.71 of the Revised Code, a violation of this 1955  
section is theft, a felony of the fifth degree. If the value of 1956  
the property or services stolen is ~~five~~ seven thousand five 1957  
hundred dollars or more and is less than one hundred fifty 1958  
thousand dollars, a violation of this section is grand theft, a 1959  
felony of the fourth degree. If the value of the property or 1960  
services stolen is one hundred fifty thousand dollars or more and 1961  
is less than ~~five~~ seven hundred fifty thousand dollars, a 1962

violation of this section is aggravated theft, a felony of the 1963  
third degree. If the value of the property or services is ~~five~~ 1964  
seven hundred fifty thousand dollars or more and is less than one 1965  
million five hundred thousand dollars, a violation of this section 1966  
is aggravated theft, a felony of the second degree. If the value 1967  
of the property or services stolen is one million five hundred 1968  
thousand dollars or more, a violation of this section is 1969  
aggravated theft of one million five hundred thousand dollars or 1970  
more, a felony of the first degree. 1971

(3) Except as otherwise provided in division (B)(4), (5), 1972  
(6), (7), or (8) of this section, if the victim of the offense is 1973  
an elderly person or disabled adult, a violation of this section 1974  
is theft from an elderly person or disabled adult, and division 1975  
(B)(3) of this section applies. Except as otherwise provided in 1976  
this division, theft from an elderly person or disabled adult is a 1977  
felony of the fifth degree. If the value of the property or 1978  
services stolen is ~~five hundred~~ one thousand dollars or more and 1979  
is less than ~~five~~ seven thousand five hundred dollars, theft from 1980  
an elderly person or disabled adult is a felony of the fourth 1981  
degree. If the value of the property or services stolen is ~~five~~ 1982  
seven thousand five hundred dollars or more and is less than 1983  
~~twenty-five~~ thirty-seven thousand five hundred dollars, theft from 1984  
an elderly person or disabled adult is a felony of the third 1985  
degree. If the value of the property or services stolen is 1986  
~~twenty-five~~ thirty-seven thousand five hundred dollars or more and 1987  
is less than one hundred fifty thousand dollars, theft from an 1988  
elderly person or disabled adult is a felony of the second degree. 1989  
If the value of the property or services stolen is one hundred 1990  
fifty thousand dollars or more, theft from an elderly person or 1991  
disabled adult is a felony of the first degree. 1992

(4) If the property stolen is a firearm or dangerous 1993  
ordnance, a violation of this section is grand theft. Except as 1994

otherwise provided in this division, grand theft when the property 1995  
stolen is a firearm or dangerous ordnance is a felony of the third 1996  
degree, and there is a presumption in favor of the court imposing 1997  
a prison term for the offense. If the firearm or dangerous 1998  
ordnance was stolen from a federally licensed firearms dealer, 1999  
grand theft when the property stolen is a firearm or dangerous 2000  
ordnance is a felony of the first degree. The offender shall serve 2001  
a prison term imposed for grand theft when the property stolen is 2002  
a firearm or dangerous ordnance consecutively to any other prison 2003  
term or mandatory prison term previously or subsequently imposed 2004  
upon the offender. 2005

(5) If the property stolen is a motor vehicle, a violation of 2006  
this section is grand theft of a motor vehicle, a felony of the 2007  
fourth degree. 2008

(6) If the property stolen is any dangerous drug, a violation 2009  
of this section is theft of drugs, a felony of the fourth degree, 2010  
or, if the offender previously has been convicted of a felony drug 2011  
abuse offense, a felony of the third degree. 2012

(7) If the property stolen is a police dog or horse or an 2013  
assistance dog and the offender knows or should know that the 2014  
property stolen is a police dog or horse or an assistance dog, a 2015  
violation of this section is theft of a police dog or horse or an 2016  
assistance dog, a felony of the third degree. 2017

(8) If the property stolen is anhydrous ammonia, a violation 2018  
of this section is theft of anhydrous ammonia, a felony of the 2019  
third degree. 2020

(9) In addition to the penalties described in division (B)(2) 2021  
of this section, if the offender committed the violation by 2022  
causing a motor vehicle to leave the premises of an establishment 2023  
at which gasoline is offered for retail sale without the offender 2024  
making full payment for gasoline that was dispensed into the fuel 2025

tank of the motor vehicle or into another container, the court may 2026  
do one of the following: 2027

(a) Unless division (B)(9)(b) of this section applies, 2028  
suspend for not more than six months the offender's driver's 2029  
license, probationary driver's license, commercial driver's 2030  
license, temporary instruction permit, or nonresident operating 2031  
privilege; 2032

(b) If the offender's driver's license, probationary driver's 2033  
license, commercial driver's license, temporary instruction 2034  
permit, or nonresident operating privilege has previously been 2035  
suspended pursuant to division (B)(9)(a) of this section, impose a 2036  
class seven suspension of the offender's license, permit, or 2037  
privilege from the range specified in division (A)(7) of section 2038  
4510.02 of the Revised Code, provided that the suspension shall be 2039  
for at least six months. 2040

(10) In addition to the penalties described in division 2041  
(B)(2) of this section, if the offender committed the violation by 2042  
stealing rented property or rental services, the court may order 2043  
that the offender make restitution pursuant to section 2929.18 or 2044  
2929.28 of the Revised Code. Restitution may include, but is not 2045  
limited to, the cost of repairing or replacing the stolen 2046  
property, or the cost of repairing the stolen property and any 2047  
loss of revenue resulting from deprivation of the property due to 2048  
theft of rental services that is less than or equal to the actual 2049  
value of the property at the time it was rented. Evidence of 2050  
intent to commit theft of rented property or rental services shall 2051  
be determined pursuant to the provisions of section 2913.72 of the 2052  
Revised Code. 2053

(C) The sentencing court that suspends an offender's license, 2054  
permit, or nonresident operating privilege under division (B)(9) 2055  
of this section may grant the offender limited driving privileges 2056  
during the period of the suspension in accordance with Chapter 2057

4510. of the Revised Code. 2058

**Sec. 2913.03.** (A) No person shall knowingly use or operate an 2059  
aircraft, motor vehicle, motorcycle, motorboat, or other 2060  
motor-propelled vehicle without the consent of the owner or person 2061  
authorized to give consent. 2062

(B) No person shall knowingly use or operate an aircraft, 2063  
motor vehicle, motorboat, or other motor-propelled vehicle without 2064  
the consent of the owner or person authorized to give consent, and 2065  
either remove it from this state or keep possession of it for more 2066  
than forty-eight hours. 2067

(C) The following are affirmative defenses to a charge under 2068  
this section: 2069

(1) At the time of the alleged offense, the actor, though 2070  
mistaken, reasonably believed that the actor was authorized to use 2071  
or operate the property. 2072

(2) At the time of the alleged offense, the actor reasonably 2073  
believed that the owner or person empowered to give consent would 2074  
authorize the actor to use or operate the property. 2075

(D)(1) Whoever violates this section is guilty of 2076  
unauthorized use of a vehicle. 2077

(2) Except as otherwise provided in division (D)(4) of this 2078  
section, a violation of division (A) of this section is a 2079  
misdemeanor of the first degree. 2080

(3) Except as otherwise provided in division (D)(4) of this 2081  
section, a violation of division (B) of this section is a felony 2082  
of the fifth degree. 2083

(4) If the victim of the offense is an elderly person or 2084  
disabled adult and if the victim incurs a loss as a result of the 2085  
violation, a violation of division (A) or (B) of this section is 2086  
whichever of the following is applicable: 2087

(a) Except as otherwise provided in division (D)(4)(b), (c), 2088  
or (d), ~~or (e)~~ of this section, a felony of the fifth degree; 2089

(b) If the loss to the victim is ~~five hundred~~ one thousand 2090  
dollars or more and is less than ~~five~~ seven thousand five hundred 2091  
dollars, a felony of the fourth degree; 2092

(c) If the loss to the victim is ~~five~~ seven thousand five 2093  
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 2094  
thousand five hundred dollars, a felony of the third degree; 2095

(d) If the loss to the victim is ~~twenty-five~~ thirty-seven 2096  
thousand five hundred dollars or more, a felony of the second 2097  
degree. 2098

**Sec. 2913.04.** (A) No person shall knowingly use or operate 2099  
the property of another without the consent of the owner or person 2100  
authorized to give consent. 2101

(B) No person, in any manner and by any means, including, but 2102  
not limited to, computer hacking, shall knowingly gain access to, 2103  
attempt to gain access to, or cause access to be gained to any 2104  
computer, computer system, computer network, cable service, cable 2105  
system, telecommunications device, telecommunications service, or 2106  
information service without the consent of, or beyond the scope of 2107  
the express or implied consent of, the owner of the computer, 2108  
computer system, computer network, cable service, cable system, 2109  
telecommunications device, telecommunications service, or 2110  
information service or other person authorized to give consent. 2111

(C) No person shall knowingly gain access to, attempt to gain 2112  
access to, cause access to be granted to, or disseminate 2113  
information gained from access to the law enforcement automated 2114  
database system created pursuant to section 5503.10 of the Revised 2115  
Code without the consent of, or beyond the scope of the express or 2116  
implied consent of, the chair of the law enforcement automated 2117

data system steering committee. 2118

(D) No person shall knowingly gain access to, attempt to gain 2119  
access to, cause access to be granted to, or disseminate 2120  
information gained from access to the Ohio law enforcement gateway 2121  
established and operated pursuant to division (C)(1) of section 2122  
109.57 of the Revised Code without the consent of, or beyond the 2123  
scope of the express or implied consent of, the superintendent of 2124  
the bureau of criminal identification and investigation. 2125

(E) The affirmative defenses contained in division (C) of 2126  
section 2913.03 of the Revised Code are affirmative defenses to a 2127  
charge under this section. 2128

(F)(1) Whoever violates division (A) of this section is 2129  
guilty of unauthorized use of property. 2130

(2) Except as otherwise provided in division (F)(3) or (4) of 2131  
this section, unauthorized use of property is a misdemeanor of the 2132  
fourth degree. 2133

(3) Except as otherwise provided in division (F)(4) of this 2134  
section, if unauthorized use of property is committed for the 2135  
purpose of devising or executing a scheme to defraud or to obtain 2136  
property or services, unauthorized use of property is whichever of 2137  
the following is applicable: 2138

(a) Except as otherwise provided in division (F)(3)(b), (c), 2139  
or (d) of this section, a misdemeanor of the first degree. 2140

(b) If the value of the property or services or the loss to 2141  
the victim is ~~five hundred~~ one thousand dollars or more and is 2142  
less than ~~five~~ seven thousand five hundred dollars, a felony of 2143  
the fifth degree. 2144

(c) If the value of the property or services or the loss to 2145  
the victim is ~~five~~ seven thousand five hundred dollars or more and 2146  
is less than one hundred fifty thousand dollars, a felony of the 2147

fourth degree. 2148

(d) If the value of the property or services or the loss to 2149  
the victim is one hundred fifty thousand dollars or more, a felony 2150  
of the third degree. 2151

(4) If the victim of the offense is an elderly person or 2152  
disabled adult, unauthorized use of property is whichever of the 2153  
following is applicable: 2154

(a) Except as otherwise provided in division (F)(4)(b), (c), 2155  
or (d) of this section, a felony of the fifth degree; 2156

(b) If the value of the property or services or loss to the 2157  
victim is ~~five hundred~~ one thousand dollars or more and is less 2158  
than ~~five~~ seven thousand five hundred dollars, a felony of the 2159  
fourth degree; 2160

(c) If the value of the property or services or loss to the 2161  
victim is ~~five~~ seven thousand five hundred dollars or more and is 2162  
less than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 2163  
a felony of the third degree; 2164

(d) If the value of the property or services or loss to the 2165  
victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars 2166  
or more, a felony of the second degree. 2167

(G)(1) Whoever violates division (B) of this section is 2168  
guilty of unauthorized use of computer, cable, or 2169  
telecommunication property, and shall be punished as provided in 2170  
division (G)(2), (3), or (4) of this section. 2171

(2) Except as otherwise provided in division (G)(3) or (4) of 2172  
this section, unauthorized use of computer, cable, or 2173  
telecommunication property is a felony of the fifth degree. 2174

(3) Except as otherwise provided in division (G)(4) of this 2175  
section, if unauthorized use of computer, cable, or 2176  
telecommunication property is committed for the purpose of 2177

devising or executing a scheme to defraud or to obtain property or 2178  
services, for obtaining money, property, or services by false or 2179  
fraudulent pretenses, or for committing any other criminal 2180  
offense, unauthorized use of computer, cable, or telecommunication 2181  
property is whichever of the following is applicable: 2182

(a) Except as otherwise provided in division (G)(3)(b) of 2183  
this section, if the value of the property or services involved or 2184  
the loss to the victim is ~~five~~ seven thousand five hundred dollars 2185  
or more and less than one hundred fifty thousand dollars, a felony 2186  
of the fourth degree; 2187

(b) If the value of the property or services involved or the 2188  
loss to the victim is one hundred fifty thousand dollars or more, 2189  
a felony of the third degree. 2190

(4) If the victim of the offense is an elderly person or 2191  
disabled adult, unauthorized use of computer, cable, or 2192  
telecommunication property is whichever of the following is 2193  
applicable: 2194

(a) Except as otherwise provided in division (G)(4)(b), (c), 2195  
or (d) of this section, a felony of the fifth degree; 2196

(b) If the value of the property or services or loss to the 2197  
victim is ~~five hundred~~ one thousand dollars or more and is less 2198  
than ~~five~~ seven thousand five hundred dollars, a felony of the 2199  
fourth degree; 2200

(c) If the value of the property or services or loss to the 2201  
victim is ~~five~~ seven thousand five hundred dollars or more and is 2202  
less than ~~twenty-five~~ thirty-seven thousand five hundred dollars, 2203  
a felony of the third degree; 2204

(d) If the value of the property or services or loss to the 2205  
victim is ~~twenty-five~~ thirty-seven thousand five hundred dollars 2206  
or more, a felony of the second degree. 2207

(H) Whoever violates division (C) of this section is guilty 2208  
of unauthorized use of the law enforcement automated database 2209  
system, a felony of the fifth degree. 2210

(I) Whoever violates division (D) of this section is guilty 2211  
of unauthorized use of the Ohio law enforcement gateway, a felony 2212  
of the fifth degree. 2213

(J) As used in this section: 2214

(1) "Cable operator" means any person or group of persons 2215  
that does either of the following: 2216

(a) Provides cable service over a cable system and directly 2217  
or through one or more affiliates owns a significant interest in 2218  
that cable system; 2219

(b) Otherwise controls or is responsible for, through any 2220  
arrangement, the management and operation of a cable system. 2221

(2) "Cable service" means any of the following: 2222

(a) The one-way transmission to subscribers of video 2223  
programming or of information that a cable operator makes 2224  
available to all subscribers generally; 2225

(b) Subscriber interaction, if any, that is required for the 2226  
selection or use of video programming or of information that a 2227  
cable operator makes available to all subscribers generally, both 2228  
as described in division (J)(2)(a) of this section; 2229

(c) Any cable television service. 2230

(3) "Cable system" means any facility, consisting of a set of 2231  
closed transmission paths and associated signal generation, 2232  
reception, and control equipment that is designed to provide cable 2233  
service that includes video programming and that is provided to 2234  
multiple subscribers within a community. "Cable system" does not 2235  
include any of the following: 2236

(a) Any facility that serves only to retransmit the 2237

television signals of one or more television broadcast stations;	2238
(b) Any facility that serves subscribers without using any public right-of-way;	2239 2240
(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);	2241 2242 2243
(d) Any open video system that complies with 47 U.S.C.A. 573;	2244
(e) Any facility of any electric utility used solely for operating its electric utility system.	2245 2246
<b>Sec. 2913.11.</b> (A) As used in this section:	2247
(1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:	2248 2249
(a) A check, bill of exchange, draft, order of withdrawal, or similar negotiable or non-negotiable instrument;	2250 2251
(b) An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.	2252 2253 2254
(2) "Issue a check" means causing any form of debit from a demand deposit account.	2255 2256
(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.	2257 2258 2259 2260 2261
(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:	2262 2263 2264
(1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later;	2265 2266

(2) The check or other negotiable instrument was properly 2267  
refused payment for insufficient funds upon presentment within 2268  
thirty days after issue or the stated date, whichever is later, 2269  
and the liability of the drawer, indorser, or any party who may be 2270  
liable thereon is not discharged by payment or satisfaction within 2271  
ten days after receiving notice of dishonor. 2272

(D) For purposes of this section, a person who issues or 2273  
transfers a check, bill of exchange, or other draft is presumed to 2274  
have the purpose to defraud if the drawer fails to comply with 2275  
section 1349.16 of the Revised Code by doing any of the following 2276  
when opening a checking account intended for personal, family, or 2277  
household purposes at a financial institution: 2278

(1) Falsely stating that the drawer has not been issued a 2279  
valid driver's or commercial driver's license or identification 2280  
card issued under section 4507.50 of the Revised Code; 2281

(2) Furnishing such license or card, or another 2282  
identification document that contains false information; 2283

(3) Making a false statement with respect to the drawer's 2284  
current address or any additional relevant information reasonably 2285  
required by the financial institution. 2286

(E) In determining the value of the payment for purposes of 2287  
division (F) of this section, the court may aggregate all checks 2288  
and other negotiable instruments that the offender issued or 2289  
transferred or caused to be issued or transferred in violation of 2290  
division (A) of this section within a period of one hundred eighty 2291  
consecutive days. 2292

(F) Whoever violates this section is guilty of passing bad 2293  
checks. Except as otherwise provided in this division, passing bad 2294  
checks is a misdemeanor of the first degree. If the check or 2295  
checks or other negotiable instrument or instruments are issued or 2296  
transferred to a single vendor or single other person for the 2297

payment of ~~five hundred~~ one thousand dollars or more but less than 2298  
~~five~~ seven thousand ~~five hundred~~ dollars or if the check or checks 2299  
or other negotiable instrument or instruments are issued or 2300  
transferred to multiple vendors or persons for the payment of one 2301  
thousand five hundred dollars or more but less than ~~five~~ seven 2302  
thousand five hundred dollars, passing bad checks is a felony of 2303  
the fifth degree. If the check or checks or other negotiable 2304  
instrument or instruments are for the payment of ~~five~~ seven 2305  
thousand five hundred dollars or more but less than one hundred 2306  
fifty thousand dollars, passing bad checks is a felony of the 2307  
fourth degree. If the check or checks or other negotiable 2308  
instrument or instruments are for the payment of one hundred fifty 2309  
thousand dollars or more, passing bad checks is a felony of the 2310  
third degree. 2311

**Sec. 2913.21.** (A) No person shall do any of the following: 2312

(1) Practice deception for the purpose of procuring the 2313  
issuance of a credit card, when a credit card is issued in actual 2314  
reliance thereon; 2315

(2) Knowingly buy or sell a credit card from or to a person 2316  
other than the issuer. 2317

(B) No person, with purpose to defraud, shall do any of the 2318  
following: 2319

(1) Obtain control over a credit card as security for a debt; 2320

(2) Obtain property or services by the use of a credit card, 2321  
in one or more transactions, knowing or having reasonable cause to 2322  
believe that the card has expired or been revoked, or was 2323  
obtained, is retained, or is being used in violation of law; 2324

(3) Furnish property or services upon presentation of a 2325  
credit card, knowing that the card is being used in violation of 2326  
law; 2327

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

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

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

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

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

within a period of ninety consecutive days commencing on the date 2360  
of the first violation, is one hundred fifty thousand dollars or 2361  
more, misuse of credit cards in violation of any of those 2362  
divisions is a felony of the third degree. 2363

(4) If the victim of the offense is an elderly person or 2364  
disabled adult, and if the offense involves a violation of 2365  
division (B)(1) or (2) of this section, division (D)(4) of this 2366  
section applies. Except as otherwise provided in division (D)(4) 2367  
of this section, a violation of division (B)(1) or (2) of this 2368  
section is a felony of the fifth degree. If the debt for which the 2369  
card is held as security or the cumulative retail value of the 2370  
property or services involved in the violation is ~~five hundred~~ one 2371  
thousand dollars or more and is less than ~~five~~ seven thousand five 2372  
hundred dollars, a violation of either of those divisions is a 2373  
felony of the fourth degree. If the debt for which the card is 2374  
held as security or the cumulative retail value of the property or 2375  
services involved in the violation is ~~five~~ seven thousand five 2376  
hundred dollars or more and is less than ~~twenty-five~~ thirty-seven 2377  
thousand five hundred dollars, a violation of either of those 2378  
divisions is a felony of the third degree. If the debt for which 2379  
the card is held as security or the cumulative retail value of the 2380  
property or services involved in the violation is ~~twenty-five~~ 2381  
thirty-seven thousand five hundred dollars or more, a violation of 2382  
either of those divisions is a felony of the second degree. 2383

**Sec. 2913.31.** (A) No person, with purpose to defraud, or 2384  
knowing that the person is facilitating a fraud, shall do any of 2385  
the following: 2386

(1) Forge any writing of another without the other person's 2387  
authority; 2388

(2) Forge any writing so that it purports to be genuine when 2389  
it actually is spurious, or to be the act of another who did not 2390

authorize that act, or to have been executed at a time or place or 2391  
with terms different from what in fact was the case, or to be a 2392  
copy of an original when no such original existed; 2393

(3) Utter, or possess with purpose to utter, any writing that 2394  
the person knows to have been forged. 2395

(B) No person shall knowingly do either of the following: 2396

(1) Forge an identification card; 2397

(2) Sell or otherwise distribute a card that purports to be 2398  
an identification card, knowing it to have been forged. 2399

As used in this division, "identification card" means a card 2400  
that includes personal information or characteristics of an 2401  
individual, a purpose of which is to establish the identity of the 2402  
bearer described on the card, whether the words "identity," 2403  
"identification," "identification card," or other similar words 2404  
appear on the card. 2405

(C)(1)(a) Whoever violates division (A) of this section is 2406  
guilty of forgery. 2407

(b) Except as otherwise provided in this division or division 2408  
(C)(1)(c) of this section, forgery is a felony of the fifth 2409  
degree. If property or services are involved in the offense or the 2410  
victim suffers a loss, forgery is one of the following: 2411

(i) If the value of the property or services or the loss to 2412  
the victim is ~~five~~ seven thousand ~~five hundred~~ dollars or more and 2413  
is less than one hundred fifty thousand dollars, a felony of the 2414  
fourth degree; 2415

(ii) If the value of the property or services or the loss to 2416  
the victim is one hundred fifty thousand dollars or more, a felony 2417  
of the third degree. 2418

(c) If the victim of the offense is an elderly person or 2419  
disabled adult, division (C)(1)(c) of this section applies to the 2420

forgery. Except as otherwise provided in division (C)(1)(c) of 2421  
this section, forgery is a felony of the fifth degree. If property 2422  
or services are involved in the offense or if the victim suffers a 2423  
loss, forgery is one of the following: 2424

(i) If the value of the property or services or the loss to 2425  
the victim is ~~five hundred~~ one thousand dollars or more and is 2426  
less than ~~five~~ seven thousand five hundred dollars, a felony of 2427  
the fourth degree; 2428

(ii) If the value of the property or services or the loss to 2429  
the victim is ~~five~~ seven thousand five hundred dollars or more and 2430  
is less than ~~twenty-five~~ thirty-seven thousand five hundred 2431  
dollars, a felony of the third degree; 2432

(iii) If the value of the property or services or the loss to 2433  
the victim is ~~twenty-five~~ thirty-seven thousand five hundred 2434  
dollars or more, a felony of the second degree. 2435

(2) Whoever violates division (B) of this section is guilty 2436  
of forging identification cards or selling or distributing forged 2437  
identification cards. Except as otherwise provided in this 2438  
division, forging identification cards or selling or distributing 2439  
forged identification cards is a misdemeanor of the first degree. 2440  
If the offender previously has been convicted of a violation of 2441  
division (B) of this section, forging identification cards or 2442  
selling or distributing forged identification cards is a 2443  
misdemeanor of the first degree and, in addition, the court shall 2444  
impose upon the offender a fine of not less than two hundred fifty 2445  
dollars. 2446

**Sec. 2913.32.** (A) No person, with purpose to defraud, or 2447  
knowing that the person is facilitating a fraud, shall do any of 2448  
the following: 2449

(1) Make or alter any object so that it appears to have value 2450

because of antiquity, rarity, curiosity, source, or authorship, 2451  
which it does not in fact possess; 2452

(2) Practice deception in making, retouching, editing, or 2453  
reproducing any photograph, movie film, video tape, phonograph 2454  
record, or recording tape; 2455

(3) Falsely or fraudulently make, simulate, forge, alter, or 2456  
counterfeit any wrapper, label, stamp, cork, or cap prescribed by 2457  
the liquor control commission under Chapters 4301. and 4303. of 2458  
the Revised Code, falsely or fraudulently cause to be made, 2459  
simulated, forged, altered, or counterfeited any wrapper, label, 2460  
stamp, cork, or cap prescribed by the liquor control commission 2461  
under Chapters 4301. and 4303. of the Revised Code, or use more 2462  
than once any wrapper, label, stamp, cork, or cap prescribed by 2463  
the liquor control commission under Chapters 4301. and 4303. of 2464  
the Revised Code. 2465

(4) Utter, or possess with purpose to utter, any object that 2466  
the person knows to have been simulated as provided in division 2467  
(A)(1), (2), or (3) of this section. 2468

(B) Whoever violates this section is guilty of criminal 2469  
simulation. Except as otherwise provided in this division, 2470  
criminal simulation is a misdemeanor of the first degree. If the 2471  
loss to the victim is ~~five hundred~~ one thousand dollars or more 2472  
and is less than ~~five~~ seven thousand five hundred dollars, 2473  
criminal simulation is a felony of the fifth degree. If the loss 2474  
to the victim is ~~five~~ seven thousand five hundred dollars or more 2475  
and is less than one hundred fifty thousand dollars, criminal 2476  
simulation is a felony of the fourth degree. If the loss to the 2477  
victim is one hundred fifty thousand dollars or more, criminal 2478  
simulation is a felony of the third degree. 2479

**Sec. 2913.34.** (A) No person shall knowingly do any of the 2480  
following: 2481

(1) Attach, affix, or otherwise use a counterfeit mark in 2482  
connection with the manufacture of goods or services, whether or 2483  
not the goods or services are intended for sale or resale; 2484

(2) Possess, sell, or offer for sale tools, machines, 2485  
instruments, materials, articles, or other items of personal 2486  
property with the knowledge that they are designed for the 2487  
production or reproduction of counterfeit marks; 2488

(3) Purchase or otherwise acquire goods, and keep or 2489  
otherwise have the goods in the person's possession, with the 2490  
knowledge that a counterfeit mark is attached to, affixed to, or 2491  
otherwise used in connection with the goods and with the intent to 2492  
sell or otherwise dispose of the goods; 2493

(4) Sell, offer for sale, or otherwise dispose of goods with 2494  
the knowledge that a counterfeit mark is attached to, affixed to, 2495  
or otherwise used in connection with the goods; 2496

(5) Sell, offer for sale, or otherwise provide services with 2497  
the knowledge that a counterfeit mark is used in connection with 2498  
that sale, offer for sale, or other provision of the services. 2499

(B)(1) Whoever violates this section is guilty of trademark 2500  
counterfeiting. 2501

(2) Except as otherwise provided in this division, a 2502  
violation of division (A)(1) of this section is a felony of the 2503  
fifth degree. Except as otherwise provided in this division, if 2504  
the cumulative sales price of the goods or services to which or in 2505  
connection with which the counterfeit mark is attached, affixed, 2506  
or otherwise used in the offense is five thousand dollars or more 2507  
but less than one hundred thousand dollars or if the number of 2508  
units of goods to which or in connection with which the 2509  
counterfeit mark is attached, affixed, or otherwise used in the 2510  
offense is more than one hundred units but less than one thousand 2511  
units, a violation of division (A)(1) of this section is a felony 2512

of the fourth degree. If the cumulative sales price of the goods 2513  
or services to which or in connection with which the counterfeit 2514  
mark is attached, affixed, or otherwise used in the offense is one 2515  
hundred thousand dollars or more or if the number of units of 2516  
goods to which or in connection with which the counterfeit mark is 2517  
attached, affixed, or otherwise used in the offense is one 2518  
thousand units or more, a violation of division (A)(1) of this 2519  
section is a felony of the third degree. 2520

(3) Except as otherwise provided in this division, a 2521  
violation of division (A)(2) of this section is a misdemeanor of 2522  
the first degree. If the circumstances of the violation indicate 2523  
that the tools, machines, instruments, materials, articles, or 2524  
other items of personal property involved in the violation were 2525  
intended for use in the commission of a felony, a violation of 2526  
division (A)(2) of this section is a felony of the fifth degree. 2527

(4) Except as otherwise provided in this division, a 2528  
violation of division (A)(3), (4), or (5) of this section is a 2529  
misdemeanor of the first degree. Except as otherwise provided in 2530  
this division, if the cumulative sales price of the goods or 2531  
services to which or in connection with which the counterfeit mark 2532  
is attached, affixed, or otherwise used in the offense is ~~five~~ 2533  
~~hundred one thousand~~ one thousand dollars or more but less than ~~five seven~~ 2534  
five hundred thousand five hundred dollars, a violation of division (A)(3), 2535  
(4), or (5) of this section is a felony of the fifth degree. 2536  
Except as otherwise provided in this division, if the cumulative 2537  
sales price of the goods or services to which or in connection 2538  
with which the counterfeit mark is attached, affixed, or otherwise 2539  
used in the offense is ~~five seven~~ seven thousand five hundred dollars or 2540  
more but less than one hundred fifty thousand dollars or if the 2541  
number of units of goods to which or in connection with which the 2542  
counterfeit mark is attached, affixed, or otherwise used in the 2543  
offense is more than one hundred units but less than one thousand 2544

units, a violation of division (A)(3), (4), or (5) of this section 2545  
is a felony of the fourth degree. If the cumulative sales price of 2546  
the goods or services to which or in connection with which the 2547  
counterfeit mark is attached, affixed, or otherwise used in the 2548  
offense is one hundred fifty thousand dollars or more or if the 2549  
number of units of goods to which or in connection with which the 2550  
counterfeit mark is attached, affixed, or otherwise used in the 2551  
offense is one thousand units or more, a violation of division 2552  
(A)(3), (4), or (5) of this section is a felony of the third 2553  
degree. 2554

(C) A defendant may assert as an affirmative defense to a 2555  
charge of a violation of this section defenses, affirmative 2556  
defenses, and limitations on remedies that would be available in a 2557  
civil, criminal, or administrative action or proceeding under the 2558  
"Lanham Act," 60 Stat. 427-443 (1946), 15 U.S.C. 1051-1127, as 2559  
amended, "The Trademark Counterfeiting Act of 1984," 98 Stat. 2560  
2178, 18 U.S.C. 2320, as amended, Chapter 1329. or another section 2561  
of the Revised Code, or common law. 2562

(D)(1) Law enforcement officers may seize pursuant to 2563  
Criminal Rule 41 or Chapter 2933. or 2981. of the Revised Code 2564  
either of the following: 2565

(a) Goods to which or in connection with which a person 2566  
attached, affixed, otherwise used, or intended to attach, affix, 2567  
or otherwise use a counterfeit mark in violation of this section; 2568

(b) Tools, machines, instruments, materials, articles, 2569  
vehicles, or other items of personal property that are possessed, 2570  
sold, offered for sale, or used in a violation of this section or 2571  
in an attempt to commit or complicity in the commission of a 2572  
violation of this section. 2573

(2) Notwithstanding any contrary provision of Chapter 2981. 2574  
of the Revised Code, if a person is convicted of or pleads guilty 2575

to a violation of this section, an attempt to violate this 2576  
section, or complicity in a violation of this section, the court 2577  
involved shall declare that the goods described in division 2578  
(D)(1)(a) of this section and the personal property described in 2579  
division (D)(1)(b) of this section are contraband and are 2580  
forfeited. Prior to the court's entry of judgment under Criminal 2581  
Rule 32, the owner of a registered trademark or service mark that 2582  
is the subject of the counterfeit mark may recommend a manner in 2583  
which the forfeited goods and forfeited personal property should 2584  
be disposed of. If that owner makes a timely recommendation of a 2585  
manner of disposition, the court is not bound by the 2586  
recommendation. If that owner makes a timely recommendation of a 2587  
manner of disposition, the court may include in its entry of 2588  
judgment an order that requires appropriate persons to dispose of 2589  
the forfeited goods and forfeited personal property in the 2590  
recommended manner. If that owner fails to make a timely 2591  
recommendation of a manner of disposition or if that owner makes a 2592  
timely recommendation of the manner of disposition but the court 2593  
determines to not follow the recommendation, the court shall 2594  
include in its entry of judgment an order that requires the law 2595  
enforcement agency that employs the law enforcement officer who 2596  
seized the forfeited goods or the forfeited personal property to 2597  
destroy them or cause their destruction. 2598

(E) This section does not affect the rights of an owner of a 2599  
trademark or a service mark, or the enforcement in a civil action 2600  
or in administrative proceedings of the rights of an owner of a 2601  
trademark or a service mark, under the "Lanham Act," 60 Stat. 2602  
427-443 (1946), 15 U.S.C. 1051-1127, as amended, "The Trademark 2603  
Counterfeiting Act of 1984," 92 Stat. 2178, 18 U.S.C. 2320, as 2604  
amended, Chapter 1329. or another section of the Revised Code, or 2605  
common law. 2606

(F) As used in this section: 2607

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

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

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

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

(2) "Cumulative sales price" means the product of the lowest single unit sales price charged or sought to be charged by an offender for goods to which or in connection with which a counterfeit mark is attached, affixed, or otherwise used or of the lowest single service transaction price charged or sought to be

charged by an offender for services in connection with which a 2640  
counterfeit mark is used, multiplied by the total number of those 2641  
goods or services, whether or not units of goods are sold or are 2642  
in an offender's possession, custody, or control. 2643

(3) "Registered trademark or service mark" means a trademark 2644  
or service mark that is registered in a manner described in 2645  
division (F)(1) of this section. 2646

(4) "Trademark" and "service mark" have the same meanings as 2647  
in section 1329.54 of the Revised Code. 2648

**Sec. 2913.40.** (A) As used in this section: 2649

(1) "Statement or representation" means any oral, written, 2650  
electronic, electronic impulse, or magnetic communication that is 2651  
used to identify an item of goods or a service for which 2652  
reimbursement may be made under the medical assistance program or 2653  
that states income and expense and is or may be used to determine 2654  
a rate of reimbursement under the medical assistance program. 2655

(2) "Medical assistance program" means the program 2656  
established by the department of job and family services to 2657  
provide medical assistance under section 5111.01 of the Revised 2658  
Code and the medicaid program of Title XIX of the "Social Security 2659  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 2660

(3) "Provider" means any person who has signed a provider 2661  
agreement with the department of job and family services to 2662  
provide goods or services pursuant to the medical assistance 2663  
program or any person who has signed an agreement with a party to 2664  
such a provider agreement under which the person agrees to provide 2665  
goods or services that are reimbursable under the medical 2666  
assistance program. 2667

(4) "Provider agreement" means an oral or written agreement 2668  
between the department of job and family services and a person in 2669

which the person agrees to provide goods or services under the 2670  
medical assistance program. 2671

(5) "Recipient" means any individual who receives goods or 2672  
services from a provider under the medical assistance program. 2673

(6) "Records" means any medical, professional, financial, or 2674  
business records relating to the treatment or care of any 2675  
recipient, to goods or services provided to any recipient, or to 2676  
rates paid for goods or services provided to any recipient and any 2677  
records that are required by the rules of the director of job and 2678  
family services to be kept for the medical assistance program. 2679

(B) No person shall knowingly make or cause to be made a 2680  
false or misleading statement or representation for use in 2681  
obtaining reimbursement from the medical assistance program. 2682

(C) No person, with purpose to commit fraud or knowing that 2683  
the person is facilitating a fraud, shall do either of the 2684  
following: 2685

(1) Contrary to the terms of the person's provider agreement, 2686  
charge, solicit, accept, or receive for goods or services that the 2687  
person provides under the medical assistance program any property, 2688  
money, or other consideration in addition to the amount of 2689  
reimbursement under the medical assistance program and the 2690  
person's provider agreement for the goods or services and any 2691  
cost-sharing expenses authorized by section 5111.0112 of the 2692  
Revised Code or rules adopted pursuant to section 5111.01, 2693  
5111.011, or 5111.02 of the Revised Code. 2694

(2) Solicit, offer, or receive any remuneration, other than 2695  
any cost-sharing expenses authorized by section 5111.0112 of the 2696  
Revised Code or rules adopted under section 5111.01, 5111.011, or 2697  
5111.02 of the Revised Code, in cash or in kind, including, but 2698  
not limited to, a kickback or rebate, in connection with the 2699  
furnishing of goods or services for which whole or partial 2700

reimbursement is or may be made under the medical assistance 2701  
program. 2702

(D) No person, having submitted a claim for or provided goods 2703  
or services under the medical assistance program, shall do either 2704  
of the following for a period of at least six years after a 2705  
reimbursement pursuant to that claim, or a reimbursement for those 2706  
goods or services, is received under the medical assistance 2707  
program: 2708

(1) Knowingly alter, falsify, destroy, conceal, or remove any 2709  
records that are necessary to fully disclose the nature of all 2710  
goods or services for which the claim was submitted, or for which 2711  
reimbursement was received, by the person; 2712

(2) Knowingly alter, falsify, destroy, conceal, or remove any 2713  
records that are necessary to disclose fully all income and 2714  
expenditures upon which rates of reimbursements were based for the 2715  
person. 2716

(E) Whoever violates this section is guilty of medicaid 2717  
fraud. Except as otherwise provided in this division, medicaid 2718  
fraud is a misdemeanor of the first degree. If the value of 2719  
property, services, or funds obtained in violation of this section 2720  
is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ 2721  
seven thousand five hundred dollars, medicaid fraud is a felony of 2722  
the fifth degree. If the value of property, services, or funds 2723  
obtained in violation of this section is ~~five~~ seven thousand five 2724  
hundred dollars or more and is less than one hundred fifty 2725  
thousand dollars, medicaid fraud is a felony of the fourth degree. 2726  
If the value of the property, services, or funds obtained in 2727  
violation of this section is one hundred fifty thousand dollars or 2728  
more, medicaid fraud is a felony of the third degree. 2729

(F) Upon application of the governmental agency, office, or 2730  
other entity that conducted the investigation and prosecution in a 2731

case under this section, the court shall order any person who is 2732  
convicted of a violation of this section for receiving any 2733  
reimbursement for furnishing goods or services under the medical 2734  
assistance program to which the person is not entitled to pay to 2735  
the applicant its cost of investigating and prosecuting the case. 2736  
The costs of investigation and prosecution that a defendant is 2737  
ordered to pay pursuant to this division shall be in addition to 2738  
any other penalties for the receipt of that reimbursement that are 2739  
provided in this section, section 5111.03 of the Revised Code, or 2740  
any other provision of law. 2741

(G) The provisions of this section are not intended to be 2742  
exclusive remedies and do not preclude the use of any other 2743  
criminal or civil remedy for any act that is in violation of this 2744  
section. 2745

**Sec. 2913.401.** (A) As used in this section: 2746

(1) "Medicaid benefits" means benefits under the medical 2747  
assistance program established under Chapter 5111. of the Revised 2748  
Code. 2749

(2) "Property" means any real or personal property or other 2750  
asset in which a person has any legal title or interest. 2751

(B) No person shall knowingly do any of the following in an 2752  
application for medicaid benefits or in a document that requires a 2753  
disclosure of assets for the purpose of determining eligibility to 2754  
receive medicaid benefits: 2755

(1) Make or cause to be made a false or misleading statement; 2756

(2) Conceal an interest in property; 2757

(3)(a) Except as provided in division (B)(3)(b) of this 2758  
section, fail to disclose a transfer of property that occurred 2759  
during the period beginning thirty-six months before submission of 2760  
the application or document and ending on the date the application 2761

or document was submitted; 2762

(b) Fail to disclose a transfer of property that occurred 2763  
during the period beginning sixty months before submission of the 2764  
application or document and ending on the date the application or 2765  
document was submitted and that was made to an irrevocable trust a 2766  
portion of which is not distributable to the applicant for 2767  
medicaid benefits or the recipient of medicaid benefits or to a 2768  
revocable trust. 2769

(C)(1) Whoever violates this section is guilty of medicaid 2770  
eligibility fraud. Except as otherwise provided in this division, 2771  
a violation of this section is a misdemeanor of the first degree. 2772  
If the value of the medicaid benefits paid as a result of the 2773  
violation is ~~five hundred~~ one thousand dollars or more and is less 2774  
than ~~five~~ seven thousand five hundred dollars, a violation of this 2775  
section is a felony of the fifth degree. If the value of the 2776  
medicaid benefits paid as a result of the violation is ~~five~~ seven 2777  
thousand five hundred dollars or more and is less than one hundred 2778  
fifty thousand dollars, a violation of this section is a felony of 2779  
the fourth degree. If the value of the medicaid benefits paid as a 2780  
result of the violation is one hundred fifty thousand dollars or 2781  
more, a violation of this section is a felony of the third degree. 2782

(2) In addition to imposing a sentence under division (C)(1) 2783  
of this section, the court shall order that a person who is guilty 2784  
of medicaid eligibility fraud make restitution in the full amount 2785  
of any medicaid benefits paid on behalf of an applicant for or 2786  
recipient of medicaid benefits for which the applicant or 2787  
recipient was not eligible, plus interest at the rate applicable 2788  
to judgments on unreimbursed amounts from the date on which the 2789  
benefits were paid to the date on which restitution is made. 2790

(3) The remedies and penalties provided in this section are 2791  
not exclusive and do not preclude the use of any other criminal or 2792  
civil remedy for any act that is in violation of this section. 2793

(D) This section does not apply to a person who fully 2794  
disclosed in an application for medicaid benefits or in a document 2795  
that requires a disclosure of assets for the purpose of 2796  
determining eligibility to receive medicaid benefits all of the 2797  
interests in property of the applicant for or recipient of 2798  
medicaid benefits, all transfers of property by the applicant for 2799  
or recipient of medicaid benefits, and the circumstances of all 2800  
those transfers. 2801

(E) Any amounts of medicaid benefits recovered as restitution 2802  
under this section and any interest on those amounts shall be 2803  
credited to the general revenue fund, and any applicable federal 2804  
share shall be returned to the appropriate agency or department of 2805  
the United States. 2806

**Sec. 2913.42.** (A) No person, knowing the person has no 2807  
privilege to do so, and with purpose to defraud or knowing that 2808  
the person is facilitating a fraud, shall do any of the following: 2809

(1) Falsify, destroy, remove, conceal, alter, deface, or 2810  
mutilate any writing, computer software, data, or record; 2811

(2) Utter any writing or record, knowing it to have been 2812  
tampered with as provided in division (A)(1) of this section. 2813

(B)(1) Whoever violates this section is guilty of tampering 2814  
with records. 2815

(2) Except as provided in division (B)(4) of this section, if 2816  
the offense does not involve data or computer software, tampering 2817  
with records is whichever of the following is applicable: 2818

(a) If division (B)(2)(b) of this section does not apply, a 2819  
misdemeanor of the first degree; 2820

(b) If the writing or record is a will unrevoked at the time 2821  
of the offense, a felony of the fifth degree. 2822

(3) Except as provided in division (B)(4) of this section, if 2823

the offense involves a violation of division (A) of this section 2824  
involving data or computer software, tampering with records is 2825  
whichever of the following is applicable: 2826

(a) Except as otherwise provided in division (B)(3)(b), (c), 2827  
or (d) of this section, a misdemeanor of the first degree; 2828

(b) If the value of the data or computer software involved in 2829  
the offense or the loss to the victim is ~~five hundred~~ one thousand 2830  
dollars or more and is less than ~~five~~ seven thousand five hundred 2831  
dollars, a felony of the fifth degree; 2832

(c) If the value of the data or computer software involved in 2833  
the offense or the loss to the victim is ~~five~~ seven thousand five 2834  
hundred dollars or more and is less than one hundred fifty 2835  
thousand dollars, a felony of the fourth degree; 2836

(d) If the value of the data or computer software involved in 2837  
the offense or the loss to the victim is one hundred fifty 2838  
thousand dollars or more or if the offense is committed for the 2839  
purpose of devising or executing a scheme to defraud or to obtain 2840  
property or services and the value of the property or services or 2841  
the loss to the victim is ~~five~~ seven thousand five hundred dollars 2842  
or more, a felony of the third degree. 2843

(4) If the writing, data, computer software, or record is 2844  
kept by or belongs to a local, state, or federal governmental 2845  
entity, a felony of the third degree. 2846

**Sec. 2913.421.** (A) As used in this section: 2847

(1) "Computer," "computer network," and "computer system" 2848  
have the same meanings as in section 2913.01 of the Revised Code. 2849

(2) "Commercial electronic mail message" means any electronic 2850  
mail message the primary purpose of which is the commercial 2851  
advertisement or promotion of a commercial product or service, 2852  
including content on an internet web site operated for a 2853

commercial purpose, but does not include a transactional or 2854  
relationship message. The inclusion of a reference to a commercial 2855  
entity or a link to the web site of a commercial entity does not, 2856  
by itself, cause that message to be treated as a commercial 2857  
electronic mail message for the purpose of this section, if the 2858  
contents or circumstances of the message indicate a primary 2859  
purpose other than commercial advertisement or promotion of a 2860  
commercial product or service. 2861

(3) "Domain name" means any alphanumeric designation that is 2862  
registered with or assigned by any domain name registrar, domain 2863  
name registry, or other domain name registration authority as part 2864  
of an electronic address on the internet. 2865

(4) "Electronic mail," "originating address," and "receiving 2866  
address" have the same meanings as in section 2307.64 of the 2867  
Revised Code. 2868

(5) "Electronic mail message" means each electronic mail 2869  
addressed to a discrete addressee. 2870

(6) "Electronic mail service provider" means any person, 2871  
including an internet service provider, that is an intermediary in 2872  
sending and receiving electronic mail and that provides to the 2873  
public electronic mail accounts or online user accounts from which 2874  
electronic mail may be sent. 2875

(7) "Header information" means the source, destination, and 2876  
routing information attached to an electronic mail message, 2877  
including the originating domain name, the originating address, 2878  
and technical information that authenticates the sender of an 2879  
electronic mail message for computer network security or computer 2880  
network management purposes. 2881

(8) "Initiate the transmission" or "initiated" means to 2882  
originate or transmit a commercial electronic mail message or to 2883  
procure the origination or transmission of that message, 2884

regardless of whether the message reaches its intended recipients, 2885  
but does not include actions that constitute routine conveyance of 2886  
such message. 2887

(9) "Internet" has the same meaning as in section 341.42 of 2888  
the Revised Code. 2889

(10) "Internet protocol address" means the string of numbers 2890  
by which locations on the internet are identified by routers or 2891  
other computers connected to the internet. 2892

(11) "Materially falsify" means to alter or conceal in a 2893  
manner that would impair the ability of a recipient of an 2894  
electronic mail message, an electronic mail service provider 2895  
processing an electronic mail message on behalf of a recipient, a 2896  
person alleging a violation of this section, or a law enforcement 2897  
agency to identify, locate, or respond to the person that 2898  
initiated the electronic mail message or to investigate an alleged 2899  
violation of this section. 2900

(12) "Multiple" means more than ten commercial electronic 2901  
mail messages during a twenty-four-hour period, more than one 2902  
hundred commercial electronic mail messages during a thirty-day 2903  
period, or more than one thousand commercial electronic mail 2904  
messages during a one-year period. 2905

(13) "Recipient" means a person who receives a commercial 2906  
electronic mail message at any one of the following receiving 2907  
addresses: 2908

(a) A receiving address furnished by an electronic mail 2909  
service provider that bills for furnishing and maintaining that 2910  
receiving address to a mailing address within this state; 2911

(b) A receiving address ordinarily accessed from a computer 2912  
located within this state or by a person domiciled within this 2913  
state; 2914

(c) Any other receiving address with respect to which this 2915  
section can be imposed consistent with the United States 2916  
Constitution. 2917

(14) "Routine conveyance" means the transmission, routing, 2918  
relaying, handling, or storing, through an automated technical 2919  
process, of an electronic mail message for which another person 2920  
has identified the recipients or provided the recipient addresses. 2921

(15) "Transactional or relationship message" means an 2922  
electronic mail message the primary purpose of which is to do any 2923  
of the following: 2924

(a) Facilitate, complete, or confirm a commercial transaction 2925  
that the recipient has previously agreed to enter into with the 2926  
sender; 2927

(b) Provide warranty information, product recall information, 2928  
or safety or security information with respect to a commercial 2929  
product or service used or purchased by the recipient; 2930

(c) Provide notification concerning a change in the terms or 2931  
features of; a change in the recipient's standing or status with 2932  
respect to; or, at regular periodic intervals, account balance 2933  
information or other type of account statement with respect to, a 2934  
subscription, membership, account, loan, or comparable ongoing 2935  
commercial relationship involving the ongoing purchase or use by 2936  
the recipient of products or services offered by the sender; 2937

(d) Provide information directly related to an employment 2938  
relationship or related benefit plan in which the recipient is 2939  
currently involved, participating, or enrolled; 2940

(e) Deliver goods or services, including product updates or 2941  
upgrades, that the recipient is entitled to receive under the 2942  
terms of a transaction that the recipient has previously agreed to 2943  
enter into with the sender. 2944

(B) No person, with regard to commercial electronic mail 2945  
messages sent from or to a computer in this state, shall do any of 2946  
the following: 2947

(1) Knowingly use a computer to relay or retransmit multiple 2948  
commercial electronic mail messages, with the intent to deceive or 2949  
mislead recipients or any electronic mail service provider, as to 2950  
the origin of those messages; 2951

(2) Knowingly and materially falsify header information in 2952  
multiple commercial electronic mail messages and purposely 2953  
initiate the transmission of those messages; 2954

(3) Knowingly register, using information that materially 2955  
falsifies the identity of the actual registrant, for five or more 2956  
electronic mail accounts or online user accounts or two or more 2957  
domain names and purposely initiate the transmission of multiple 2958  
commercial electronic mail messages from one, or any combination, 2959  
of those accounts or domain names; 2960

(4) Knowingly falsely represent the right to use five or more 2961  
internet protocol addresses, and purposely initiate the 2962  
transmission of multiple commercial electronic mail messages from 2963  
those addresses. 2964

(C)(1) Whoever violates division (B) of this section is 2965  
guilty of illegally transmitting multiple commercial electronic 2966  
mail messages. Except as otherwise provided in division (C)(2) or 2967  
(E) of this section, illegally transmitting multiple commercial 2968  
electronic mail messages is a felony of the fifth degree. 2969

(2) Illegally transmitting multiple commercial electronic 2970  
mail messages is a felony of the fourth degree if any of the 2971  
following apply: 2972

(a) Regarding a violation of division (B)(3) of this section, 2973  
the offender, using information that materially falsifies the 2974  
identity of the actual registrant, knowingly registers for twenty 2975

or more electronic mail accounts or online user accounts or ten or 2976  
more domain names, and purposely initiates, or conspires to 2977  
initiate, the transmission of multiple commercial electronic mail 2978  
messages from the accounts or domain names. 2979

(b) Regarding any violation of division (B) of this section, 2980  
the volume of commercial electronic mail messages the offender 2981  
transmitted in committing the violation exceeds two hundred and 2982  
fifty during any twenty-four-hour period, two thousand five 2983  
hundred during any thirty-day period, or twenty-five thousand 2984  
during any one-year period. 2985

(c) Regarding any violation of division (B) of this section, 2986  
during any one-year period the aggregate loss to the victim or 2987  
victims of the violation is ~~five hundred~~ one thousand dollars or 2988  
more, or during any one-year period the aggregate value of the 2989  
property or services obtained by any offender as a result of the 2990  
violation is ~~five hundred~~ one thousand dollars or more. 2991

(d) Regarding any violation of division (B) of this section, 2992  
the offender committed the violation with three or more other 2993  
persons with respect to whom the offender was the organizer or 2994  
leader of the activity that resulted in the violation. 2995

(e) Regarding any violation of division (B) of this section, 2996  
the offender knowingly assisted in the violation through the 2997  
provision or selection of electronic mail addresses to which the 2998  
commercial electronic mail message was transmitted, if that 2999  
offender knew that the electronic mail addresses of the recipients 3000  
were obtained using an automated means from an internet web site 3001  
or proprietary online service operated by another person, and that 3002  
web site or online service included, at the time the electronic 3003  
mail addresses were obtained, a notice stating that the operator 3004  
of that web site or online service will not transfer addresses 3005  
maintained by that web site or online service to any other party 3006  
for the purposes of initiating the transmission of, or enabling 3007

others to initiate the transmission of, electronic mail messages. 3008

(f) Regarding any violation of division (B) of this section, 3009  
the offender knowingly assisted in the violation through the 3010  
provision or selection of electronic mail addresses of the 3011  
recipients obtained using an automated means that generates 3012  
possible electronic mail addresses by combining names, letters, or 3013  
numbers into numerous permutations. 3014

(D)(1) No person, with regard to commercial electronic mail 3015  
messages sent from or to a computer in this state, shall knowingly 3016  
access a computer without authorization and purposely initiate the 3017  
transmission of multiple commercial electronic mail messages from 3018  
or through the computer. 3019

(2) Except as otherwise provided in division (E) of this 3020  
section, whoever violates division (D)(1) of this section is 3021  
guilty of unauthorized access of a computer, a felony of the 3022  
fourth degree. 3023

(E) Illegally transmitting multiple commercial electronic 3024  
mail messages and unauthorized access of a computer in violation 3025  
of this section are felonies of the third degree if the offender 3026  
previously has been convicted of a violation of this section, or a 3027  
violation of a law of another state or the United States regarding 3028  
the transmission of electronic mail messages or unauthorized 3029  
access to a computer, or if the offender committed the violation 3030  
of this section in the furtherance of a felony. 3031

(F)(1) The attorney general or an electronic mail service 3032  
provider that is injured by a violation of this section may bring 3033  
a civil action in an appropriate court of common pleas of this 3034  
state seeking relief from any person whose conduct violated this 3035  
section. The civil action may be commenced at any time within one 3036  
year of the date after the act that is the basis of the civil 3037  
action. 3038

(2) In a civil action brought by the attorney general 3039  
pursuant to division (F)(1) of this section for a violation of 3040  
this section, the court may award temporary, preliminary, or 3041  
permanent injunctive relief. The court also may impose a civil 3042  
penalty against the offender, as the court considers just, in an 3043  
amount that is the lesser of: (a) twenty-five thousand dollars for 3044  
each day a violation occurs, or (b) not less than two dollars but 3045  
not more than eight dollars for each commercial electronic mail 3046  
message initiated in violation of this section. 3047

(3) In a civil action brought by an electronic mail service 3048  
provider pursuant to division (F)(1) of this section for a 3049  
violation of this section, the court may award temporary, 3050  
preliminary, or permanent injunctive relief, and also may award 3051  
damages in an amount equal to the greater of the following: 3052

(a) The sum of the actual damages incurred by the electronic 3053  
mail service provider as a result of a violation of this section, 3054  
plus any receipts of the offender that are attributable to a 3055  
violation of this section and that were not taken into account in 3056  
computing actual damages; 3057

(b) Statutory damages, as the court considers just, in an 3058  
amount that is the lesser of: (i) twenty-five thousand dollars for 3059  
each day a violation occurs, or (ii) not less than two dollars but 3060  
not more than eight dollars for each commercial electronic mail 3061  
message initiated in violation of this section. 3062

(4) In assessing damages awarded under division (F)(3) of 3063  
this section, the court may consider whether the offender has 3064  
established and implemented, with due care, commercially 3065  
reasonable practices and procedures designed to effectively 3066  
prevent the violation, or the violation occurred despite 3067  
commercially reasonable efforts to maintain the practices and 3068  
procedures established. 3069

(G) Any equipment, software, or other technology of a person 3070  
who violates this section that is used or intended to be used in 3071  
the commission of a violation of this section, and any real or 3072  
personal property that constitutes or is traceable to the gross 3073  
proceeds obtained from the commission of a violation of this 3074  
section, is contraband and is subject to seizure and forfeiture 3075  
pursuant to Chapter 2981. of the Revised Code. 3076

(H) The attorney general may bring a civil action, pursuant 3077  
to the "CAN-SPAM Act of 2003," Pub. L. No. 108-187, 117 Stat. 3078  
2699, 15 U.S.C. 7701 et seq., on behalf of the residents of the 3079  
state in a district court of the United States that has 3080  
jurisdiction for a violation of the CAN-SPAM Act of 2003, but the 3081  
attorney general shall not bring a civil action under both this 3082  
division and division (F) of this section. If a federal court 3083  
dismisses a civil action brought under this division for reasons 3084  
other than upon the merits, a civil action may be brought under 3085  
division (F) of this section in the appropriate court of common 3086  
pleas of this state. 3087

(I) Nothing in this section shall be construed: 3088

(1) To require an electronic mail service provider to block, 3089  
transmit, route, relay, handle, or store certain types of 3090  
electronic mail messages; 3091

(2) To prevent or limit, in any way, an electronic mail 3092  
service provider from adopting a policy regarding electronic mail, 3093  
including a policy of declining to transmit certain types of 3094  
electronic mail messages, or from enforcing such policy through 3095  
technical means, through contract, or pursuant to any remedy 3096  
available under any other federal, state, or local criminal or 3097  
civil law; 3098

(3) To render lawful any policy adopted under division (I)(2) 3099  
of this section that is unlawful under any other law. 3100

Sec. 2913.43. (A) No person, by deception, shall cause 3101  
another to execute any writing that disposes of or encumbers 3102  
property, or by which a pecuniary obligation is incurred. 3103

(B)(1) Whoever violates this section is guilty of securing 3104  
writings by deception. 3105

(2) Except as otherwise provided in this division or division 3106  
(B)(3) of this section, securing writings by deception is a 3107  
misdemeanor of the first degree. If the value of the property or 3108  
the obligation involved is ~~five hundred~~ one thousand dollars or 3109  
more and less than ~~five~~ seven thousand ~~five hundred~~ dollars, 3110  
securing writings by deception is a felony of the fifth degree. If 3111  
the value of the property or the obligation involved is ~~five~~ seven 3112  
thousand ~~five hundred~~ dollars or more and is less than one hundred 3113  
~~fifty~~ thousand dollars, securing writings by deception is a felony 3114  
of the fourth degree. If the value of the property or the 3115  
obligation involved is one hundred ~~fifty~~ thousand dollars or more, 3116  
securing writings by deception is a felony of the third degree. 3117

(3) If the victim of the offense is an elderly person or 3119  
disabled adult, division (B)(3) of this section applies. Except as 3120  
otherwise provided in division (B)(3) of this section, securing 3121  
writings by deception is a felony of the fifth degree. If the 3122  
value of the property or obligation involved is ~~five hundred~~ one 3123  
~~thousand~~ dollars or more and is less than ~~five~~ seven thousand ~~five~~ 3124  
~~hundred~~ dollars, securing writings by deception is a felony of the 3125  
fourth degree. If the value of the property or obligation involved 3126  
is ~~five~~ seven thousand ~~five hundred~~ dollars or more and is less 3127  
than ~~twenty-five~~ thirty-seven thousand ~~five hundred~~ dollars, 3128  
securing writings by deception is a felony of the third degree. If 3129  
the value of the property or obligation involved is ~~twenty-five~~ 3130  
~~thirty-seven~~ thousand ~~five hundred~~ dollars or more, securing 3131

writings by deception is a felony of the second degree. 3132

**Sec. 2913.45.** (A) No person, with purpose to defraud one or 3133  
more of the person's creditors, shall do any of the following: 3134

(1) Remove, conceal, destroy, encumber, convey, or otherwise 3135  
deal with any of the person's property; 3136

(2) Misrepresent or refuse to disclose to a fiduciary 3137  
appointed to administer or manage the person's affairs or estate, 3138  
the existence, amount, or location of any of the person's 3139  
property, or any other information regarding such property that 3140  
the person is legally required to furnish to the fiduciary. 3141

(B) Whoever violates this section is guilty of defrauding 3142  
creditors. Except as otherwise provided in this division, 3143  
defrauding creditors is a misdemeanor of the first degree. If the 3144  
value of the property involved is ~~five hundred~~ one thousand 3145  
dollars or more and is less than ~~five~~ seven thousand five hundred 3146  
dollars, defrauding creditors is a felony of the fifth degree. If 3147  
the value of the property involved is ~~five~~ seven thousand five 3148  
hundred dollars or more and is less than one hundred fifty 3149  
thousand dollars, defrauding creditors is a felony of the fourth 3150  
degree. If the value of the property involved is one hundred fifty 3151  
thousand dollars or more, defrauding creditors is a felony of the 3152  
third degree. 3153

**Sec. 2913.46.** (A)(1) As used in this section: 3154

(a) "Electronically transferred benefit" means the transfer 3155  
of supplemental nutrition assistance program benefits or WIC 3156  
program benefits through the use of an access device. 3157

(b) "WIC program benefits" includes money, coupons, delivery 3158  
verification receipts, other documents, food, or other property 3159  
received directly or indirectly pursuant to section 17 of the 3160  
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 3161

amended. 3162

(c) "Access device" means any card, plate, code, account 3163  
number, or other means of access that can be used, alone or in 3164  
conjunction with another access device, to obtain payments, 3165  
allotments, benefits, money, goods, or other things of value or 3166  
that can be used to initiate a transfer of funds pursuant to 3167  
section 5101.33 of the Revised Code and the Food and Nutrition Act 3168  
of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program 3169  
administered by any department of this state or any county or 3170  
local agency pursuant to section 17 of the "Child Nutrition Act of 3171  
1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access 3172  
device" may include any electronic debit card or other means 3173  
authorized by section 5101.33 of the Revised Code. 3174

(d) "Aggregate value of supplemental nutrition assistance 3175  
program benefits, WIC program benefits, and electronically 3176  
transferred benefits involved in the violation" means the total 3177  
face value of any supplemental nutrition assistance program 3178  
benefits, plus the total face value of WIC program coupons or 3179  
delivery verification receipts, plus the total value of other WIC 3180  
program benefits, plus the total value of any electronically 3181  
transferred benefit or other access device, involved in the 3182  
violation. 3183

(e) "Total value of any electronically transferred benefit or 3184  
other access device" means the total value of the payments, 3185  
allotments, benefits, money, goods, or other things of value that 3186  
may be obtained, or the total value of funds that may be 3187  
transferred, by use of any electronically transferred benefit or 3188  
other access device at the time of violation. 3189

(2) If supplemental nutrition assistance program benefits, 3190  
WIC program benefits, or electronically transferred benefits or 3191  
other access devices of various values are used, transferred, 3192  
bought, acquired, altered, purchased, possessed, presented for 3193

redemption, or transported in violation of this section over a 3194  
period of twelve months, the course of conduct may be charged as 3195  
one offense and the values of supplemental nutrition assistance 3196  
program benefits, WIC program benefits, or any electronically 3197  
transferred benefits or other access devices may be aggregated in 3198  
determining the degree of the offense. 3199

(B) No individual shall knowingly possess, buy, sell, use, 3200  
alter, accept, or transfer supplemental nutrition assistance 3201  
program benefits, WIC program benefits, or any electronically 3202  
transferred benefit in any manner not authorized by the Food and 3203  
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or section 17 of the 3204  
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 3205  
amended. 3206

(C) No organization, as defined in division (D) of section 3207  
2901.23 of the Revised Code, shall do either of the following: 3208

(1) Knowingly allow an employee or agent to sell, transfer, 3209  
or trade items or services, the purchase of which is prohibited by 3210  
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq. or 3211  
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 3212  
U.S.C. 1786, as amended, in exchange for supplemental nutrition 3213  
assistance program benefits, WIC program benefits, or any 3214  
electronically transferred benefit; 3215

(2) Negligently allow an employee or agent to sell, transfer, 3216  
or exchange supplemental nutrition assistance program benefits, 3217  
WIC program benefits, or any electronically transferred benefit 3218  
for anything of value. 3219

(D) Whoever violates this section is guilty of illegal use of 3220  
supplemental nutrition assistance program benefits or WIC program 3221  
benefits. Except as otherwise provided in this division, illegal 3222  
use of supplemental nutrition assistance program benefits or WIC 3223  
program benefits is a felony of the fifth degree. If the aggregate 3224

value of the supplemental nutrition assistance program benefits, 3225  
WIC program benefits, and electronically transferred benefits 3226  
involved in the violation is ~~five hundred~~ one thousand dollars or 3227  
more and is less than ~~five~~ seven thousand five hundred dollars, 3228  
illegal use of supplemental nutrition assistance program benefits 3229  
or WIC program benefits is a felony of the fourth degree. If the 3230  
aggregate value of the supplemental nutrition assistance program 3231  
benefits, WIC program benefits, and electronically transferred 3232  
benefits involved in the violation is ~~five~~ seven thousand five 3233  
hundred dollars or more and is less than one hundred fifty 3234  
thousand dollars, illegal use of supplemental nutrition assistance 3235  
program benefits or WIC program benefits is a felony of the third 3236  
degree. If the aggregate value of the supplemental nutrition 3237  
assistance program benefits, WIC program benefits, and 3238  
electronically transferred benefits involved in the violation is 3239  
one hundred fifty thousand dollars or more, illegal use of 3240  
supplemental nutrition assistance program benefits or WIC program 3241  
benefits is a felony of the second degree. 3242

**Sec. 2913.47.** (A) As used in this section: 3243

(1) "Data" has the same meaning as in section 2913.01 of the 3244  
Revised Code and additionally includes any other representation of 3245  
information, knowledge, facts, concepts, or instructions that are 3246  
being or have been prepared in a formalized manner. 3247

(2) "Deceptive" means that a statement, in whole or in part, 3248  
would cause another to be deceived because it contains a 3249  
misleading representation, withholds information, prevents the 3250  
acquisition of information, or by any other conduct, act, or 3251  
omission creates, confirms, or perpetuates a false impression, 3252  
including, but not limited to, a false impression as to law, 3253  
value, state of mind, or other objective or subjective fact. 3254

(3) "Insurer" means any person that is authorized to engage 3255

in the business of insurance in this state under Title XXXIX of 3256  
the Revised Code, the Ohio fair plan underwriting association 3257  
created under section 3929.43 of the Revised Code, any health 3258  
insuring corporation, and any legal entity that is self-insured 3259  
and provides benefits to its employees or members. 3260

(4) "Policy" means a policy, certificate, contract, or plan 3261  
that is issued by an insurer. 3262

(5) "Statement" includes, but is not limited to, any notice, 3263  
letter, or memorandum; proof of loss; bill of lading; receipt for 3264  
payment; invoice, account, or other financial statement; estimate 3265  
of property damage; bill for services; diagnosis or prognosis; 3266  
prescription; hospital, medical, or dental chart or other record; 3267  
x-ray, photograph, videotape, or movie film; test result; other 3268  
evidence of loss, injury, or expense; computer-generated document; 3269  
and data in any form. 3270

(B) No person, with purpose to defraud or knowing that the 3271  
person is facilitating a fraud, shall do either of the following: 3272

(1) Present to, or cause to be presented to, an insurer any 3273  
written or oral statement that is part of, or in support of, an 3274  
application for insurance, a claim for payment pursuant to a 3275  
policy, or a claim for any other benefit pursuant to a policy, 3276  
knowing that the statement, or any part of the statement, is false 3277  
or deceptive; 3278

(2) Assist, aid, abet, solicit, procure, or conspire with 3279  
another to prepare or make any written or oral statement that is 3280  
intended to be presented to an insurer as part of, or in support 3281  
of, an application for insurance, a claim for payment pursuant to 3282  
a policy, or a claim for any other benefit pursuant to a policy, 3283  
knowing that the statement, or any part of the statement, is false 3284  
or deceptive. 3285

(C) Whoever violates this section is guilty of insurance 3286

fraud. Except as otherwise provided in this division, insurance 3287  
fraud is a misdemeanor of the first degree. If the amount of the 3288  
claim that is false or deceptive is ~~five hundred~~ one thousand 3289  
dollars or more and is less than ~~five seven~~ thousand five hundred 3290  
dollars, insurance fraud is a felony of the fifth degree. If the 3291  
amount of the claim that is false or deceptive is ~~five seven~~ 3292  
thousand five hundred dollars or more and is less than one hundred 3293  
fifty thousand dollars, insurance fraud is a felony of the fourth 3294  
degree. If the amount of the claim that is false or deceptive is 3295  
one hundred fifty thousand dollars or more, insurance fraud is a 3296  
felony of the third degree. 3297

(D) This section shall not be construed to abrogate, waive, 3298  
or modify division (A) of section 2317.02 of the Revised Code. 3299

**Sec. 2913.48.** (A) No person, with purpose to defraud or 3300  
knowing that the person is facilitating a fraud, shall do any of 3301  
the following: 3302

(1) Receive workers' compensation benefits to which the 3303  
person is not entitled; 3304

(2) Make or present or cause to be made or presented a false 3305  
or misleading statement with the purpose to secure payment for 3306  
goods or services rendered under Chapter 4121., 4123., 4127., or 3307  
4131. of the Revised Code or to secure workers' compensation 3308  
benefits; 3309

(3) Alter, falsify, destroy, conceal, or remove any record or 3310  
document that is necessary to fully establish the validity of any 3311  
claim filed with, or necessary to establish the nature and 3312  
validity of all goods and services for which reimbursement or 3313  
payment was received or is requested from, the bureau of workers' 3314  
compensation, or a self-insuring employer under Chapter 4121., 3315  
4123., 4127., or 4131. of the Revised Code; 3316

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

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

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

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

(B) Whoever violates this section is guilty of workers' compensation fraud. Except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the value of premiums and assessments unpaid pursuant to actions described in division (A)(5), (6), or (7) of this section, or of goods, services, property, or money stolen is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand five hundred dollars, a violation of this section is a felony of the fifth degree. If the value of premiums and assessments unpaid pursuant to actions described in division (A)(5), (6), or (7) of this section, or of goods, services, property, or money stolen is ~~five~~ seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a violation of this section is a felony of the fourth degree. If the value of premiums and assessments unpaid pursuant to actions described in division (A)(5), (6), or (7) of this section, or of goods, services,

property, or money stolen is one hundred fifty thousand dollars or 3349  
more, a violation of this section is a felony of the third degree. 3350

(C) Upon application of the governmental body that conducted 3351  
the investigation and prosecution of a violation of this section, 3352  
the court shall order the person who is convicted of the violation 3353  
to pay the governmental body its costs of investigating and 3354  
prosecuting the case. These costs are in addition to any other 3355  
costs or penalty provided in the Revised Code or any other section 3356  
of law. 3357

(D) The remedies and penalties provided in this section are 3358  
not exclusive remedies and penalties and do not preclude the use 3359  
of any other criminal or civil remedy or penalty for any act that 3360  
is in violation of this section. 3361

(E) As used in this section: 3362

(1) "False" means wholly or partially untrue or deceptive. 3363

(2) "Goods" includes, but is not limited to, medical 3364  
supplies, appliances, rehabilitative equipment, and any other 3365  
apparatus or furnishing provided or used in the care, treatment, 3366  
or rehabilitation of a claimant for workers' compensation 3367  
benefits. 3368

(3) "Services" includes, but is not limited to, any service 3369  
provided by any health care provider to a claimant for workers' 3370  
compensation benefits and any and all services provided by the 3371  
bureau as part of workers' compensation insurance coverage. 3372

(4) "Claim" means any attempt to cause the bureau, an 3373  
independent third party with whom the administrator or an employer 3374  
contracts under section 4121.44 of the Revised Code, or a 3375  
self-insuring employer to make payment or reimbursement for 3376  
workers' compensation benefits. 3377

(5) "Employment" means participating in any trade, 3378

occupation, business, service, or profession for substantial 3379  
gainful remuneration. 3380

(6) "Employer," "employee," and "self-insuring employer" have 3381  
the same meanings as in section 4123.01 of the Revised Code. 3382

(7) "Remuneration" includes, but is not limited to, wages, 3383  
commissions, rebates, and any other reward or consideration. 3384

(8) "Statement" includes, but is not limited to, any oral, 3385  
written, electronic, electronic impulse, or magnetic communication 3386  
notice, letter, memorandum, receipt for payment, invoice, account, 3387  
financial statement, or bill for services; a diagnosis, prognosis, 3388  
prescription, hospital, medical, or dental chart or other record; 3389  
and a computer generated document. 3390

(9) "Records" means any medical, professional, financial, or 3391  
business record relating to the treatment or care of any person, 3392  
to goods or services provided to any person, or to rates paid for 3393  
goods or services provided to any person, or any record that the 3394  
administrator of workers' compensation requires pursuant to rule. 3395

(10) "Workers' compensation benefits" means any compensation 3396  
or benefits payable under Chapter 4121., 4123., 4127., or 4131. of 3397  
the Revised Code. 3398

**Sec. 2913.49.** (A) As used in this section, "personal 3399  
identifying information" includes, but is not limited to, the 3400  
following: the name, address, telephone number, driver's license, 3401  
driver's license number, commercial driver's license, commercial 3402  
driver's license number, state identification card, state 3403  
identification card number, social security card, social security 3404  
number, birth certificate, place of employment, employee 3405  
identification number, mother's maiden name, demand deposit 3406  
account number, savings account number, money market account 3407  
number, mutual fund account number, other financial account 3408

number, personal identification number, password, or credit card 3409  
number of a living or dead individual. 3410

(B) No person, without the express or implied consent of the 3411  
other person, shall use, obtain, or possess any personal 3412  
identifying information of another person with intent to do either 3413  
of the following: 3414

(1) Hold the person out to be the other person; 3415

(2) Represent the other person's personal identifying 3416  
information as the person's own personal identifying information. 3417

(C) No person shall create, obtain, possess, or use the 3418  
personal identifying information of any person with the intent to 3419  
aid or abet another person in violating division (B) of this 3420  
section. 3421

(D) No person, with intent to defraud, shall permit another 3422  
person to use the person's own personal identifying information. 3423

(E) No person who is permitted to use another person's 3424  
personal identifying information as described in division (D) of 3425  
this section shall use, obtain, or possess the other person's 3426  
personal identifying information with intent to defraud any person 3427  
by doing any act identified in division (B)(1) or (2) of this 3428  
section. 3429

(F)(1) It is an affirmative defense to a charge under 3430  
division (B) of this section that the person using the personal 3431  
identifying information is acting in accordance with a legally 3432  
recognized guardianship or conservatorship or as a trustee or 3433  
fiduciary. 3434

(2) It is an affirmative defense to a charge under division 3435  
(B), (C), (D), or (E) of this section that either of the following 3436  
applies: 3437

(a) The person or entity using, obtaining, possessing, or 3438

creating the personal identifying information or permitting it to 3439  
be used is a law enforcement agency, authorized fraud personnel, 3440  
or a representative of or attorney for a law enforcement agency or 3441  
authorized fraud personnel and is using, obtaining, possessing, or 3442  
creating the personal identifying information or permitting it to 3443  
be used, with prior consent given as specified in this division, 3444  
in a bona fide investigation, an information security evaluation, 3445  
a pretext calling evaluation, or a similar matter. The prior 3446  
consent required under this division shall be given by the person 3447  
whose personal identifying information is being used, obtained, 3448  
possessed, or created or is being permitted to be used or, if the 3449  
person whose personal identifying information is being used, 3450  
obtained, possessed, or created or is being permitted to be used 3451  
is deceased, by that deceased person's executor, or a member of 3452  
that deceased person's family, or that deceased person's attorney. 3453  
The prior consent required under this division may be given orally 3454  
or in writing by the person whose personal identifying information 3455  
is being used, obtained, possessed, or created or is being 3456  
permitted to be used or that person's executor, or family member, 3457  
or attorney. 3458

(b) The personal identifying information was obtained, 3459  
possessed, used, created, or permitted to be used for a lawful 3460  
purpose, provided that division (F)(2)(b) of this section does not 3461  
apply if the person or entity using, obtaining, possessing, or 3462  
creating the personal identifying information or permitting it to 3463  
be used is a law enforcement agency, authorized fraud personnel, 3464  
or a representative of or attorney for a law enforcement agency or 3465  
authorized fraud personnel that is using, obtaining, possessing, 3466  
or creating the ~~personnel~~ personal identifying information or 3467  
permitting it to be used in an investigation, an information 3468  
security evaluation, a pretext calling evaluation, or similar 3469  
matter. 3470

(G) It is not a defense to a charge under this section that 3471  
the person whose personal identifying information was obtained, 3472  
possessed, used, created, or permitted to be used was deceased at 3473  
the time of the offense. 3474

(H)(1) If an offender commits a violation of division (B), 3475  
(D), or (E) of this section and the violation occurs as part of a 3476  
course of conduct involving other violations of division (B), (D), 3477  
or (E) of this section or violations of, attempts to violate, 3478  
conspiracies to violate, or complicity in violations of division 3479  
(C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 3480  
2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the 3481  
court, in determining the degree of the offense pursuant to 3482  
division (I) of this section, may aggregate all credit, property, 3483  
or services obtained or sought to be obtained by the offender and 3484  
all debts or other legal obligations avoided or sought to be 3485  
avoided by the offender in the violations involved in that course 3486  
of conduct. The course of conduct may involve one victim or more 3487  
than one victim. 3488

(2) If an offender commits a violation of division (C) of 3489  
this section and the violation occurs as part of a course of 3490  
conduct involving other violations of division (C) of this section 3491  
or violations of, attempts to violate, conspiracies to violate, or 3492  
complicity in violations of division (B), (D), or (E) of this 3493  
section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 3494  
2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in 3495  
determining the degree of the offense pursuant to division (I) of 3496  
this section, may aggregate all credit, property, or services 3497  
obtained or sought to be obtained by the person aided or abetted 3498  
and all debts or other legal obligations avoided or sought to be 3499  
avoided by the person aided or abetted in the violations involved 3500  
in that course of conduct. The course of conduct may involve one 3501  
victim or more than one victim. 3502

(I)(1) Whoever violates this section is guilty of identity fraud. 3503  
3504

(2) Except as otherwise provided in this division or division (I)(3) of this section, identity fraud is a felony of the fifth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand five hundred dollars, except as otherwise provided in division (I)(3) of this section, identity fraud is a felony of the fourth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is ~~five~~ seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, except as otherwise provided in division (I)(3) of this section, identity fraud is a felony of the third degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one hundred fifty thousand dollars or more, except as otherwise provided in division (I)(3) of this section, identity fraud is a felony of the second degree. 3505  
3506  
3507  
3508  
3509  
3510  
3511  
3512  
3513  
3514  
3515  
3516  
3517  
3518  
3519  
3520  
3521  
3522

(3) If the victim of the offense is an elderly person or disabled adult, a violation of this section is identity fraud against an elderly person or disabled adult. Except as otherwise provided in this division, identity fraud against an elderly person or disabled adult is a felony of the fifth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is ~~five hundred~~ one thousand dollars or more and is less than ~~five~~ seven thousand five hundred dollars, identity fraud against an elderly person or disabled adult is a felony of the third degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is ~~five~~ 3523  
3524  
3525  
3526  
3527  
3528  
3529  
3530  
3531  
3532  
3533  
3534

seven thousand five hundred dollars or more and is less than one 3535  
hundred fifty thousand dollars, identity fraud against an elderly 3536  
person or disabled adult is a felony of the second degree. If the 3537  
value of the credit, property, services, debt, or other legal 3538  
obligation involved in the violation or course of conduct is one 3539  
hundred fifty thousand dollars or more, identity fraud against an 3540  
elderly person or disabled adult is a felony of the first degree. 3541

**Sec. 2913.51.** (A) No person shall receive, retain, or dispose 3542  
of property of another knowing or having reasonable cause to 3543  
believe that the property has been obtained through commission of 3544  
a theft offense. 3545

(B) It is not a defense to a charge of receiving stolen 3546  
property in violation of this section that the property was 3547  
obtained by means other than through the commission of a theft 3548  
offense if the property was explicitly represented to the accused 3549  
person as being obtained through the commission of a theft 3550  
offense. 3551

(C) Whoever violates this section is guilty of receiving 3552  
stolen property. Except as otherwise provided in this division, 3553  
receiving stolen property is a misdemeanor of the first degree. If 3554  
the value of the property involved is ~~five hundred~~ one thousand 3555  
dollars or more and is less than ~~five~~ seven thousand five hundred 3556  
dollars, if the property involved is any of the property listed in 3557  
section 2913.71 of the Revised Code, receiving stolen property is 3558  
a felony of the fifth degree. If the property involved is a motor 3559  
vehicle, as defined in section 4501.01 of the Revised Code, if the 3560  
property involved is a dangerous drug, as defined in section 3561  
4729.01 of the Revised Code, if the value of the property involved 3562  
is ~~five~~ seven thousand five hundred dollars or more and is less 3563  
than one hundred fifty thousand dollars, or if the property 3564  
involved is a firearm or dangerous ordnance, as defined in section 3565

2923.11 of the Revised Code, receiving stolen property is a felony 3566  
of the fourth degree. If the value of the property involved is one 3567  
hundred fifty thousand dollars or more, receiving stolen property 3568  
is a felony of the third degree. 3569

**Sec. 2913.61.** (A) When a person is charged with a theft 3570  
offense, or with a violation of division (A)(1) of section 1716.14 3571  
of the Revised Code involving a victim who is an elderly person or 3572  
disabled adult that involves property or services valued at ~~five~~ 3573  
~~hundred~~ one thousand dollars or more, property or services valued 3574  
at ~~five hundred~~ one thousand dollars or more and less than ~~five~~ 3575  
seven thousand five hundred dollars, property or services valued 3576  
at one thousand five hundred dollars or more and less than seven 3577  
thousand five hundred dollars, property or services valued at ~~five~~ 3578  
seven thousand five hundred dollars or more and less than 3579  
~~twenty-five~~ thirty-seven thousand five hundred dollars, property 3580  
or services valued at seven thousand five hundred dollars or more 3581  
and less than one hundred fifty thousand dollars, property or 3582  
services valued at ~~twenty-five~~ thirty-seven thousand five hundred 3583  
dollars or more and less than one hundred fifty thousand dollars, 3584  
~~or~~ property or services valued at thirty-seven thousand five 3585  
hundred dollars or more, property or services valued at one 3586  
hundred fifty thousand dollars or more, property or services 3587  
valued at one hundred fifty thousand dollars or more and less than 3588  
seven hundred fifty thousand dollars, property or services valued 3589  
at seven hundred fifty thousand dollars or more and less than one 3590  
million five hundred thousand dollars, or property or services 3591  
valued at one million five hundred thousand dollars or more, the 3592  
jury or court trying the accused shall determine the value of the 3593  
property or services as of the time of the offense and, if a 3594  
guilty verdict is returned, shall return the finding of value as 3595  
part of the verdict. In any case in which the jury or court 3596  
determines that the value of the property or services at the time 3597

of the offense was ~~five hundred~~ one thousand dollars or more, it 3598  
is unnecessary to find and return the exact value, and it is 3599  
sufficient if the finding and return is to the effect that the 3600  
value of the property or services involved was ~~five hundred~~ one 3601  
thousand dollars or more and less than five seven thousand five 3602  
hundred dollars, was one thousand dollars or more and less than 3603  
seven thousand five hundred dollars, was five seven thousand five 3604  
hundred dollars or more and less than ~~twenty-five~~ thirty-seven 3605  
thousand five hundred dollars, was seven thousand five hundred 3606  
dollars or more and less than thirty-seven thousand five hundred 3607  
dollars, was seven thousand five hundred dollars or more and less 3608  
than one hundred fifty thousand dollars, was ~~twenty-five~~ 3609  
thirty-seven thousand five hundred dollars or more and less than 3610  
one hundred fifty thousand dollars, ~~or~~ was thirty-seven thousand 3611  
five hundred dollars or more and less than one hundred fifty 3612  
thousand dollars, was one hundred fifty thousand dollars or more, 3613  
was one hundred fifty thousand dollars or more and less than seven 3614  
hundred fifty thousand dollars, was seven hundred fifty thousand 3615  
dollars or more and less than one million five hundred thousand 3616  
dollars, or was one million five hundred thousand dollars or more, 3617  
whichever is relevant regarding the offense. 3618

(B) If more than one item of property or services is involved 3619  
in a theft offense or in a violation of division (A)(1) of section 3620  
1716.14 of the Revised Code involving a victim who is an elderly 3621  
person or disabled adult, the value of the property or services 3622  
involved for the purpose of determining the value as required by 3623  
division (A) of this section is the aggregate value of all 3624  
property or services involved in the offense. 3625

(C)(1) When a series of offenses under section 2913.02 of the 3626  
Revised Code, or a series of violations of, attempts to commit a 3627  
violation of, conspiracies to violate, or complicity in violations 3628  
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3629

or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3630  
2913.31 or 2913.43 of the Revised Code involving a victim who is 3631  
an elderly person or disabled adult, is committed by the offender 3632  
in the offender's same employment, capacity, or relationship to 3633  
another, all of those offenses shall be tried as a single offense. 3634  
The value of the property or services involved in the series of 3635  
offenses for the purpose of determining the value as required by 3636  
division (A) of this section is the aggregate value of all 3637  
property and services involved in all offenses in the series. 3638

(2) If an offender commits a series of offenses under section 3639  
2913.02 of the Revised Code that involves a common course of 3640  
conduct to defraud multiple victims, all of the offenses may be 3641  
tried as a single offense. If an offender is being tried for the 3642  
commission of a series of violations of, attempts to commit a 3643  
violation of, conspiracies to violate, or complicity in violations 3644  
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 3645  
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 3646  
2913.31 or 2913.43 of the Revised Code, whether committed against 3647  
one victim or more than one victim, involving a victim who is an 3648  
elderly person or disabled adult, pursuant to a scheme or course 3649  
of conduct, all of those offenses may be tried as a single 3650  
offense. If the offenses are tried as a single offense, the value 3651  
of the property or services involved for the purpose of 3652  
determining the value as required by division (A) of this section 3653  
is the aggregate value of all property and services involved in 3654  
all of the offenses in the course of conduct. 3655

(3) When a series of two or more offenses under section 3656  
2913.40, 2913.48, or 2921.41 of the Revised Code is committed by 3657  
the offender in the offender's same employment, capacity, or 3658  
relationship to another, all of those offenses may be tried as a 3659  
single offense. If the offenses are tried as a single offense, the 3660  
value of the property or services involved for the purpose of 3661

determining the value as required by division (A) of this section 3662  
is the aggregate value of all property and services involved in 3663  
all of the offenses in the series of two or more offenses. 3664

(4) In prosecuting a single offense under division (C)(1), 3665  
(2), or (3) of this section, it is not necessary to separately 3666  
allege and prove each offense in the series. Rather, it is 3667  
sufficient to allege and prove that the offender, within a given 3668  
span of time, committed one or more theft offenses or violations 3669  
of section 2913.40, 2913.48, or 2921.41 of the Revised Code in the 3670  
offender's same employment, capacity, or relationship to another 3671  
as described in division (C)(1) or (3) of this section, or 3672  
committed one or more theft offenses that involve a common course 3673  
of conduct to defraud multiple victims or a scheme or course of 3674  
conduct as described in division (C)(2) of this section. While it 3675  
is not necessary to separately allege and prove each offense in 3676  
the series in order to prosecute a single offense under division 3677  
(C)(1), (2), or (3) of this section, it remains necessary in 3678  
prosecuting them as a single offense to prove the aggregate value 3679  
of the property or services in order to meet the requisite 3680  
statutory offense level sought by the prosecution. 3681

(D) The following criteria shall be used in determining the 3682  
value of property or services involved in a theft offense: 3683

(1) The value of an heirloom, memento, collector's item, 3684  
antique, museum piece, manuscript, document, record, or other 3685  
thing that has intrinsic worth to its owner and that either is 3686  
irreplaceable or is replaceable only on the expenditure of 3687  
substantial time, effort, or money, is the amount that would 3688  
compensate the owner for its loss. 3689

(2) The value of personal effects and household goods, and of 3690  
materials, supplies, equipment, and fixtures used in the 3691  
profession, business, trade, occupation, or avocation of its 3692  
owner, which property is not covered under division (D)(1) of this 3693

section and which retains substantial utility for its purpose 3694  
regardless of its age or condition, is the cost of replacing the 3695  
property with new property of like kind and quality. 3696

(3) The value of any real or personal property that is not 3697  
covered under division (D)(1) or (2) of this section, and the 3698  
value of services, is the fair market value of the property or 3699  
services. As used in this section, "fair market value" is the 3700  
money consideration that a buyer would give and a seller would 3701  
accept for property or services, assuming that the buyer is 3702  
willing to buy and the seller is willing to sell, that both are 3703  
fully informed as to all facts material to the transaction, and 3704  
that neither is under any compulsion to act. 3705

(E) Without limitation on the evidence that may be used to 3706  
establish the value of property or services involved in a theft 3707  
offense: 3708

(1) When the property involved is personal property held for 3709  
sale at wholesale or retail, the price at which the property was 3710  
held for sale is prima-facie evidence of its value. 3711

(2) When the property involved is a security or commodity 3712  
traded on an exchange, the closing price or, if there is no 3713  
closing price, the asked price, given in the latest market 3714  
quotation prior to the offense is prima-facie evidence of the 3715  
value of the security or commodity. 3716

(3) When the property involved is livestock, poultry, or raw 3717  
agricultural products for which a local market price is available, 3718  
the latest local market price prior to the offense is prima-facie 3719  
evidence of the value of the livestock, poultry, or products. 3720

(4) When the property involved is a negotiable instrument, 3721  
the face value is prima-facie evidence of the value of the 3722  
instrument. 3723

(5) When the property involved is a warehouse receipt, bill 3724

of lading, pawn ticket, claim check, or other instrument entitling 3725  
the holder or bearer to receive property, the face value or, if 3726  
there is no face value, the value of the property covered by the 3727  
instrument less any payment necessary to receive the property is 3728  
prima-facie evidence of the value of the instrument. 3729

(6) When the property involved is a ticket of admission, 3730  
ticket for transportation, coupon, token, or other instrument 3731  
entitling the holder or bearer to receive property or services, 3732  
the face value or, if there is no face value, the value of the 3733  
property or services that may be received by the instrument is 3734  
prima-facie evidence of the value of the instrument. 3735

(7) When the services involved are gas, electricity, water, 3736  
telephone, transportation, shipping, or other services for which 3737  
the rate is established by law, the duly established rate is 3738  
prima-facie evidence of the value of the services. 3739

(8) When the services involved are services for which the 3740  
rate is not established by law, and the offender has been notified 3741  
prior to the offense of the rate for the services, either in 3742  
writing, orally, or by posting in a manner reasonably calculated 3743  
to come to the attention of potential offenders, the rate 3744  
contained in the notice is prima-facie evidence of the value of 3745  
the services. 3746

**Sec. 2915.05.** (A) No person, with purpose to defraud or 3747  
knowing that the person is facilitating a fraud, shall engage in 3748  
conduct designed to corrupt the outcome of any of the following: 3749

(1) The subject of a bet; 3750

(2) A contest of knowledge, skill, or endurance that is not 3751  
an athletic or sporting event; 3752

(3) A scheme or game of chance; 3753

(4) Bingo. 3754

(B) No person shall knowingly do any of the following:	3755
(1) Offer, give, solicit, or accept anything of value to corrupt the outcome of an athletic or sporting event;	3756
(2) Engage in conduct designed to corrupt the outcome of an athletic or sporting event.	3758
(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 <del>five hundred</del> <u>one thousand</u> dollars or more or if the offender previously has been convicted of any gambling offense or of any theft offense, as defined in section 2913.01 of the Revised Code, cheating is a felony of the fifth degree.	3760
(2) Whoever violates division (B) of this section is guilty of corrupting sports. Corrupting sports is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.	3768
<b>Sec. 2917.21.</b> (A) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:	3772
(1) Fails to identify the caller to the recipient of the telecommunication and makes the telecommunication with purpose to harass or abuse any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;	3777
(2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another	3782

person at the premises to which the telecommunication is made has 3785  
requested, in a previous telecommunication or in the immediate 3786  
telecommunication, that the caller not make a telecommunication to 3787  
the recipient or to the premises to which the telecommunication is 3788  
made; 3789

(3) During the telecommunication, violates section 2903.21 of 3790  
the Revised Code; 3791

(4) Knowingly states to the recipient of the 3792  
telecommunication that the caller intends to cause damage to or 3793  
destroy public or private property, and the recipient, any member 3794  
of the recipient's family, or any other person who resides at the 3795  
premises to which the telecommunication is made owns, leases, 3796  
resides, or works in, will at the time of the destruction or 3797  
damaging be near or in, has the responsibility of protecting, or 3798  
insures the property that will be destroyed or damaged; 3799

(5) Knowingly makes the telecommunication to the recipient of 3800  
the telecommunication, to another person at the premises to which 3801  
the telecommunication is made, or to those premises, and the 3802  
recipient or another person at those premises previously has told 3803  
the caller not to make a telecommunication to those premises or to 3804  
any persons at those premises. 3805

(B) No person shall make or cause to be made a 3806  
telecommunication, or permit a telecommunication to be made from a 3807  
telecommunications device under the person's control, with purpose 3808  
to abuse, threaten, or harass another person. 3809

(C)(1) Whoever violates this section is guilty of 3810  
telecommunications harassment. 3811

(2) A violation of division (A)(1), (2), (3), or (5) or (B) 3812  
of this section is a misdemeanor of the first degree on a first 3813  
offense and a felony of the fifth degree on each subsequent 3814  
offense. 3815

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

(D) No cause of action may be asserted in any court of this state against any provider of a telecommunications service or information service, or against any officer, employee, or agent of a telecommunication service or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section. A provider of a telecommunications service or information service, or an officer, employee, or agent of a telecommunications service or information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section.

(E) As used in this section:	3848
(1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:	3849 3850 3851 3852
(a) All wages, salaries, or other compensation lost as a result of the criminal conduct;	3853 3854
(b) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	3855 3856 3857
(c) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	3858 3859
(d) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	3860 3861
(2) "Caller" means the person described in division (A) of this section who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.	3862 3863 3864 3865
(3) "Telecommunication" and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	3866 3867
(4) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	3868 3869
(F) Nothing in this section prohibits a person from making a telecommunication to a debtor that is in compliance with the "Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended.	3870 3871 3872 3873 3874
<b>Sec. 2917.31.</b> (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or	3875 3876

alarm, by doing any of the following: 3877

(1) Initiating or circulating a report or warning of an 3878  
alleged or impending fire, explosion, crime, or other catastrophe, 3879  
knowing that such report or warning is false; 3880

(2) Threatening to commit any offense of violence; 3881

(3) Committing any offense, with reckless disregard of the 3882  
likelihood that its commission will cause serious public 3883  
inconvenience or alarm. 3884

(B) Division (A)(1) of this section does not apply to any 3885  
person conducting an authorized fire or emergency drill. 3886

(C)(1) Whoever violates this section is guilty of inducing 3887  
panic. 3888

(2) Except as otherwise provided in division (C)(3), (4), 3889  
(5), (6), (7), or (8) of this section, inducing panic is a 3890  
misdemeanor of the first degree. 3891

(3) Except as otherwise provided in division (C)(4), (5), 3892  
(6), (7), or (8) of this section, if a violation of this section 3893  
results in physical harm to any person, inducing panic is a felony 3894  
of the fourth degree. 3895

(4) Except as otherwise provided in division (C)(5), (6), 3896  
(7), or (8) of this section, if a violation of this section 3897  
results in economic harm, the penalty shall be determined as 3898  
follows: 3899

(a) If the violation results in economic harm of ~~five hundred~~ 3900  
one thousand dollars or more but less than ~~five~~ seven thousand 3901  
five hundred dollars and if division (C)(3) of this section does 3902  
not apply, inducing panic is a felony of the fifth degree. 3903

(b) If the violation results in economic harm of ~~five~~ seven 3904  
thousand five hundred dollars or more but less than one hundred 3905  
fifty thousand dollars, inducing panic is a felony of the fourth 3906

degree. 3907

(c) If the violation results in economic harm of one hundred 3908  
fifty thousand dollars or more, inducing panic is a felony of the 3909  
third degree. 3910

(5) If the public place involved in a violation of division 3911  
(A)(1) of this section is a school or an institution of higher 3912  
education, inducing panic is a felony of the second degree. 3913

(6) If the violation pertains to a purported, threatened, or 3914  
actual use of a weapon of mass destruction, and except as 3915  
otherwise provided in division (C)(5), (7), or (8) of this 3916  
section, inducing panic is a felony of the fourth degree. 3917

(7) If the violation pertains to a purported, threatened, or 3918  
actual use of a weapon of mass destruction, and except as 3919  
otherwise provided in division (C)(5) of this section, if a 3920  
violation of this section results in physical harm to any person, 3921  
inducing panic is a felony of the third degree. 3922

(8) If the violation pertains to a purported, threatened, or 3923  
actual use of a weapon of mass destruction, and except as 3924  
otherwise provided in division (C)(5) of this section, if a 3925  
violation of this section results in economic harm of one hundred 3926  
thousand dollars or more, inducing panic is a felony of the third 3927  
degree. 3928

(D)(1) It is not a defense to a charge under this section 3929  
that pertains to a purported or threatened use of a weapon of mass 3930  
destruction that the offender did not possess or have the ability 3931  
to use a weapon of mass destruction or that what was represented 3932  
to be a weapon of mass destruction was not a weapon of mass 3933  
destruction. 3934

(2) Any act that is a violation of this section and any other 3935  
section of the Revised Code may be prosecuted under this section, 3936  
the other section, or both sections. 3937

(E) As used in this section:	3938
(1) "Economic harm" means any of the following:	3939
(a) All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:	3940 3941 3942 3943
(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;	3944 3945
(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;	3946 3947 3948
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	3949 3950
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	3951 3952
(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.	3953 3954 3955 3956 3957 3958 3959
(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.	3960 3961 3962 3963 3964 3965
(3) "Weapon of mass destruction" means any of the following:	3966
(a) Any weapon that is designed or intended to cause death or	3967

serious physical harm through the release, dissemination, or 3968  
impact of toxic or poisonous chemicals, or their precursors; 3969

(b) Any weapon involving a disease organism or biological 3970  
agent; 3971

(c) Any weapon that is designed to release radiation or 3972  
radioactivity at a level dangerous to human life; 3973

(d) Any of the following, except to the extent that the item 3974  
or device in question is expressly excepted from the definition of 3975  
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and 3976  
regulations issued under that section: 3977

(i) Any explosive, incendiary, or poison gas bomb, grenade, 3978  
rocket having a propellant charge of more than four ounces, 3979  
missile having an explosive or incendiary charge of more than 3980  
one-quarter ounce, mine, or similar device; 3981

(ii) Any combination of parts either designed or intended for 3982  
use in converting any item or device into any item or device 3983  
described in division (E)(3)(d)(i) of this section and from which 3984  
an item or device described in that division may be readily 3985  
assembled. 3986

(4) "Biological agent" has the same meaning as in section 3987  
2917.33 of the Revised Code. 3988

(5) "Emergency medical services personnel" has the same 3989  
meaning as in section 2133.21 of the Revised Code. 3990

(6) "Institution of higher education" means any of the 3991  
following: 3992

(a) A state university or college as defined in division 3993  
(A)(1) of section 3345.12 of the Revised Code, community college, 3994  
state community college, university branch, or technical college; 3995

(b) A private, nonprofit college, university or other 3996  
post-secondary institution located in this state that possesses a 3997

certificate of authorization issued by the Ohio board of regents 3998  
pursuant to Chapter 1713. of the Revised Code; 3999

(c) A post-secondary institution with a certificate of 4000  
registration issued by the state board of career colleges and 4001  
schools under Chapter 3332. of the Revised Code. 4002

**Sec. 2917.32.** (A) No person shall do any of the following: 4003

(1) Initiate or circulate a report or warning of an alleged 4004  
or impending fire, explosion, crime, or other catastrophe, knowing 4005  
that the report or warning is false and likely to cause public 4006  
inconvenience or alarm; 4007

(2) Knowingly cause a false alarm of fire or other emergency 4008  
to be transmitted to or within any organization, public or 4009  
private, for dealing with emergencies involving a risk of physical 4010  
harm to persons or property; 4011

(3) Report to any law enforcement agency an alleged offense 4012  
or other incident within its concern, knowing that such offense 4013  
did not occur. 4014

(B) This section does not apply to any person conducting an 4015  
authorized fire or emergency drill. 4016

(C)(1) Whoever violates this section is guilty of making 4017  
false alarms. 4018

(2) Except as otherwise provided in division (C)(3), (4), 4019  
(5), or (6) of this section, making false alarms is a misdemeanor 4020  
of the first degree. 4021

(3) Except as otherwise provided in division (C)(4) of this 4022  
section, if a violation of this section results in economic harm 4023  
of ~~five hundred~~ one thousand dollars or more but less than ~~five~~ 4024  
seven thousand five hundred dollars, making false alarms is a 4025  
felony of the fifth degree. 4026

(4) If a violation of this section pertains to a purported, 4027  
threatened, or actual use of a weapon of mass destruction, making 4028  
false alarms is a felony of the third degree. 4029

(5) If a violation of this section results in economic harm 4030  
of ~~five~~ seven thousand ~~five hundred~~ dollars or more but less than 4031  
one hundred fifty thousand dollars and if division (C)(4) of this 4032  
section does not apply, making false alarms is a felony of the 4033  
fourth degree. 4034

(6) If a violation of this section results in economic harm 4035  
of one hundred fifty thousand dollars or more, making false alarms 4036  
is a felony of the third degree. 4037

(D)(1) It is not a defense to a charge under this section 4038  
that pertains to a purported or threatened use of a weapon of mass 4039  
destruction that the offender did not possess or have the ability 4040  
to use a weapon of mass destruction or that what was represented 4041  
to be a weapon of mass destruction was not a weapon of mass 4042  
destruction. 4043

(2) Any act that is a violation of this section and any other 4044  
section of the Revised Code may be prosecuted under this section, 4045  
the other section, or both sections. 4046

(E) As used in this section, "economic harm" and "weapon of 4047  
mass destruction" have the same meanings as in section 2917.31 of 4048  
the Revised Code. 4049

**Sec. 2919.21.** (A) No person shall abandon, or fail to provide 4050  
adequate support to: 4051

(1) The person's spouse, as required by law; 4052

(2) The person's child who is under age eighteen, or mentally 4053  
or physically handicapped child who is under age twenty-one; 4054

(3) The person's aged or infirm parent or adoptive parent, 4055  
who from lack of ability and means is unable to provide adequately 4056

for the parent's own support. 4057

(B) No person shall abandon, or fail to provide support as 4058  
established by a court order to, another person whom, by court 4059  
order or decree, the person is legally obligated to support. 4060

(C) No person shall aid, abet, induce, cause, encourage, or 4061  
contribute to a child or a ward of the juvenile court becoming a 4062  
dependent child, as defined in section 2151.04 of the Revised 4063  
Code, or a neglected child, as defined in section 2151.03 of the 4064  
Revised Code. 4065

(D) It is an affirmative defense to a charge of failure to 4066  
provide adequate support under division (A) of this section or a 4067  
charge of failure to provide support established by a court order 4068  
under division (B) of this section that the accused was unable to 4069  
provide adequate support or the established support but did 4070  
provide the support that was within the accused's ability and 4071  
means. 4072

(E) It is an affirmative defense to a charge under division 4073  
(A)(3) of this section that the parent abandoned the accused or 4074  
failed to support the accused as required by law, while the 4075  
accused was under age eighteen, or was mentally or physically 4076  
handicapped and under age twenty-one. 4077

(F) It is not a defense to a charge under division (B) of 4078  
this section that the person whom a court has ordered the accused 4079  
to support is being adequately supported by someone other than the 4080  
accused. 4081

(G)(1) Except as otherwise provided in this division, whoever 4082  
violates division (A) or (B) of this section is guilty of 4083  
nonsupport of dependents, a misdemeanor of the first degree. If 4084  
the offender previously has been convicted of or pleaded guilty to 4085  
a violation of division (A)(2) or (B) of this section or if the 4086  
offender has failed to provide support under division (A)(2) or 4087

(B) of this section for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section, a violation of division (A)(2) or (B) of this section is a felony of the fourth degree. If

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

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

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

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

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

(iii) The offender previously was convicted of or pleaded

guilty to a violation of this section that was a felony, the 4119  
conviction or guilty plea occurred on or after the effective date 4120  
of this amendment, the offender was sentenced to one or more 4121  
community control sanctions of a type described in division 4122  
(G)(1)(a) of this section for that violation, and the offender 4123  
failed to comply with the conditions of any of those community 4124  
control sanctions. 4125

(2) If the offender is guilty of nonsupport of dependents by 4126  
reason of failing to provide support to the offender's child as 4127  
required by a child support order issued on or after April 15, 4128  
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 4129  
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 3115.31 of the 4130  
Revised Code, the court, in addition to any other sentence 4131  
imposed, shall assess all court costs arising out of the charge 4132  
against the person and require the person to pay any reasonable 4133  
attorney's fees of any adverse party other than the state, as 4134  
determined by the court, that arose in relation to the charge. 4135

~~(2)~~(3) Whoever violates division (C) of this section is 4136  
guilty of contributing to the nonsupport of dependents, a 4137  
misdemeanor of the first degree. Each day of violation of division 4138  
(C) of this section is a separate offense. 4139

**Sec. 2921.13.** (A) No person shall knowingly make a false 4140  
statement, or knowingly swear or affirm the truth of a false 4141  
statement previously made, when any of the following applies: 4142

(1) The statement is made in any official proceeding. 4143

(2) The statement is made with purpose to incriminate 4144  
another. 4145

(3) The statement is made with purpose to mislead a public 4146  
official in performing the public official's official function. 4147

(4) The statement is made with purpose to secure the payment 4148

of unemployment compensation; Ohio works first; prevention, 4149  
retention, and contingency benefits and services; disability 4150  
financial assistance; retirement benefits; economic development 4151  
assistance, as defined in section 9.66 of the Revised Code; or 4152  
other benefits administered by a governmental agency or paid out 4153  
of a public treasury. 4154

(5) The statement is made with purpose to secure the issuance 4155  
by a governmental agency of a license, permit, authorization, 4156  
certificate, registration, release, or provider agreement. 4157

(6) The statement is sworn or affirmed before a notary public 4158  
or another person empowered to administer oaths. 4159

(7) The statement is in writing on or in connection with a 4160  
report or return that is required or authorized by law. 4161

(8) The statement is in writing and is made with purpose to 4162  
induce another to extend credit to or employ the offender, to 4163  
confer any degree, diploma, certificate of attainment, award of 4164  
excellence, or honor on the offender, or to extend to or bestow 4165  
upon the offender any other valuable benefit or distinction, when 4166  
the person to whom the statement is directed relies upon it to 4167  
that person's detriment. 4168

(9) The statement is made with purpose to commit or 4169  
facilitate the commission of a theft offense. 4170

(10) The statement is knowingly made to a probate court in 4171  
connection with any action, proceeding, or other matter within its 4172  
jurisdiction, either orally or in a written document, including, 4173  
but not limited to, an application, petition, complaint, or other 4174  
pleading, or an inventory, account, or report. 4175

(11) The statement is made on an account, form, record, 4176  
stamp, label, or other writing that is required by law. 4177

(12) The statement is made in connection with the purchase of 4178

a firearm, as defined in section 2923.11 of the Revised Code, and 4179  
in conjunction with the furnishing to the seller of the firearm of 4180  
a fictitious or altered driver's or commercial driver's license or 4181  
permit, a fictitious or altered identification card, or any other 4182  
document that contains false information about the purchaser's 4183  
identity. 4184

(13) The statement is made in a document or instrument of 4185  
writing that purports to be a judgment, lien, or claim of 4186  
indebtedness and is filed or recorded with the secretary of state, 4187  
a county recorder, or the clerk of a court of record. 4188

(14) The statement is made in an application filed with a 4189  
county sheriff pursuant to section 2923.125 of the Revised Code in 4190  
order to obtain or renew a license to carry a concealed handgun or 4191  
is made in an affidavit submitted to a county sheriff to obtain a 4192  
temporary emergency license to carry a concealed handgun under 4193  
section 2923.1213 of the Revised Code. 4194

(15) The statement is required under section 5743.71 of the 4195  
Revised Code in connection with the person's purchase of 4196  
cigarettes or tobacco products in a delivery sale. 4197

(B) No person, in connection with the purchase of a firearm, 4198  
as defined in section 2923.11 of the Revised Code, shall knowingly 4199  
furnish to the seller of the firearm a fictitious or altered 4200  
driver's or commercial driver's license or permit, a fictitious or 4201  
altered identification card, or any other document that contains 4202  
false information about the purchaser's identity. 4203

(C) No person, in an attempt to obtain a license to carry a 4204  
concealed handgun under section 2923.125 of the Revised Code, 4205  
shall knowingly present to a sheriff a fictitious or altered 4206  
document that purports to be certification of the person's 4207  
competence in handling a handgun as described in division (B)(3) 4208  
of section 2923.125 of the Revised Code. 4209

(D) It is no defense to a charge under division (A)(6) of 4210  
this section that the oath or affirmation was administered or 4211  
taken in an irregular manner. 4212

(E) If contradictory statements relating to the same fact are 4213  
made by the offender within the period of the statute of 4214  
limitations for falsification, it is not necessary for the 4215  
prosecution to prove which statement was false but only that one 4216  
or the other was false. 4217

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 4218  
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 4219  
of falsification, a misdemeanor of the first degree. 4220

(2) Whoever violates division (A)(9) of this section is 4221  
guilty of falsification in a theft offense. Except as otherwise 4222  
provided in this division, falsification in a theft offense is a 4223  
misdemeanor of the first degree. If the value of the property or 4224  
services stolen is ~~five hundred~~ one thousand dollars or more and 4225  
is less than ~~five~~ seven thousand five hundred dollars, 4226  
falsification in a theft offense is a felony of the fifth degree. 4227  
If the value of the property or services stolen is ~~five~~ seven 4228  
thousand five hundred dollars or more and is less than one hundred 4229  
fifty thousand dollars, falsification in a theft offense is a 4230  
felony of the fourth degree. If the value of the property or 4231  
services stolen is one hundred fifty thousand dollars or more, 4232  
falsification in a theft offense is a felony of the third degree. 4233

(3) Whoever violates division (A)(12) or (B) of this section 4234  
is guilty of falsification to purchase a firearm, a felony of the 4235  
fifth degree. 4236

(4) Whoever violates division (A)(14) or (C) of this section 4237  
is guilty of falsification to obtain a concealed handgun license, 4238  
a felony of the fourth degree. 4239

(G) A person who violates this section is liable in a civil 4240

action to any person harmed by the violation for injury, death, or 4241  
loss to person or property incurred as a result of the commission 4242  
of the offense and for reasonable attorney's fees, court costs, 4243  
and other expenses incurred as a result of prosecuting the civil 4244  
action commenced under this division. A civil action under this 4245  
division is not the exclusive remedy of a person who incurs 4246  
injury, death, or loss to person or property as a result of a 4247  
violation of this section. 4248

**Sec. 2921.34.** (A)(1) No person, knowing the person is under 4249  
detention, other than supervised release detention, or being 4250  
reckless in that regard, shall purposely break or attempt to break 4251  
the detention, or purposely fail to return to detention, either 4252  
following temporary leave granted for a specific purpose or 4253  
limited period, or at the time required when serving a sentence in 4254  
intermittent confinement. 4255

(2)(a) Division (A)(2)(b) of this section applies to any 4256  
person who is sentenced to a prison term pursuant to division 4257  
(A)(3) or (B) of section 2971.03 of the Revised Code. 4258

(b) No person to whom this division applies, for whom the 4259  
requirement that the entire prison term imposed upon the person 4260  
pursuant to division (A)(3) or (B) of section 2971.03 of the 4261  
Revised Code be served in a state correctional institution has 4262  
been modified pursuant to section 2971.05 of the Revised Code, and 4263  
who, pursuant to that modification, is restricted to a geographic 4264  
area, knowing that the person is under a geographic restriction or 4265  
being reckless in that regard, shall purposely leave the 4266  
geographic area to which the restriction applies or purposely fail 4267  
to return to that geographic area following a temporary leave 4268  
granted for a specific purpose or for a limited period of time. 4269

(3) No person, knowing the person is under supervised release 4270  
detention or being reckless in that regard, shall purposely break 4271

or attempt to break the supervised release detention or purposely 4272  
fail to return to the supervised release detention, either 4273  
following temporary leave granted for a specific purpose or 4274  
limited period, or at the time required when serving a sentence in 4275  
intermittent confinement. 4276

(B) Irregularity in bringing about or maintaining detention, 4277  
or lack of jurisdiction of the committing or detaining authority, 4278  
is not a defense to a charge under this section if the detention 4279  
is pursuant to judicial order or in a detention facility. In the 4280  
case of any other detention, irregularity or lack of jurisdiction 4281  
is an affirmative defense only if either of the following occurs: 4282

(1) The escape involved no substantial risk of harm to the 4283  
person or property of another. 4284

(2) The detaining authority knew or should have known there 4285  
was no legal basis or authority for the detention. 4286

(C) Whoever violates this section is guilty of escape. 4287

(1) If the offender violates division (A)(1) or (2) of this 4288  
section, if the offender, at the time of the commission of the 4289  
offense, was under detention as an alleged or adjudicated 4290  
delinquent child or unruly child, and if the act for which the 4291  
offender was under detention would not be a felony if committed by 4292  
an adult, escape is a misdemeanor of the first degree. 4293

(2) If the offender violates division (A)(1) or (2) of this 4294  
section and if either the offender, at the time of the commission 4295  
of the offense, was under detention in any other manner or ~~if~~ the 4296  
offender is a person for whom the requirement that the entire 4297  
prison term imposed upon the person pursuant to division (A)(3) or 4298  
(B) of section 2971.03 of the Revised Code be served in a state 4299  
correctional institution has been modified pursuant to section 4300  
2971.05 of the Revised Code, escape is one of the following: 4301

(a) A felony of the second degree, when the most serious 4302

offense for which the person was under detention or for which the 4303  
person had been sentenced to the prison term under division 4304  
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 4305  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4306  
is aggravated murder, murder, or a felony of the first or second 4307  
degree or, if the person was under detention as an alleged or 4308  
adjudicated delinquent child, when the most serious act for which 4309  
the person was under detention would be aggravated murder, murder, 4310  
or a felony of the first or second degree if committed by an 4311  
adult; 4312

(b) A felony of the third degree, when the most serious 4313  
offense for which the person was under detention or for which the 4314  
person had been sentenced to the prison term under division 4315  
(A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or 4316  
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 4317  
is a felony of the third, fourth, or fifth degree or an 4318  
unclassified felony or, if the person was under detention as an 4319  
alleged or adjudicated delinquent child, when the most serious act 4320  
for which the person was under detention would be a felony of the 4321  
third, fourth, or fifth degree or an unclassified felony if 4322  
committed by an adult; 4323

(c) A felony of the fifth degree, when any of the following 4324  
applies: 4325

(i) The most serious offense for which the person was under 4326  
detention is a misdemeanor. 4327

(ii) The person was found not guilty by reason of insanity, 4328  
and the person's detention consisted of hospitalization, 4329  
institutionalization, or confinement in a facility under an order 4330  
made pursuant to or under authority of section 2945.40, 2945.401, 4331  
or 2945.402 of the Revised Code. 4332

(d) A misdemeanor of the first degree, when the most serious 4333

offense for which the person was under detention is a misdemeanor 4334  
and when the person fails to return to detention at a specified 4335  
time following temporary leave granted for a specific purpose or 4336  
limited period or at the time required when serving a sentence in 4337  
intermittent confinement. 4338

(3) If the offender violates division (A)(3) of this section, 4339  
except as otherwise provided in this division, escape is a felony 4340  
of the fifth degree. If the offender violates division (A)(3) of 4341  
this section and if, at the time of the commission of the offense, 4342  
the most serious offense for which the offender was under 4343  
supervised release detention was aggravated murder, murder, any 4344  
other offense for which a sentence of life imprisonment was 4345  
imposed, or a felony of the first or second degree, escape is a 4346  
felony of the fourth degree. 4347

(D) As used in this section, "supervised release detention" 4348  
means detention that is supervision of a person by an employee of 4349  
the department of rehabilitation and correction while the person 4350  
is on any type of release from a state correctional institution, 4351  
other than transitional control under section 2967.26 of the 4352  
Revised Code or placement in a community-based correctional 4353  
facility by the parole board under section 2967.28 of the Revised 4354  
Code. 4355

**Sec. 2921.41.** (A) No public official or party official shall 4356  
commit any theft offense, as defined in division (K) of section 4357  
2913.01 of the Revised Code, when either of the following applies: 4358

(1) The offender uses the offender's office in aid of 4359  
committing the offense or permits or assents to its use in aid of 4360  
committing the offense; 4361

(2) The property or service involved is owned by this state, 4362  
any other state, the United States, a county, a municipal 4363  
corporation, a township, or any political subdivision, department, 4364

or agency of any of them, is owned by a political party, or is 4365  
part of a political campaign fund. 4366

(B) Whoever violates this section is guilty of theft in 4367  
office. Except as otherwise provided in this division, theft in 4368  
office is a felony of the fifth degree. If the value of property 4369  
or services stolen is ~~five hundred~~ one thousand dollars or more 4370  
and is less than ~~five~~ seven thousand five hundred dollars, theft 4371  
in office is a felony of the fourth degree. If the value of 4372  
property or services stolen is ~~five~~ seven thousand five hundred 4373  
dollars or more, theft in office is a felony of the third degree. 4374

(C)(1) A public official or party official who pleads guilty 4375  
to theft in office and whose plea is accepted by the court or a 4376  
public official or party official against whom a verdict or 4377  
finding of guilt for committing theft in office is returned is 4378  
forever disqualified from holding any public office, employment, 4379  
or position of trust in this state. 4380

(2)(a) A court that imposes sentence for a violation of this 4381  
section based on conduct described in division (A)(2) of this 4382  
section shall require the public official or party official who is 4383  
convicted of or pleads guilty to the offense to make restitution 4384  
for all of the property or the service that is the subject of the 4385  
offense, in addition to the term of imprisonment and any fine 4386  
imposed. A court that imposes sentence for a violation of this 4387  
section based on conduct described in division (A)(1) of this 4388  
section and that determines at trial that this state or a 4389  
political subdivision of this state if the offender is a public 4390  
official, or a political party in the United States or this state 4391  
if the offender is a party official, suffered actual loss as a 4392  
result of the offense shall require the offender to make 4393  
restitution to the state, political subdivision, or political 4394  
party for all of the actual loss experienced, in addition to the 4395  
term of imprisonment and any fine imposed. 4396

(b)(i) In any case in which a sentencing court is required to 4397  
order restitution under division (C)(2)(a) of this section and in 4398  
which the offender, at the time of the commission of the offense 4399  
or at any other time, was a member of the public employees 4400  
retirement system, the Ohio police and fire pension fund, the 4401  
state teachers retirement system, the school employees retirement 4402  
system, or the state highway patrol retirement system; was an 4403  
electing employee, as defined in section 3305.01 of the Revised 4404  
Code, participating in an alternative retirement plan provided 4405  
pursuant to Chapter 3305. of the Revised Code; was a participating 4406  
employee or continuing member, as defined in section 148.01 of the 4407  
Revised Code, in a deferred compensation program offered by the 4408  
Ohio public employees deferred compensation board; was an officer 4409  
or employee of a municipal corporation who was a participant in a 4410  
deferred compensation program offered by that municipal 4411  
corporation; was an officer or employee of a government unit, as 4412  
defined in section 148.06 of the Revised Code, who was a 4413  
participant in a deferred compensation program offered by that 4414  
government unit, or was a participating employee, continuing 4415  
member, or participant in any deferred compensation program 4416  
described in this division and a member of a retirement system 4417  
specified in this division or a retirement system of a municipal 4418  
corporation, the entity to which restitution is to be made may 4419  
file a motion with the sentencing court specifying any retirement 4420  
system, any provider as defined in section 3305.01 of the Revised 4421  
Code, and any deferred compensation program of which the offender 4422  
was a member, electing employee, participating employee, 4423  
continuing member, or participant and requesting the court to 4424  
issue an order requiring the specified retirement system, the 4425  
specified provider under the alternative retirement plan, or the 4426  
specified deferred compensation program, or, if more than one is 4427  
specified in the motion, the applicable combination of these, to 4428  
withhold the amount required as restitution from any payment that 4429

is to be made under a pension, annuity, or allowance, under an 4430  
option in the alternative retirement plan, under a participant 4431  
account, as defined in section 148.01 of the Revised Code, or 4432  
under any other type of benefit, other than a survivorship 4433  
benefit, that has been or is in the future granted to the 4434  
offender, from any payment of accumulated employee contributions 4435  
standing to the offender's credit with that retirement system, 4436  
that provider of the option under the alternative retirement plan, 4437  
or that deferred compensation program, or, if more than one is 4438  
specified in the motion, the applicable combination of these, and 4439  
from any payment of any other amounts to be paid to the offender 4440  
upon the offender's withdrawal of the offender's contributions 4441  
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 4442  
the Revised Code. A motion described in this division may be filed 4443  
at any time subsequent to the conviction of the offender or entry 4444  
of a guilty plea. Upon the filing of the motion, the clerk of the 4445  
court in which the motion is filed shall notify the offender, the 4446  
specified retirement system, the specified provider under the 4447  
alternative retirement plan, or the specified deferred 4448  
compensation program, or, if more than one is specified in the 4449  
motion, the applicable combination of these, in writing, of all of 4450  
the following: that the motion was filed; that the offender will 4451  
be granted a hearing on the issuance of the requested order if the 4452  
offender files a written request for a hearing with the clerk 4453  
prior to the expiration of thirty days after the offender receives 4454  
the notice; that, if a hearing is requested, the court will 4455  
schedule a hearing as soon as possible and notify the offender, 4456  
any specified retirement system, any specified provider under an 4457  
alternative retirement plan, and any specified deferred 4458  
compensation program of the date, time, and place of the hearing; 4459  
that, if a hearing is conducted, it will be limited only to a 4460  
consideration of whether the offender can show good cause why the 4461  
requested order should not be issued; that, if a hearing is 4462

conducted, the court will not issue the requested order if the 4463  
court determines, based on evidence presented at the hearing by 4464  
the offender, that there is good cause for the requested order not 4465  
to be issued; that the court will issue the requested order if a 4466  
hearing is not requested or if a hearing is conducted but the 4467  
court does not determine, based on evidence presented at the 4468  
hearing by the offender, that there is good cause for the 4469  
requested order not to be issued; and that, if the requested order 4470  
is issued, any retirement system, any provider under an 4471  
alternative retirement plan, and any deferred compensation program 4472  
specified in the motion will be required to withhold the amount 4473  
required as restitution from payments to the offender. 4474

(ii) In any case in which a sentencing court is required to 4475  
order restitution under division (C)(2)(a) of this section and in 4476  
which a motion requesting the issuance of a withholding order as 4477  
described in division (C)(2)(b)(i) of this section is filed, the 4478  
offender may receive a hearing on the motion by delivering a 4479  
written request for a hearing to the court prior to the expiration 4480  
of thirty days after the offender's receipt of the notice provided 4481  
pursuant to division (C)(2)(b)(i) of this section. If a request 4482  
for a hearing is made by the offender within the prescribed time, 4483  
the court shall schedule a hearing as soon as possible after the 4484  
request is made and shall notify the offender, the specified 4485  
retirement system, the specified provider under the alternative 4486  
retirement plan, or the specified deferred compensation program, 4487  
or, if more than one is specified in the motion, the applicable 4488  
combination of these, of the date, time, and place of the hearing. 4489  
A hearing scheduled under this division shall be limited to a 4490  
consideration of whether there is good cause, based on evidence 4491  
presented by the offender, for the requested order not to be 4492  
issued. If the court determines, based on evidence presented by 4493  
the offender, that there is good cause for the order not to be 4494  
issued, the court shall deny the motion and shall not issue the 4495

requested order. If the offender does not request a hearing within 4496  
the prescribed time or if the court conducts a hearing but does 4497  
not determine, based on evidence presented by the offender, that 4498  
there is good cause for the order not to be issued, the court 4499  
shall order the specified retirement system, the specified 4500  
provider under the alternative retirement plan, or the specified 4501  
deferred compensation program, or, if more than one is specified 4502  
in the motion, the applicable combination of these, to withhold 4503  
the amount required as restitution under division (C)(2)(a) of 4504  
this section from any payments to be made under a pension, 4505  
annuity, or allowance, under a participant account, as defined in 4506  
section 148.01 of the Revised Code, under an option in the 4507  
alternative retirement plan, or under any other type of benefit, 4508  
other than a survivorship benefit, that has been or is in the 4509  
future granted to the offender, from any payment of accumulated 4510  
employee contributions standing to the offender's credit with that 4511  
retirement system, that provider under the alternative retirement 4512  
plan, or that deferred compensation program, or, if more than one 4513  
is specified in the motion, the applicable combination of these, 4514  
and from any payment of any other amounts to be paid to the 4515  
offender upon the offender's withdrawal of the offender's 4516  
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 4517  
or 5505. of the Revised Code, and to continue the withholding for 4518  
that purpose, in accordance with the order, out of each payment to 4519  
be made on or after the date of issuance of the order, until 4520  
further order of the court. Upon receipt of an order issued under 4521  
this division, the public employees retirement system, the Ohio 4522  
police and fire pension fund, the state teachers retirement 4523  
system, the school employees retirement system, the state highway 4524  
patrol retirement system, a municipal corporation retirement 4525  
system, the provider under the alternative retirement plan, and 4526  
the deferred compensation program offered by the Ohio public 4527  
employees deferred compensation board, a municipal corporation, or 4528

a government unit, as defined in section 148.06 of the Revised Code, whichever are applicable, shall withhold the amount required as restitution, in accordance with the order, from any such payments and immediately shall forward the amount withheld to the clerk of the court in which the order was issued for payment to the entity to which restitution is to be made.

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

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

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

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

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

(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to

personal or real property for the benefit of such person; 4559

(3) The interest of a person under any other form of express 4560  
fiduciary arrangement under which any other person holds title to 4561  
personal or real property for the benefit of such person. 4562

"Beneficial interest" does not include the interest of a 4563  
stockholder in a corporation or the interest of a partner in 4564  
either a general or limited partnership. 4565

(B) "Costs of investigation and prosecution" and "costs of 4566  
investigation and litigation" mean all of the costs incurred by 4567  
the state or a county or municipal corporation under sections 4568  
2923.31 to 2923.36 of the Revised Code in the prosecution and 4569  
investigation of any criminal action or in the litigation and 4570  
investigation of any civil action, and includes, but is not 4571  
limited to, the costs of resources and personnel. 4572

(C) "Enterprise" includes any individual, sole 4573  
proprietorship, partnership, limited partnership, corporation, 4574  
trust, union, government agency, or other legal entity, or any 4575  
organization, association, or group of persons associated in fact 4576  
although not a legal entity. "Enterprise" includes illicit as well 4577  
as licit enterprises. 4578

(D) "Innocent person" includes any bona fide purchaser of 4579  
property that is allegedly involved in a violation of section 4580  
2923.32 of the Revised Code, including any person who establishes 4581  
a valid claim to or interest in the property in accordance with 4582  
division (E) of section 2981.04 of the Revised Code, and any 4583  
victim of an alleged violation of that section or of any 4584  
underlying offense involved in an alleged violation of that 4585  
section. 4586

(E) "Pattern of corrupt activity" means two or more incidents 4587  
of corrupt activity, whether or not there has been a prior 4588  
conviction, that are related to the affairs of the same 4589

enterprise, are not isolated, and are not so closely related to 4590  
each other and connected in time and place that they constitute a 4591  
single event. 4592

At least one of the incidents forming the pattern shall occur 4593  
on or after January 1, 1986. Unless any incident was an aggravated 4594  
murder or murder, the last of the incidents forming the pattern 4595  
shall occur within six years after the commission of any prior 4596  
incident forming the pattern, excluding any period of imprisonment 4597  
served by any person engaging in the corrupt activity. 4598

For the purposes of the criminal penalties that may be 4599  
imposed pursuant to section 2923.32 of the Revised Code, at least 4600  
one of the incidents forming the pattern shall constitute a felony 4601  
under the laws of this state in existence at the time it was 4602  
committed or, if committed in violation of the laws of the United 4603  
States or of any other state, shall constitute a felony under the 4604  
law of the United States or the other state and would be a 4605  
criminal offense under the law of this state if committed in this 4606  
state. 4607

(F) "Pecuniary value" means money, a negotiable instrument, a 4608  
commercial interest, or anything of value, as defined in section 4609  
1.03 of the Revised Code, or any other property or service that 4610  
has a value in excess of one hundred dollars. 4611

(G) "Person" means any person, as defined in section 1.59 of 4612  
the Revised Code, and any governmental officer, employee, or 4613  
entity. 4614

(H) "Personal property" means any personal property, any 4615  
interest in personal property, or any right, including, but not 4616  
limited to, bank accounts, debts, corporate stocks, patents, or 4617  
copyrights. Personal property and any beneficial interest in 4618  
personal property are deemed to be located where the trustee of 4619  
the property, the personal property, or the instrument evidencing 4620

the right is located. 4621

(I) "Corrupt activity" means engaging in, attempting to 4622  
engage in, conspiring to engage in, or soliciting, coercing, or 4623  
intimidating another person to engage in any of the following: 4624

(1) Conduct defined as "racketeering activity" under the 4625  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 4626  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 4627

(2) Conduct constituting any of the following: 4628

(a) A violation of section 1315.55, 1322.02, 2903.01, 4629  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 4630  
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 4631  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 4632  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 4633  
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 4634  
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 4635  
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 4636  
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 4637  
section 1707.44; division (A)(1) or (2) of section 2923.20; 4638  
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 4639  
4719.06; division (C), (D), or (E) of section 4719.07; section 4640  
4719.08; or division (A) of section 4719.09 of the Revised Code. 4641

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 4642  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 4643  
any violation of section 2915.02 of the Revised Code that occurs 4644  
on or after July 1, 1996, and that, had it occurred prior to that 4645  
date, would have been a violation of section 3769.11 of the 4646  
Revised Code as it existed prior to that date, or any violation of 4647  
section 2915.05 of the Revised Code that occurs on or after July 4648  
1, 1996, and that, had it occurred prior to that date, would have 4649  
been a violation of section 3769.15, 3769.16, or 3769.19 of the 4650  
Revised Code as it existed prior to that date. 4651

(c) Any violation of section 2907.21, 2907.22, 2907.31, 4652  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 4653  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 4654  
of the Revised Code, any violation of section 2925.11 of the 4655  
Revised Code that is a felony of the first, second, third, or 4656  
fourth degree and that occurs on or after July 1, 1996, any 4657  
violation of section 2915.02 of the Revised Code that occurred 4658  
prior to July 1, 1996, any violation of section 2915.02 of the 4659  
Revised Code that occurs on or after July 1, 1996, and that, had 4660  
it occurred prior to that date, would not have been a violation of 4661  
section 3769.11 of the Revised Code as it existed prior to that 4662  
date, any violation of section 2915.06 of the Revised Code as it 4663  
existed prior to July 1, 1996, or any violation of division (B) of 4664  
section 2915.05 of the Revised Code as it exists on and after July 4665  
1, 1996, when the proceeds of the violation, the payments made in 4666  
the violation, the amount of a claim for payment or for any other 4667  
benefit that is false or deceptive and that is involved in the 4668  
violation, or the value of the contraband or other property 4669  
illegally possessed, sold, or purchased in the violation exceeds 4670  
~~five hundred~~ one thousand dollars, or any combination of 4671  
violations described in division (I)(2)(c) of this section when 4672  
the total proceeds of the combination of violations, payments made 4673  
in the combination of violations, amount of the claims for payment 4674  
or for other benefits that is false or deceptive and that is 4675  
involved in the combination of violations, or value of the 4676  
contraband or other property illegally possessed, sold, or 4677  
purchased in the combination of violations exceeds ~~five hundred~~ 4678  
one thousand dollars; 4679

(d) Any violation of section 5743.112 of the Revised Code 4680  
when the amount of unpaid tax exceeds one hundred dollars; 4681

(e) Any violation or combination of violations of section 4682  
2907.32 of the Revised Code involving any material or performance 4683

containing a display of bestiality or of sexual conduct, as 4684  
defined in section 2907.01 of the Revised Code, that is explicit 4685  
and depicted with clearly visible penetration of the genitals or 4686  
clearly visible penetration by the penis of any orifice when the 4687  
total proceeds of the violation or combination of violations, the 4688  
payments made in the violation or combination of violations, or 4689  
the value of the contraband or other property illegally possessed, 4690  
sold, or purchased in the violation or combination of violations 4691  
exceeds ~~five hundred~~ one thousand dollars; 4692

(f) Any combination of violations described in division 4693  
(I)(2)(c) of this section and violations of section 2907.32 of the 4694  
Revised Code involving any material or performance containing a 4695  
display of bestiality or of sexual conduct, as defined in section 4696  
2907.01 of the Revised Code, that is explicit and depicted with 4697  
clearly visible penetration of the genitals or clearly visible 4698  
penetration by the penis of any orifice when the total proceeds of 4699  
the combination of violations, payments made in the combination of 4700  
violations, amount of the claims for payment or for other benefits 4701  
that is false or deceptive and that is involved in the combination 4702  
of violations, or value of the contraband or other property 4703  
illegally possessed, sold, or purchased in the combination of 4704  
violations exceeds ~~five hundred~~ one thousand dollars; 4705

(g) Any violation of section 2905.32 of the Revised Code to 4706  
the extent the violation is not based solely on the same conduct 4707  
that constitutes corrupt activity pursuant to division (I)(2)(c) 4708  
of this section due to the conduct being in violation of section 4709  
2907.21 of the Revised Code. 4710

(3) Conduct constituting a violation of any law of any state 4711  
other than this state that is substantially similar to the conduct 4712  
described in division (I)(2) of this section, provided the 4713  
defendant was convicted of the conduct in a criminal proceeding in 4714  
the other state; 4715

(4) Animal or ecological terrorism; 4716

(5)(a) Conduct constituting any of the following: 4717

(i) Organized retail theft; 4718

(ii) Conduct that constitutes one or more violations of any 4719  
law of any state other than this state, that is substantially 4720  
similar to organized retail theft, and that if committed in this 4721  
state would be organized retail theft, if the defendant was 4722  
convicted of or pleaded guilty to the conduct in a criminal 4723  
proceeding in the other state. 4724

(b) By enacting division (I)(5)(a) of this section, it is the 4725  
intent of the general assembly to add organized retail theft and 4726  
the conduct described in division (I)(5)(a)(ii) of this section as 4727  
conduct constituting corrupt activity. The enactment of division 4728  
(I)(5)(a) of this section and the addition by division (I)(5)(a) 4729  
of this section of organized retail theft and the conduct 4730  
described in division (I)(5)(a)(ii) of this section as conduct 4731  
constituting corrupt activity does not limit or preclude, and 4732  
shall not be construed as limiting or precluding, any prosecution 4733  
for a violation of section 2923.32 of the Revised Code that is 4734  
based on one or more violations of section 2913.02 or 2913.51 of 4735  
the Revised Code, one or more similar offenses under the laws of 4736  
this state or any other state, or any combination of any of those 4737  
violations or similar offenses, even though the conduct 4738  
constituting the basis for those violations or offenses could be 4739  
construed as also constituting organized retail theft or conduct 4740  
of the type described in division (I)(5)(a)(ii) of this section. 4741

(J) "Real property" means any real property or any interest 4742  
in real property, including, but not limited to, any lease of, or 4743  
mortgage upon, real property. Real property and any beneficial 4744  
interest in it is deemed to be located where the real property is 4745  
located. 4746

(K) "Trustee" means any of the following: 4747

(1) Any person acting as trustee under a trust in which the 4748  
trustee holds title to personal or real property; 4749

(2) Any person who holds title to personal or real property 4750  
for which any other person has a beneficial interest; 4751

(3) Any successor trustee. 4752

"Trustee" does not include an assignee or trustee for an 4753  
insolvent debtor or an executor, administrator, administrator with 4754  
the will annexed, testamentary trustee, guardian, or committee, 4755  
appointed by, under the control of, or accountable to a court. 4756

(L) "Unlawful debt" means any money or other thing of value 4757  
constituting principal or interest of a debt that is legally 4758  
unenforceable in this state in whole or in part because the debt 4759  
was incurred or contracted in violation of any federal or state 4760  
law relating to the business of gambling activity or relating to 4761  
the business of lending money at an usurious rate unless the 4762  
creditor proves, by a preponderance of the evidence, that the 4763  
usurious rate was not intentionally set and that it resulted from 4764  
a good faith error by the creditor, notwithstanding the 4765  
maintenance of procedures that were adopted by the creditor to 4766  
avoid an error of that nature. 4767

(M) "Animal activity" means any activity that involves the 4768  
use of animals or animal parts, including, but not limited to, 4769  
hunting, fishing, trapping, traveling, camping, the production, 4770  
preparation, or processing of food or food products, clothing or 4771  
garment manufacturing, medical research, other research, 4772  
entertainment, recreation, agriculture, biotechnology, or service 4773  
activity that involves the use of animals or animal parts. 4774

(N) "Animal facility" means a vehicle, building, structure, 4775  
nature preserve, or other premises in which an animal is lawfully 4776  
kept, handled, housed, exhibited, bred, or offered for sale, 4777

including, but not limited to, a zoo, rodeo, circus, amusement 4778  
park, hunting preserve, or premises in which a horse or dog event 4779  
is held. 4780

(O) "Animal or ecological terrorism" means the commission of 4781  
any felony that involves causing or creating a substantial risk of 4782  
physical harm to any property of another, the use of a deadly 4783  
weapon or dangerous ordnance, or purposely, knowingly, or 4784  
recklessly causing serious physical harm to property and that 4785  
involves an intent to obstruct, impede, or deter any person from 4786  
participating in a lawful animal activity, from mining, foresting, 4787  
harvesting, gathering, or processing natural resources, or from 4788  
being lawfully present in or on an animal facility or research 4789  
facility. 4790

(P) "Research facility" means a place, laboratory, 4791  
institution, medical care facility, government facility, or public 4792  
or private educational institution in which a scientific test, 4793  
experiment, or investigation involving the use of animals or other 4794  
living organisms is lawfully carried out, conducted, or attempted. 4795

(Q) "Organized retail theft" means the theft of retail 4796  
property with a retail value of ~~five hundred~~ one thousand dollars 4797  
or more from one or more retail establishments with the intent to 4798  
sell, deliver, or transfer that property to a retail property 4799  
fence. 4800

(R) "Retail property" means any tangible personal property 4801  
displayed, held, stored, or offered for sale in or by a retail 4802  
establishment. 4803

(S) "Retail property fence" means a person who possesses, 4804  
procures, receives, or conceals retail property that was 4805  
represented to the person as being stolen or that the person knows 4806  
or believes to be stolen. 4807

(T) "Retail value" means the full retail value of the retail 4808

property. In determining whether the retail value of retail 4809  
property equals or exceeds ~~five hundred~~ one thousand dollars, the 4810  
value of all retail property stolen from the retail establishment 4811  
or retail establishments by the same person or persons within any 4812  
one-hundred-eighty-day period shall be aggregated. 4813

**Sec. 2925.01.** As used in this chapter: 4814

(A) "Administer," "controlled substance," "dispense," 4815  
"distribute," "hypodermic," "manufacturer," "official written 4816  
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 4817  
"schedule II," "schedule III," "schedule IV," "schedule V," and 4818  
"wholesaler" have the same meanings as in section 3719.01 of the 4819  
Revised Code. 4820

(B) "Drug dependent person" and "drug of abuse" have the same 4821  
meanings as in section 3719.011 of the Revised Code. 4822

(C) "Drug," "dangerous drug," "licensed health professional 4823  
authorized to prescribe drugs," and "prescription" have the same 4824  
meanings as in section 4729.01 of the Revised Code. 4825

(D) "Bulk amount" of a controlled substance means any of the 4826  
following: 4827

(1) For any compound, mixture, preparation, or substance 4828  
included in schedule I, schedule II, or schedule III, with the 4829  
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 4830  
except as provided in division (D)(2) or (5) of this section, 4831  
whichever of the following is applicable: 4832

(a) An amount equal to or exceeding ten grams or twenty-five 4833  
unit doses of a compound, mixture, preparation, or substance that 4834  
is or contains any amount of a schedule I opiate or opium 4835  
derivative; 4836

(b) An amount equal to or exceeding ten grams of a compound, 4837  
mixture, preparation, or substance that is or contains any amount 4838

of raw or gum opium; 4839

(c) An amount equal to or exceeding thirty grams or ten unit 4840  
doses of a compound, mixture, preparation, or substance that is or 4841  
contains any amount of a schedule I hallucinogen other than 4842  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 4843  
stimulant or depressant; 4844

(d) An amount equal to or exceeding twenty grams or five 4845  
times the maximum daily dose in the usual dose range specified in 4846  
a standard pharmaceutical reference manual of a compound, mixture, 4847  
preparation, or substance that is or contains any amount of a 4848  
schedule II opiate or opium derivative; 4849

(e) An amount equal to or exceeding five grams or ten unit 4850  
doses of a compound, mixture, preparation, or substance that is or 4851  
contains any amount of phencyclidine; 4852

(f) An amount equal to or exceeding one hundred twenty grams 4853  
or thirty times the maximum daily dose in the usual dose range 4854  
specified in a standard pharmaceutical reference manual of a 4855  
compound, mixture, preparation, or substance that is or contains 4856  
any amount of a schedule II stimulant that is in a final dosage 4857  
form manufactured by a person authorized by the "Federal Food, 4858  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 4859  
amended, and the federal drug abuse control laws, as defined in 4860  
section 3719.01 of the Revised Code, that is or contains any 4861  
amount of a schedule II depressant substance or a schedule II 4862  
hallucinogenic substance; 4863

(g) An amount equal to or exceeding three grams of a 4864  
compound, mixture, preparation, or substance that is or contains 4865  
any amount of a schedule II stimulant, or any of its salts or 4866  
isomers, that is not in a final dosage form manufactured by a 4867  
person authorized by the Federal Food, Drug, and Cosmetic Act and 4868  
the federal drug abuse control laws. 4869

(2) An amount equal to or exceeding one hundred twenty grams 4870  
or thirty times the maximum daily dose in the usual dose range 4871  
specified in a standard pharmaceutical reference manual of a 4872  
compound, mixture, preparation, or substance that is or contains 4873  
any amount of a schedule III or IV substance other than an 4874  
anabolic steroid or a schedule III opiate or opium derivative; 4875

(3) An amount equal to or exceeding twenty grams or five 4876  
times the maximum daily dose in the usual dose range specified in 4877  
a standard pharmaceutical reference manual of a compound, mixture, 4878  
preparation, or substance that is or contains any amount of a 4879  
schedule III opiate or opium derivative; 4880

(4) An amount equal to or exceeding two hundred fifty 4881  
milliliters or two hundred fifty grams of a compound, mixture, 4882  
preparation, or substance that is or contains any amount of a 4883  
schedule V substance; 4884

(5) An amount equal to or exceeding two hundred solid dosage 4885  
units, sixteen grams, or sixteen milliliters of a compound, 4886  
mixture, preparation, or substance that is or contains any amount 4887  
of a schedule III anabolic steroid. 4888

(E) "Unit dose" means an amount or unit of a compound, 4889  
mixture, or preparation containing a controlled substance that is 4890  
separately identifiable and in a form that indicates that it is 4891  
the amount or unit by which the controlled substance is separately 4892  
administered to or taken by an individual. 4893

(F) "Cultivate" includes planting, watering, fertilizing, or 4894  
tilling. 4895

(G) "Drug abuse offense" means any of the following: 4896

(1) A violation of division (A) of section 2913.02 that 4897  
constitutes theft of drugs, or a violation of section 2925.02, 4898  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 4899  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 4900

2925.37 of the Revised Code; 4901

(2) A violation of an existing or former law of this or any 4902  
other state or of the United States that is substantially 4903  
equivalent to any section listed in division (G)(1) of this 4904  
section; 4905

(3) An offense under an existing or former law of this or any 4906  
other state, or of the United States, of which planting, 4907  
cultivating, harvesting, processing, making, manufacturing, 4908  
producing, shipping, transporting, delivering, acquiring, 4909  
possessing, storing, distributing, dispensing, selling, inducing 4910  
another to use, administering to another, using, or otherwise 4911  
dealing with a controlled substance is an element; 4912

(4) A conspiracy to commit, attempt to commit, or complicity 4913  
in committing or attempting to commit any offense under division 4914  
(G)(1), (2), or (3) of this section. 4915

(H) "Felony drug abuse offense" means any drug abuse offense 4916  
that would constitute a felony under the laws of this state, any 4917  
other state, or the United States. 4918

(I) "Harmful intoxicant" does not include beer or 4919  
intoxicating liquor but means any of the following: 4920

(1) Any compound, mixture, preparation, or substance the gas, 4921  
fumes, or vapor of which when inhaled can induce intoxication, 4922  
excitement, giddiness, irrational behavior, depression, 4923  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 4924  
harmful physiological effects, and includes, but is not limited 4925  
to, any of the following: 4926

(a) Any volatile organic solvent, plastic cement, model 4927  
cement, fingernail polish remover, lacquer thinner, cleaning 4928  
fluid, gasoline, or other preparation containing a volatile 4929  
organic solvent; 4930

(b) Any aerosol propellant;	4931
(c) Any fluorocarbon refrigerant;	4932
(d) Any anesthetic gas.	4933
(2) Gamma Butyrolactone;	4934
(3) 1,4 Butanediol.	4935
(J) "Manufacture" means to plant, cultivate, harvest,	4936
process, make, prepare, or otherwise engage in any part of the	4937
production of a drug, by propagation, extraction, chemical	4938
synthesis, or compounding, or any combination of the same, and	4939
includes packaging, repackaging, labeling, and other activities	4940
incident to production.	4941
(K) "Possess" or "possession" means having control over a	4942
thing or substance, but may not be inferred solely from mere	4943
access to the thing or substance through ownership or occupation	4944
of the premises upon which the thing or substance is found.	4945
(L) "Sample drug" means a drug or pharmaceutical preparation	4946
that would be hazardous to health or safety if used without the	4947
supervision of a licensed health professional authorized to	4948
prescribe drugs, or a drug of abuse, and that, at one time, had	4949
been placed in a container plainly marked as a sample by a	4950
manufacturer.	4951
(M) "Standard pharmaceutical reference manual" means the	4952
current edition, with cumulative changes if any, of any of the	4953
following reference works:	4954
(1) "The National Formulary";	4955
(2) "The United States Pharmacopeia," prepared by authority	4956
of the United States Pharmacopeial Convention, Inc.;	4957
(3) Other standard references that are approved by the state	4958
board of pharmacy.	4959

(N) "Juvenile" means a person under eighteen years of age.	4960
(O) "Counterfeit controlled substance" means any of the following:	4961 4962
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	4963 4964 4965 4966
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	4967 4968 4969 4970
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	4971 4972 4973
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	4974 4975 4976 4977 4978
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	4979 4980 4981 4982 4983 4984 4985
(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction,	4986 4987 4988 4989 4990

extracurricular activities, or training provided by the school is 4991  
being conducted at the time a criminal offense is committed. 4992

(R) "School premises" means either of the following: 4993

(1) The parcel of real property on which any school is 4994  
situated, whether or not any instruction, extracurricular 4995  
activities, or training provided by the school is being conducted 4996  
on the premises at the time a criminal offense is committed; 4997

(2) Any other parcel of real property that is owned or leased 4998  
by a board of education of a school, the governing authority of a 4999  
community school established under Chapter 3314. of the Revised 5000  
Code, or the governing body of a nonpublic school for which the 5001  
state board of education prescribes minimum standards under 5002  
section 3301.07 of the Revised Code and on which some of the 5003  
instruction, extracurricular activities, or training of the school 5004  
is conducted, whether or not any instruction, extracurricular 5005  
activities, or training provided by the school is being conducted 5006  
on the parcel of real property at the time a criminal offense is 5007  
committed. 5008

(S) "School building" means any building in which any of the 5009  
instruction, extracurricular activities, or training provided by a 5010  
school is conducted, whether or not any instruction, 5011  
extracurricular activities, or training provided by the school is 5012  
being conducted in the school building at the time a criminal 5013  
offense is committed. 5014

(T) "Disciplinary counsel" means the disciplinary counsel 5015  
appointed by the board of commissioners on grievances and 5016  
discipline of the supreme court under the Rules for the Government 5017  
of the Bar of Ohio. 5018

(U) "Certified grievance committee" means a duly constituted 5019  
and organized committee of the Ohio state bar association or of 5020  
one or more local bar associations of the state of Ohio that 5021

complies with the criteria set forth in Rule V, section 6 of the 5022  
Rules for the Government of the Bar of Ohio. 5023

(V) "Professional license" means any license, permit, 5024  
certificate, registration, qualification, admission, temporary 5025  
license, temporary permit, temporary certificate, or temporary 5026  
registration that is described in divisions (W)(1) to (36) of this 5027  
section and that qualifies a person as a professionally licensed 5028  
person. 5029

(W) "Professionally licensed person" means any of the 5030  
following: 5031

(1) A person who has obtained a license as a manufacturer of 5032  
controlled substances or a wholesaler of controlled substances 5033  
under Chapter 3719. of the Revised Code; 5034

(2) A person who has received a certificate or temporary 5035  
certificate as a certified public accountant or who has registered 5036  
as a public accountant under Chapter 4701. of the Revised Code and 5037  
who holds an Ohio permit issued under that chapter; 5038

(3) A person who holds a certificate of qualification to 5039  
practice architecture issued or renewed and registered under 5040  
Chapter 4703. of the Revised Code; 5041

(4) A person who is registered as a landscape architect under 5042  
Chapter 4703. of the Revised Code or who holds a permit as a 5043  
landscape architect issued under that chapter; 5044

(5) A person licensed under Chapter 4707. of the Revised 5045  
Code; 5046

(6) A person who has been issued a certificate of 5047  
registration as a registered barber under Chapter 4709. of the 5048  
Revised Code; 5049

(7) A person licensed and regulated to engage in the business 5050  
of a debt pooling company by a legislative authority, under 5051

authority of Chapter 4710. of the Revised Code; 5052

(8) A person who has been issued a cosmetologist's license, 5053  
hair designer's license, manicurist's license, esthetician's 5054  
license, natural hair stylist's license, managing cosmetologist's 5055  
license, managing hair designer's license, managing manicurist's 5056  
license, managing esthetician's license, managing natural hair 5057  
stylist's license, cosmetology instructor's license, hair design 5058  
instructor's license, manicurist instructor's license, esthetics 5059  
instructor's license, natural hair style instructor's license, 5060  
independent contractor's license, or tanning facility permit under 5061  
Chapter 4713. of the Revised Code; 5062

(9) A person who has been issued a license to practice 5063  
dentistry, a general anesthesia permit, a conscious intravenous 5064  
sedation permit, a limited resident's license, a limited teaching 5065  
license, a dental hygienist's license, or a dental hygienist's 5066  
teacher's certificate under Chapter 4715. of the Revised Code; 5067

(10) A person who has been issued an embalmer's license, a 5068  
funeral director's license, a funeral home license, or a crematory 5069  
license, or who has been registered for an embalmer's or funeral 5070  
director's apprenticeship under Chapter 4717. of the Revised Code; 5071

(11) A person who has been licensed as a registered nurse or 5072  
practical nurse, or who has been issued a certificate for the 5073  
practice of nurse-midwifery under Chapter 4723. of the Revised 5074  
Code; 5075

(12) A person who has been licensed to practice optometry or 5076  
to engage in optical dispensing under Chapter 4725. of the Revised 5077  
Code; 5078

(13) A person licensed to act as a pawnbroker under Chapter 5079  
4727. of the Revised Code; 5080

(14) A person licensed to act as a precious metals dealer 5081  
under Chapter 4728. of the Revised Code; 5082

(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	5083 5084 5085 5086
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	5087 5088
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	5089 5090 5091 5092
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	5093 5094
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	5095 5096
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	5097 5098
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	5099 5100
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	5101 5102
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	5103 5104
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	5105 5106
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	5107 5108
(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;	5109 5110 5111 5112

(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;	5113 5114 5115
(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;	5116 5117 5118
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	5119 5120 5121
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	5122 5123 5124
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	5125 5126
(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;	5127 5128 5129 5130
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	5131 5132
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	5133 5134 5135
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	5136 5137
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	5138 5139 5140
(X) "Cocaine" means any of the following:	5141
(1) A cocaine salt, isomer, or derivative, a salt of a	5142

cocaine isomer or derivative, or the base form of cocaine; 5143

(2) Coca leaves or a salt, compound, derivative, or 5144  
preparation of coca leaves, including ecgonine, a salt, isomer, or 5145  
derivative of ecgonine, or a salt of an isomer or derivative of 5146  
ecgonine; 5147

(3) A salt, compound, derivative, or preparation of a 5148  
substance identified in division (X)(1) or (2) of this section 5149  
that is chemically equivalent to or identical with any of those 5150  
substances, except that the substances shall not include 5151  
decocainized coca leaves or extraction of coca leaves if the 5152  
extractions do not contain cocaine or ecgonine. 5153

(Y) "L.S.D." means lysergic acid diethylamide. 5154

(Z) "Hashish" means the resin or a preparation of the resin 5155  
contained in marihuana, whether in solid form or in a liquid 5156  
concentrate, liquid extract, or liquid distillate form. 5157

(AA) "Marihuana" has the same meaning as in section 3719.01 5158  
of the Revised Code, except that it does not include hashish. 5159

(BB) An offense is "committed in the vicinity of a juvenile" 5160  
if the offender commits the offense within one hundred feet of a 5161  
juvenile or within the view of a juvenile, regardless of whether 5162  
the offender knows the age of the juvenile, whether the offender 5163  
knows the offense is being committed within one hundred feet of or 5164  
within view of the juvenile, or whether the juvenile actually 5165  
views the commission of the offense. 5166

(CC) "Presumption for a prison term" or "presumption that a 5167  
prison term shall be imposed" means a presumption, as described in 5168  
division (D) of section 2929.13 of the Revised Code, that a prison 5169  
term is a necessary sanction for a felony in order to comply with 5170  
the purposes and principles of sentencing under section 2929.11 of 5171  
the Revised Code. 5172

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 5173  
5174

(EE) "Minor drug possession offense" means either of the following: 5175  
5176

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 5177  
5178

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree. 5179  
5180  
5181

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 5182  
5183

~~(GG) "Crack cocaine" means a compound, mixture, preparation, or substance that is or contains any amount of cocaine that is analytically identified as the base form of cocaine or that is in a form that resembles rocks or pebbles generally intended for individual use.~~ 5184  
5185  
5186  
5187  
5188

~~(HH)~~ "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 5189  
5190

~~(II)~~(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort. 5191  
5192  
5193

~~(JJ)~~(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine. 5194  
5195  
5196  
5197

~~(KK)~~(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense. 5198  
5199  
5200  
5201  
5202

~~(LL)~~(KK) "Deception" and "theft offense" have the same 5203  
meanings as in section 2913.01 of the Revised Code. 5204

**Sec. 2925.03.** (A) No person shall knowingly do any of the 5205  
following: 5206

(1) Sell or offer to sell a controlled substance; 5207

(2) Prepare for shipment, ship, transport, deliver, prepare 5208  
for distribution, or distribute a controlled substance, when the 5209  
offender knows or has reasonable cause to believe that the 5210  
controlled substance is intended for sale or resale by the 5211  
offender or another person. 5212

(B) This section does not apply to any of the following: 5213

(1) Manufacturers, licensed health professionals authorized 5214  
to prescribe drugs, pharmacists, owners of pharmacies, and other 5215  
persons whose conduct is in accordance with Chapters 3719., 4715., 5216  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 5217

(2) If the offense involves an anabolic steroid, any person 5218  
who is conducting or participating in a research project involving 5219  
the use of an anabolic steroid if the project has been approved by 5220  
the United States food and drug administration; 5221

(3) Any person who sells, offers for sale, prescribes, 5222  
dispenses, or administers for livestock or other nonhuman species 5223  
an anabolic steroid that is expressly intended for administration 5224  
through implants to livestock or other nonhuman species and 5225  
approved for that purpose under the "Federal Food, Drug, and 5226  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 5227  
and is sold, offered for sale, prescribed, dispensed, or 5228  
administered for that purpose in accordance with that act. 5229

(C) Whoever violates division (A) of this section is guilty 5230  
of one of the following: 5231

(1) If the drug involved in the violation is any compound, 5232

mixture, preparation, or substance included in schedule I or 5233  
schedule II, with the exception of marihuana, cocaine, L.S.D., 5234  
heroin, and hashish, whoever violates division (A) of this section 5235  
is guilty of aggravated trafficking in drugs. The penalty for the 5236  
offense shall be determined as follows: 5237

(a) Except as otherwise provided in division (C)(1)(b), (c), 5238  
(d), (e), or (f) of this section, aggravated trafficking in drugs 5239  
is a felony of the fourth degree, and division (C) of section 5240  
2929.13 of the Revised Code applies in determining whether to 5241  
impose a prison term on the offender. 5242

(b) Except as otherwise provided in division (C)(1)(c), (d), 5243  
(e), or (f) of this section, if the offense was committed in the 5244  
vicinity of a school or in the vicinity of a juvenile, aggravated 5245  
trafficking in drugs is a felony of the third degree, and division 5246  
(C) of section 2929.13 of the Revised Code applies in determining 5247  
whether to impose a prison term on the offender. 5248

(c) Except as otherwise provided in this division, if the 5249  
amount of the drug involved equals or exceeds the bulk amount but 5250  
is less than five times the bulk amount, aggravated trafficking in 5251  
drugs is a felony of the third degree, and the court shall impose 5252  
as a mandatory prison term one of the prison terms prescribed for 5253  
a felony of the third degree. If the amount of the drug involved 5254  
is within that range and if the offense was committed in the 5255  
vicinity of a school or in the vicinity of a juvenile, aggravated 5256  
trafficking in drugs is a felony of the second degree, and the 5257  
court shall impose as a mandatory prison term one of the prison 5258  
terms prescribed for a felony of the second degree. 5259

(d) Except as otherwise provided in this division, if the 5260  
amount of the drug involved equals or exceeds five times the bulk 5261  
amount but is less than fifty times the bulk amount, aggravated 5262  
trafficking in drugs is a felony of the second degree, and the 5263  
court shall impose as a mandatory prison term one of the prison 5264

terms prescribed for a felony of the second degree. If the amount 5265  
of the drug involved is within that range and if the offense was 5266  
committed in the vicinity of a school or in the vicinity of a 5267  
juvenile, aggravated trafficking in drugs is a felony of the first 5268  
degree, and the court shall impose as a mandatory prison term one 5269  
of the prison terms prescribed for a felony of the first degree. 5270

(e) If the amount of the drug involved equals or exceeds 5271  
fifty times the bulk amount but is less than one hundred times the 5272  
bulk amount and regardless of whether the offense was committed in 5273  
the vicinity of a school or in the vicinity of a juvenile, 5274  
aggravated trafficking in drugs is a felony of the first degree, 5275  
and the court shall impose as a mandatory prison term one of the 5276  
prison terms prescribed for a felony of the first degree. 5277

(f) If the amount of the drug involved equals or exceeds one 5278  
hundred times the bulk amount and regardless of whether the 5279  
offense was committed in the vicinity of a school or in the 5280  
vicinity of a juvenile, aggravated trafficking in drugs is a 5281  
felony of the first degree, the offender is a major drug offender, 5282  
and the court shall impose as a mandatory prison term the maximum 5283  
prison term prescribed for a felony of the first degree and may 5284  
impose an additional prison term prescribed for a major drug 5285  
offender under division (D)(3)(b) of section 2929.14 of the 5286  
Revised Code. 5287

(2) If the drug involved in the violation is any compound, 5288  
mixture, preparation, or substance included in schedule III, IV, 5289  
or V, whoever violates division (A) of this section is guilty of 5290  
trafficking in drugs. The penalty for the offense shall be 5291  
determined as follows: 5292

(a) Except as otherwise provided in division (C)(2)(b), (c), 5293  
(d), or (e) of this section, trafficking in drugs is a felony of 5294  
the fifth degree, and division (C) of section 2929.13 of the 5295  
Revised Code applies in determining whether to impose a prison 5296

term on the offender. 5297

(b) Except as otherwise provided in division (C)(2)(c), (d), 5298  
or (e) of this section, if the offense was committed in the 5299  
vicinity of a school or in the vicinity of a juvenile, trafficking 5300  
in drugs is a felony of the fourth degree, and division (C) of 5301  
section 2929.13 of the Revised Code applies in determining whether 5302  
to impose a prison term on the offender. 5303

(c) Except as otherwise provided in this division, if the 5304  
amount of the drug involved equals or exceeds the bulk amount but 5305  
is less than five times the bulk amount, trafficking in drugs is a 5306  
felony of the fourth degree, and there is a presumption for a 5307  
prison term for the offense. If the amount of the drug involved is 5308  
within that range and if the offense was committed in the vicinity 5309  
of a school or in the vicinity of a juvenile, trafficking in drugs 5310  
is a felony of the third degree, and there is a presumption for a 5311  
prison term for the offense. 5312

(d) Except as otherwise provided in this division, if the 5313  
amount of the drug involved equals or exceeds five times the bulk 5314  
amount but is less than fifty times the bulk amount, trafficking 5315  
in drugs is a felony of the third degree, and there is a 5316  
presumption for a prison term for the offense. If the amount of 5317  
the drug involved is within that range and if the offense was 5318  
committed in the vicinity of a school or in the vicinity of a 5319  
juvenile, trafficking in drugs is a felony of the second degree, 5320  
and there is a presumption for a prison term for the offense. 5321

(e) Except as otherwise provided in this division, if the 5322  
amount of the drug involved equals or exceeds fifty times the bulk 5323  
amount, trafficking in drugs is a felony of the second degree, and 5324  
the court shall impose as a mandatory prison term one of the 5325  
prison terms prescribed for a felony of the second degree. If the 5326  
amount of the drug involved equals or exceeds fifty times the bulk 5327  
amount and if the offense was committed in the vicinity of a 5328

school or in the vicinity of a juvenile, trafficking in drugs is a 5329  
felony of the first degree, and the court shall impose as a 5330  
mandatory prison term one of the prison terms prescribed for a 5331  
felony of the first degree. 5332

(3) If the drug involved in the violation is marihuana or a 5333  
compound, mixture, preparation, or substance containing marihuana 5334  
other than hashish, whoever violates division (A) of this section 5335  
is guilty of trafficking in marihuana. The penalty for the offense 5336  
shall be determined as follows: 5337

(a) Except as otherwise provided in division (C)(3)(b), (c), 5338  
(d), (e), (f), ~~or~~ (g), or (h) of this section, trafficking in 5339  
marihuana is a felony of the fifth degree, and division ~~(C)~~(B) of 5340  
section 2929.13 of the Revised Code applies in determining whether 5341  
to impose a prison term on the offender. 5342

(b) Except as otherwise provided in division (C)(3)(c), (d), 5343  
(e), (f), ~~or~~ (g), or (h) of this section, if the offense was 5344  
committed in the vicinity of a school or in the vicinity of a 5345  
juvenile, trafficking in marihuana is a felony of the fourth 5346  
degree, and division ~~(C)~~(B) of section 2929.13 of the Revised Code 5347  
applies in determining whether to impose a prison term on the 5348  
offender. 5349

(c) Except as otherwise provided in this division, if the 5350  
amount of the drug involved equals or exceeds two hundred grams 5351  
but is less than one thousand grams, trafficking in marihuana is a 5352  
felony of the fourth degree, and division ~~(C)~~(B) of section 5353  
2929.13 of the Revised Code applies in determining whether to 5354  
impose a prison term on the offender. If the amount of the drug 5355  
involved is within that range and if the offense was committed in 5356  
the vicinity of a school or in the vicinity of a juvenile, 5357  
trafficking in marihuana is a felony of the third degree, and 5358  
division (C) of section 2929.13 of the Revised Code applies in 5359  
determining whether to impose a prison term on the offender. 5360

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the

amount of the drug involved equals or exceeds forty thousand 5393  
grams, trafficking in marihuana is a felony of the second degree, 5394  
and the court shall impose as a mandatory prison term the maximum 5395  
prison term prescribed for a felony of the second degree. If the 5396  
amount of the drug involved equals or exceeds ~~twenty~~ forty 5397  
thousand grams and if the offense was committed in the vicinity of 5398  
a school or in the vicinity of a juvenile, trafficking in 5399  
marihuana is a felony of the first degree, and the court shall 5400  
impose as a mandatory prison term the maximum prison term 5401  
prescribed for a felony of the first degree. 5402

~~(g)~~(h) Except as otherwise provided in this division, if the 5403  
offense involves a gift of twenty grams or less of marihuana, 5404  
trafficking in marihuana is a minor misdemeanor upon a first 5405  
offense and a misdemeanor of the third degree upon a subsequent 5406  
offense. If the offense involves a gift of twenty grams or less of 5407  
marihuana and if the offense was committed in the vicinity of a 5408  
school or in the vicinity of a juvenile, trafficking in marihuana 5409  
is a misdemeanor of the third degree. 5410

(4) If the drug involved in the violation is cocaine or a 5411  
compound, mixture, preparation, or substance containing cocaine, 5412  
whoever violates division (A) of this section is guilty of 5413  
trafficking in cocaine. The penalty for the offense shall be 5414  
determined as follows: 5415

(a) Except as otherwise provided in division (C)(4)(b), (c), 5416  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 5417  
felony of the fifth degree, and division (C) of section 2929.13 of 5418  
the Revised Code applies in determining whether to impose a prison 5419  
term on the offender. 5420

(b) Except as otherwise provided in division (C)(4)(c), (d), 5421  
(e), (f), or (g) of this section, if the offense was committed in 5422  
the vicinity of a school or in the vicinity of a juvenile, 5423  
trafficking in cocaine is a felony of the fourth degree, and 5424

division (C) of section 2929.13 of the Revised Code applies in 5425  
determining whether to impose a prison term on the offender. 5426

(c) Except as otherwise provided in this division, if the 5427  
amount of the drug involved equals or exceeds five grams but is 5428  
less than ten grams of cocaine ~~that is not crack cocaine or equals~~ 5429  
~~or exceeds one gram but is less than five grams of crack cocaine,~~ 5430  
trafficking in cocaine is a felony of the fourth degree, and there 5431  
is a presumption for a prison term for the offense. If the amount 5432  
of the drug involved is within ~~one of those ranges~~ that range and 5433  
if the offense was committed in the vicinity of a school or in the 5434  
vicinity of a juvenile, trafficking in cocaine is a felony of the 5435  
third degree, and there is a presumption for a prison term for the 5436  
offense. 5437

(d) Except as otherwise provided in this division, if the 5438  
amount of the drug involved equals or exceeds ten grams but is 5439  
less than ~~one hundred~~ twenty grams of cocaine ~~that is not crack~~ 5440  
~~cocaine or equals or exceeds five grams but is less than ten grams~~ 5441  
~~of crack cocaine,~~ trafficking in cocaine is a felony of the third 5442  
degree, and the court shall impose as a mandatory prison term one 5443  
of the prison terms prescribed for a felony of the third degree. 5444  
If the amount of the drug involved is within ~~one of those ranges~~ 5445  
that range and if the offense was committed in the vicinity of a 5446  
school or in the vicinity of a juvenile, trafficking in cocaine is 5447  
a felony of the second degree, and the court shall impose as a 5448  
mandatory prison term one of the prison terms prescribed for a 5449  
felony of the second degree. 5450

(e) Except as otherwise provided in this division, if the 5451  
amount of the drug involved equals or exceeds ~~one hundred~~ twenty 5452  
grams but is less than ~~five hundred~~ twenty-seven grams of cocaine 5453  
~~that is not crack cocaine or equals or exceeds ten grams but is~~ 5454  
~~less than twenty five grams of crack cocaine,~~ trafficking in 5455  
cocaine is a felony of the second degree, and the court shall 5456

impose as a mandatory prison term one of the prison terms 5457  
prescribed for a felony of the second degree. If the amount of the 5458  
drug involved is within ~~one of those ranges~~ that range and if the 5459  
offense was committed in the vicinity of a school or in the 5460  
vicinity of a juvenile, trafficking in cocaine is a felony of the 5461  
first degree, and the court shall impose as a mandatory prison 5462  
term one of the prison terms prescribed for a felony of the first 5463  
degree. 5464

(f) If the amount of the drug involved equals or exceeds ~~five~~ 5465  
~~hundred~~ twenty-seven grams but is less than one ~~thousand~~ hundred 5466  
grams of cocaine ~~that is not crack cocaine or equals or exceeds~~ 5467  
~~twenty-five grams but is less than one hundred grams of crack~~ 5468  
~~cocaine~~ and regardless of whether the offense was committed in the 5469  
vicinity of a school or in the vicinity of a juvenile, trafficking 5470  
in cocaine is a felony of the first degree, and the court shall 5471  
impose as a mandatory prison term one of the prison terms 5472  
prescribed for a felony of the first degree. 5473

(g) If the amount of the drug involved equals or exceeds one 5474  
~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or~~ 5475  
~~equals or exceeds one hundred grams of crack cocaine~~ and 5476  
regardless of whether the offense was committed in the vicinity of 5477  
a school or in the vicinity of a juvenile, trafficking in cocaine 5478  
is a felony of the first degree, the offender is a major drug 5479  
offender, and the court shall impose as a mandatory prison term 5480  
the maximum prison term prescribed for a felony of the first 5481  
degree and may impose an additional mandatory prison term 5482  
prescribed for a major drug offender under division (D)(3)(b) of 5483  
section 2929.14 of the Revised Code. 5484

(5) If the drug involved in the violation is L.S.D. or a 5485  
compound, mixture, preparation, or substance containing L.S.D., 5486  
whoever violates division (A) of this section is guilty of 5487  
trafficking in L.S.D. The penalty for the offense shall be 5488

determined as follows: 5489

(a) Except as otherwise provided in division (C)(5)(b), (c), 5490  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 5491  
felony of the fifth degree, and division (C) of section 2929.13 of 5492  
the Revised Code applies in determining whether to impose a prison 5493  
term on the offender. 5494

(b) Except as otherwise provided in division (C)(5)(c), (d), 5495  
(e), (f), or (g) of this section, if the offense was committed in 5496  
the vicinity of a school or in the vicinity of a juvenile, 5497  
trafficking in L.S.D. is a felony of the fourth degree, and 5498  
division (C) of section 2929.13 of the Revised Code applies in 5499  
determining whether to impose a prison term on the offender. 5500

(c) Except as otherwise provided in this division, if the 5501  
amount of the drug involved equals or exceeds ten unit doses but 5502  
is less than fifty unit doses of L.S.D. in a solid form or equals 5503  
or exceeds one gram but is less than five grams of L.S.D. in a 5504  
liquid concentrate, liquid extract, or liquid distillate form, 5505  
trafficking in L.S.D. is a felony of the fourth degree, and there 5506  
is a presumption for a prison term for the offense. If the amount 5507  
of the drug involved is within that range and if the offense was 5508  
committed in the vicinity of a school or in the vicinity of a 5509  
juvenile, trafficking in L.S.D. is a felony of the third degree, 5510  
and there is a presumption for a prison term for the offense. 5511

(d) Except as otherwise provided in this division, if the 5512  
amount of the drug involved equals or exceeds fifty unit doses but 5513  
is less than two hundred fifty unit doses of L.S.D. in a solid 5514  
form or equals or exceeds five grams but is less than twenty-five 5515  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 5516  
distillate form, trafficking in L.S.D. is a felony of the third 5517  
degree, and the court shall impose as a mandatory prison term one 5518  
of the prison terms prescribed for a felony of the third degree. 5519  
If the amount of the drug involved is within that range and if the 5520

offense was committed in the vicinity of a school or in the 5521  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 5522  
second degree, and the court shall impose as a mandatory prison 5523  
term one of the prison terms prescribed for a felony of the second 5524  
degree. 5525

(e) Except as otherwise provided in this division, if the 5526  
amount of the drug involved equals or exceeds two hundred fifty 5527  
unit doses but is less than one thousand unit doses of L.S.D. in a 5528  
solid form or equals or exceeds twenty-five grams but is less than 5529  
one hundred grams of L.S.D. in a liquid concentrate, liquid 5530  
extract, or liquid distillate form, trafficking in L.S.D. is a 5531  
felony of the second degree, and the court shall impose as a 5532  
mandatory prison term one of the prison terms prescribed for a 5533  
felony of the second degree. If the amount of the drug involved is 5534  
within that range and if the offense was committed in the vicinity 5535  
of a school or in the vicinity of a juvenile, trafficking in 5536  
L.S.D. is a felony of the first degree, and the court shall impose 5537  
as a mandatory prison term one of the prison terms prescribed for 5538  
a felony of the first degree. 5539

(f) If the amount of the drug involved equals or exceeds one 5540  
thousand unit doses but is less than five thousand unit doses of 5541  
L.S.D. in a solid form or equals or exceeds one hundred grams but 5542  
is less than five hundred grams of L.S.D. in a liquid concentrate, 5543  
liquid extract, or liquid distillate form and regardless of 5544  
whether the offense was committed in the vicinity of a school or 5545  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 5546  
of the first degree, and the court shall impose as a mandatory 5547  
prison term one of the prison terms prescribed for a felony of the 5548  
first degree. 5549

(g) If the amount of the drug involved equals or exceeds five 5550  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 5551  
five hundred grams of L.S.D. in a liquid concentrate, liquid 5552

extract, or liquid distillate form and regardless of whether the 5553  
offense was committed in the vicinity of a school or in the 5554  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 5555  
first degree, the offender is a major drug offender, and the court 5556  
shall impose as a mandatory prison term the maximum prison term 5557  
prescribed for a felony of the first degree and may impose an 5558  
additional mandatory prison term prescribed for a major drug 5559  
offender under division (D)(3)(b) of section 2929.14 of the 5560  
Revised Code. 5561

(6) If the drug involved in the violation is heroin or a 5562  
compound, mixture, preparation, or substance containing heroin, 5563  
whoever violates division (A) of this section is guilty of 5564  
trafficking in heroin. The penalty for the offense shall be 5565  
determined as follows: 5566

(a) Except as otherwise provided in division (C)(6)(b), (c), 5567  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 5568  
felony of the fifth degree, and division (C) of section 2929.13 of 5569  
the Revised Code applies in determining whether to impose a prison 5570  
term on the offender. 5571

(b) Except as otherwise provided in division (C)(6)(c), (d), 5572  
(e), (f), or (g) of this section, if the offense was committed in 5573  
the vicinity of a school or in the vicinity of a juvenile, 5574  
trafficking in heroin is a felony of the fourth degree, and 5575  
division (C) of section 2929.13 of the Revised Code applies in 5576  
determining whether to impose a prison term on the offender. 5577

(c) Except as otherwise provided in this division, if the 5578  
amount of the drug involved equals or exceeds ten unit doses but 5579  
is less than fifty unit doses or equals or exceeds one gram but is 5580  
less than five grams, trafficking in heroin is a felony of the 5581  
fourth degree, and there is a presumption for a prison term for 5582  
the offense. If the amount of the drug involved is within that 5583  
range and if the offense was committed in the vicinity of a school 5584

or in the vicinity of a juvenile, trafficking in heroin is a 5585  
felony of the third degree, and there is a presumption for a 5586  
prison term for the offense. 5587

(d) Except as otherwise provided in this division, if the 5588  
amount of the drug involved equals or exceeds fifty unit doses but 5589  
is less than one hundred unit doses or equals or exceeds five 5590  
grams but is less than ten grams, trafficking in heroin is a 5591  
felony of the third degree, and there is a presumption for a 5592  
prison term for the offense. If the amount of the drug involved is 5593  
within that range and if the offense was committed in the vicinity 5594  
of a school or in the vicinity of a juvenile, trafficking in 5595  
heroin is a felony of the second degree, and there is a 5596  
presumption for a prison term for the offense. 5597

(e) Except as otherwise provided in this division, if the 5598  
amount of the drug involved equals or exceeds one hundred unit 5599  
doses but is less than five hundred unit doses or equals or 5600  
exceeds ten grams but is less than fifty grams, trafficking in 5601  
heroin is a felony of the second degree, and the court shall 5602  
impose as a mandatory prison term one of the prison terms 5603  
prescribed for a felony of the second degree. If the amount of the 5604  
drug involved is within that range and if the offense was 5605  
committed in the vicinity of a school or in the vicinity of a 5606  
juvenile, trafficking in heroin is a felony of the first degree, 5607  
and the court shall impose as a mandatory prison term one of the 5608  
prison terms prescribed for a felony of the first degree. 5609

(f) If the amount of the drug involved equals or exceeds five 5610  
hundred unit doses but is less than two thousand five hundred unit 5611  
doses or equals or exceeds fifty grams but is less than two 5612  
hundred fifty grams and regardless of whether the offense was 5613  
committed in the vicinity of a school or in the vicinity of a 5614  
juvenile, trafficking in heroin is a felony of the first degree, 5615  
and the court shall impose as a mandatory prison term one of the 5616

prison terms prescribed for a felony of the first degree. 5617

(g) If the amount of the drug involved equals or exceeds two 5618  
thousand five hundred unit doses or equals or exceeds two hundred 5619  
fifty grams and regardless of whether the offense was committed in 5620  
the vicinity of a school or in the vicinity of a juvenile, 5621  
trafficking in heroin is a felony of the first degree, the 5622  
offender is a major drug offender, and the court shall impose as a 5623  
mandatory prison term the maximum prison term prescribed for a 5624  
felony of the first degree and may impose an additional mandatory 5625  
prison term prescribed for a major drug offender under division 5626  
(D)(3)(b) of section 2929.14 of the Revised Code. 5627

(7) If the drug involved in the violation is hashish or a 5628  
compound, mixture, preparation, or substance containing hashish, 5629  
whoever violates division (A) of this section is guilty of 5630  
trafficking in hashish. The penalty for the offense shall be 5631  
determined as follows: 5632

(a) Except as otherwise provided in division (C)(7)(b), (c), 5633  
(d), (e), ~~or (f)~~, or (g) of this section, trafficking in hashish 5634  
is a felony of the fifth degree, and division ~~(C)(B)~~ of section 5635  
2929.13 of the Revised Code applies in determining whether to 5636  
impose a prison term on the offender. 5637

(b) Except as otherwise provided in division (C)(7)(c), (d), 5638  
(e), ~~or (f)~~, or (g) of this section, if the offense was committed 5639  
in the vicinity of a school or in the vicinity of a juvenile, 5640  
trafficking in hashish is a felony of the fourth degree, and 5641  
division ~~(C)(B)~~ of section 2929.13 of the Revised Code applies in 5642  
determining whether to impose a prison term on the offender. 5643

(c) Except as otherwise provided in this division, if the 5644  
amount of the drug involved equals or exceeds ten grams but is 5645  
less than fifty grams of hashish in a solid form or equals or 5646  
exceeds two grams but is less than ten grams of hashish in a 5647

liquid concentrate, liquid extract, or liquid distillate form, 5648  
trafficking in hashish is a felony of the fourth degree, and 5649  
division ~~(C)~~(B) of section 2929.13 of the Revised Code applies in 5650  
determining whether to impose a prison term on the offender. If 5651  
the amount of the drug involved is within that range and if the 5652  
offense was committed in the vicinity of a school or in the 5653  
vicinity of a juvenile, trafficking in hashish is a felony of the 5654  
third degree, and division (C) of section 2929.13 of the Revised 5655  
Code applies in determining whether to impose a prison term on the 5656  
offender. 5657

(d) Except as otherwise provided in this division, if the 5658  
amount of the drug involved equals or exceeds fifty grams but is 5659  
less than two hundred fifty grams of hashish in a solid form or 5660  
equals or exceeds ten grams but is less than fifty grams of 5661  
hashish in a liquid concentrate, liquid extract, or liquid 5662  
distillate form, trafficking in hashish is a felony of the third 5663  
degree, and division (C) of section 2929.13 of the Revised Code 5664  
applies in determining whether to impose a prison term on the 5665  
offender. If the amount of the drug involved is within that range 5666  
and if the offense was committed in the vicinity of a school or in 5667  
the vicinity of a juvenile, trafficking in hashish is a felony of 5668  
the second degree, and there is a presumption that a prison term 5669  
shall be imposed for the offense. 5670

(e) Except as otherwise provided in this division, if the 5671  
amount of the drug involved equals or exceeds two hundred fifty 5672  
grams but is less than one thousand grams of hashish in a solid 5673  
form or equals or exceeds fifty grams but is less than two hundred 5674  
grams of hashish in a liquid concentrate, liquid extract, or 5675  
liquid distillate form, trafficking in hashish is a felony of the 5676  
third degree, and there is a presumption that a prison term shall 5677  
be imposed for the offense. If the amount of the drug involved is 5678  
within that range and if the offense was committed in the vicinity 5679

of a school or in the vicinity of a juvenile, trafficking in 5680  
hashish is a felony of the second degree, and there is a 5681  
presumption that a prison term shall be imposed for the offense. 5682

(f) Except as otherwise provided in this division, if the 5683  
amount of the drug involved equals or exceeds one thousand grams 5684  
but is less than two thousand grams of hashish in a solid form or 5685  
equals or exceeds two hundred grams but is less than four hundred 5686  
grams of hashish in a liquid concentrate, liquid extract, or 5687  
liquid distillate form trafficking in hashish is a felony of the 5688  
second degree, and the court shall impose a mandatory prison term 5689  
of five, six, seven, or eight years. If the amount of the drug 5690  
involved is within that range and if the offense was committed in 5691  
the vicinity of a school or in the vicinity of a juvenile, 5692  
trafficking in hashish is a felony of the first degree, and the 5693  
court shall impose as a mandatory prison term the maximum prison 5694  
term prescribed for a felony of the first degree. 5695

(g) Except as otherwise provided in this division, if the 5696  
amount of the drug involved equals or exceeds two thousand grams 5697  
of hashish in a solid form or equals or exceeds four hundred grams 5698  
of hashish in a liquid concentrate, liquid extract, or liquid 5699  
distillate form, trafficking in hashish is a felony of the second 5700  
degree, and the court shall impose as a mandatory prison term the 5701  
maximum prison term prescribed for a felony of the second degree. 5702  
If the amount of the drug involved ~~is within that range~~ equals or 5703  
exceeds two thousand grams of hashish in a solid form or equals or 5704  
exceeds four hundred grams of hashish in a liquid concentrate, 5705  
liquid extract, or liquid distillate form and if the offense was 5706  
committed in the vicinity of a school or in the vicinity of a 5707  
juvenile, trafficking in hashish is a felony of the first degree, 5708  
and the court shall impose as a mandatory prison term the maximum 5709  
prison term prescribed for a felony of the first degree. 5710

(D) In addition to any prison term authorized or required by 5711

division (C) of this section and sections 2929.13 and 2929.14 of 5712  
the Revised Code, and in addition to any other sanction imposed 5713  
for the offense under this section or sections 2929.11 to 2929.18 5714  
of the Revised Code, the court that sentences an offender who is 5715  
convicted of or pleads guilty to a violation of division (A) of 5716  
this section shall do all of the following that are applicable 5717  
regarding the offender: 5718

(1) If the violation of division (A) of this section is a 5719  
felony of the first, second, or third degree, the court shall 5720  
impose upon the offender the mandatory fine specified for the 5721  
offense under division (B)(1) of section 2929.18 of the Revised 5722  
Code unless, as specified in that division, the court determines 5723  
that the offender is indigent. Except as otherwise provided in 5724  
division (H)(1) of this section, a mandatory fine or any other 5725  
fine imposed for a violation of this section is subject to 5726  
division (F) of this section. If a person is charged with a 5727  
violation of this section that is a felony of the first, second, 5728  
or third degree, posts bail, and forfeits the bail, the clerk of 5729  
the court shall pay the forfeited bail pursuant to divisions 5730  
(D)(1) and (F) of this section, as if the forfeited bail was a 5731  
fine imposed for a violation of this section. If any amount of the 5732  
forfeited bail remains after that payment and if a fine is imposed 5733  
under division (H)(1) of this section, the clerk of the court 5734  
shall pay the remaining amount of the forfeited bail pursuant to 5735  
divisions (H)(2) and (3) of this section, as if that remaining 5736  
amount was a fine imposed under division (H)(1) of this section. 5737

(2) The court shall suspend the driver's or commercial 5738  
driver's license or permit of the offender in accordance with 5739  
division (G) of this section. 5740

(3) If the offender is a professionally licensed person, the 5741  
court immediately shall comply with section 2925.38 of the Revised 5742  
Code. 5743

(E) When a person is charged with the sale of or offer to 5744  
sell a bulk amount or a multiple of a bulk amount of a controlled 5745  
substance, the jury, or the court trying the accused, shall 5746  
determine the amount of the controlled substance involved at the 5747  
time of the offense and, if a guilty verdict is returned, shall 5748  
return the findings as part of the verdict. In any such case, it 5749  
is unnecessary to find and return the exact amount of the 5750  
controlled substance involved, and it is sufficient if the finding 5751  
and return is to the effect that the amount of the controlled 5752  
substance involved is the requisite amount, or that the amount of 5753  
the controlled substance involved is less than the requisite 5754  
amount. 5755

(F)(1) Notwithstanding any contrary provision of section 5756  
3719.21 of the Revised Code and except as provided in division (H) 5757  
of this section, the clerk of the court shall pay any mandatory 5758  
fine imposed pursuant to division (D)(1) of this section and any 5759  
fine other than a mandatory fine that is imposed for a violation 5760  
of this section pursuant to division (A) or (B)(5) of section 5761  
2929.18 of the Revised Code to the county, township, municipal 5762  
corporation, park district, as created pursuant to section 511.18 5763  
or 1545.04 of the Revised Code, or state law enforcement agencies 5764  
in this state that primarily were responsible for or involved in 5765  
making the arrest of, and in prosecuting, the offender. However, 5766  
the clerk shall not pay a mandatory fine so imposed to a law 5767  
enforcement agency unless the agency has adopted a written 5768  
internal control policy under division (F)(2) of this section that 5769  
addresses the use of the fine moneys that it receives. Each agency 5770  
shall use the mandatory fines so paid to subsidize the agency's 5771  
law enforcement efforts that pertain to drug offenses, in 5772  
accordance with the written internal control policy adopted by the 5773  
recipient agency under division (F)(2) of this section. 5774

(2)(a) Prior to receiving any fine moneys under division 5775

(F)(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

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

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

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

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

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

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

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

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

(H)(1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14

of the Revised Code, in addition to any other penalty or sanction 5840  
imposed for the offense under this section or sections 2929.11 to 5841  
2929.18 of the Revised Code, and in addition to the forfeiture of 5842  
property in connection with the offense as prescribed in Chapter 5843  
2981. of the Revised Code, the court that sentences an offender 5844  
who is convicted of or pleads guilty to a violation of division 5845  
(A) of this section may impose upon the offender an additional 5846  
fine specified for the offense in division (B)(4) of section 5847  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 5848  
of this section is not subject to division (F) of this section and 5849  
shall be used solely for the support of one or more eligible 5850  
alcohol and drug addiction programs in accordance with divisions 5851  
(H)(2) and (3) of this section. 5852

(2) The court that imposes a fine under division (H)(1) of 5853  
this section shall specify in the judgment that imposes the fine 5854  
one or more eligible alcohol and drug addiction programs for the 5855  
support of which the fine money is to be used. No alcohol and drug 5856  
addiction program shall receive or use money paid or collected in 5857  
satisfaction of a fine imposed under division (H)(1) of this 5858  
section unless the program is specified in the judgment that 5859  
imposes the fine. No alcohol and drug addiction program shall be 5860  
specified in the judgment unless the program is an eligible 5861  
alcohol and drug addiction program and, except as otherwise 5862  
provided in division (H)(2) of this section, unless the program is 5863  
located in the county in which the court that imposes the fine is 5864  
located or in a county that is immediately contiguous to the 5865  
county in which that court is located. If no eligible alcohol and 5866  
drug addiction program is located in any of those counties, the 5867  
judgment may specify an eligible alcohol and drug addiction 5868  
program that is located anywhere within this state. 5869

(3) Notwithstanding any contrary provision of section 3719.21 5870  
of the Revised Code, the clerk of the court shall pay any fine 5871

imposed under division (H)(1) of this section to the eligible 5872  
alcohol and drug addiction program specified pursuant to division 5873  
(H)(2) of this section in the judgment. The eligible alcohol and 5874  
drug addiction program that receives the fine moneys shall use the 5875  
moneys only for the alcohol and drug addiction services identified 5876  
in the application for certification under section 3793.06 of the 5877  
Revised Code or in the application for a license under section 5878  
3793.11 of the Revised Code filed with the department of alcohol 5879  
and drug addiction services by the alcohol and drug addiction 5880  
program specified in the judgment. 5881

(4) Each alcohol and drug addiction program that receives in 5882  
a calendar year any fine moneys under division (H)(3) of this 5883  
section shall file an annual report covering that calendar year 5884  
with the court of common pleas and the board of county 5885  
commissioners of the county in which the program is located, with 5886  
the court of common pleas and the board of county commissioners of 5887  
each county from which the program received the moneys if that 5888  
county is different from the county in which the program is 5889  
located, and with the attorney general. The alcohol and drug 5890  
addiction program shall file the report no later than the first 5891  
day of March in the calendar year following the calendar year in 5892  
which the program received the fine moneys. The report shall 5893  
include statistics on the number of persons served by the alcohol 5894  
and drug addiction program, identify the types of alcohol and drug 5895  
addiction services provided to those persons, and include a 5896  
specific accounting of the purposes for which the fine moneys 5897  
received were used. No information contained in the report shall 5898  
identify, or enable a person to determine the identity of, any 5899  
person served by the alcohol and drug addiction program. Each 5900  
report received by a court of common pleas, a board of county 5901  
commissioners, or the attorney general is a public record open for 5902  
inspection under section 149.43 of the Revised Code. 5903

(5) As used in divisions (H)(1) to (5) of this section: 5904

(a) "Alcohol and drug addiction program" and "alcohol and 5905  
drug addiction services" have the same meanings as in section 5906  
3793.01 of the Revised Code. 5907

(b) "Eligible alcohol and drug addiction program" means an 5908  
alcohol and drug addiction program that is certified under section 5909  
3793.06 of the Revised Code or licensed under section 3793.11 of 5910  
the Revised Code by the department of alcohol and drug addiction 5911  
services. 5912

(I) As used in this section, "drug" includes any substance 5913  
that is represented to be a drug. 5914

**Sec. 2925.05.** (A) No person shall knowingly provide money or 5915  
other items of value to another person with the purpose that the 5916  
recipient of the money or items of value use them to obtain any 5917  
controlled substance for the purpose of violating section 2925.04 5918  
of the Revised Code or for the purpose of selling or offering to 5919  
sell the controlled substance in the following amount: 5920

(1) If the drug to be sold or offered for sale is any 5921  
compound, mixture, preparation, or substance included in schedule 5922  
I or II, with the exception of marihuana, cocaine, L.S.D., heroin, 5923  
and hashish, or schedule III, IV, or V, an amount of the drug that 5924  
equals or exceeds the bulk amount of the drug; 5925

(2) If the drug to be sold or offered for sale is marihuana 5926  
or a compound, mixture, preparation, or substance other than 5927  
hashish containing marihuana, an amount of the marihuana that 5928  
equals or exceeds two hundred grams; 5929

(3) If the drug to be sold or offered for sale is cocaine or 5930  
a compound, mixture, preparation, or substance containing cocaine, 5931  
an amount of the cocaine that equals or exceeds five grams ~~if the~~ 5932  
~~cocaine is not crack cocaine or equals or exceeds one gram if the~~ 5933

~~cocaine is crack cocaine;~~ 5934

(4) If the drug to be sold or offered for sale is L.S.D. or a 5935  
compound, mixture, preparation, or substance containing L.S.D., an 5936  
amount of the L.S.D. that equals or exceeds ten unit doses if the 5937  
L.S.D. is in a solid form or equals or exceeds one gram if the 5938  
L.S.D. is in a liquid concentrate, liquid extract, or liquid 5939  
distillate form; 5940

(5) If the drug to be sold or offered for sale is heroin or a 5941  
compound, mixture, preparation, or substance containing heroin, an 5942  
amount of the heroin that equals or exceeds ten unit doses or 5943  
equals or exceeds one gram; 5944

(6) If the drug to be sold or offered for sale is hashish or 5945  
a compound, mixture, preparation, or substance containing hashish, 5946  
an amount of the hashish that equals or exceeds ten grams if the 5947  
hashish is in a solid form or equals or exceeds two grams if the 5948  
hashish is in a liquid concentrate, liquid extract, or liquid 5949  
distillate form. 5950

(B) This section does not apply to any person listed in 5951  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 5952  
Code to the extent and under the circumstances described in those 5953  
divisions. 5954

(C)(1) If the drug involved in the violation is any compound, 5955  
mixture, preparation, or substance included in schedule I or II, 5956  
with the exception of marihuana, whoever violates division (A) of 5957  
this section is guilty of aggravated funding of drug trafficking, 5958  
a felony of the first degree, and, subject to division (E) of this 5959  
section, the court shall impose as a mandatory prison term one of 5960  
the prison terms prescribed for a felony of the first degree. 5961

(2) If the drug involved in the violation is any compound, 5962  
mixture, preparation, or substance included in schedule III, IV, 5963  
or V, whoever violates division (A) of this section is guilty of 5964

funding of drug trafficking, a felony of the second degree, and 5965  
the court shall impose as a mandatory prison term one of the 5966  
prison terms prescribed for a felony of the second degree. 5967

(3) If the drug involved in the violation is marihuana, 5968  
whoever violates division (A) of this section is guilty of funding 5969  
of marihuana trafficking, a felony of the third degree, and the 5970  
court shall impose as a mandatory prison term one of the prison 5971  
terms prescribed for a felony of the third degree. 5972

(D) In addition to any prison term authorized or required by 5973  
division (C) or (E) of this section and sections 2929.13 and 5974  
2929.14 of the Revised Code and in addition to any other sanction 5975  
imposed for the offense under this section or sections 2929.11 to 5976  
2929.18 of the Revised Code, the court that sentences an offender 5977  
who is convicted of or pleads guilty to a violation of division 5978  
(A) of this section shall do all of the following that are 5979  
applicable regarding the offender: 5980

(1) The court shall impose the mandatory fine specified for 5981  
the offense under division (B)(1) of section 2929.18 of the 5982  
Revised Code unless, as specified in that division, the court 5983  
determines that the offender is indigent. The clerk of the court 5984  
shall pay a mandatory fine or other fine imposed for a violation 5985  
of this section pursuant to division (A) of section 2929.18 of the 5986  
Revised Code in accordance with and subject to the requirements of 5987  
division (F) of section 2925.03 of the Revised Code. The agency 5988  
that receives the fine shall use the fine in accordance with 5989  
division (F) of section 2925.03 of the Revised Code. If a person 5990  
is charged with a violation of this section, posts bail, and 5991  
forfeits the bail, the forfeited bail shall be paid as if the 5992  
forfeited bail were a fine imposed for a violation of this 5993  
section. 5994

(2) The court shall suspend the offender's driver's or 5995  
commercial driver's license or permit in accordance with division 5996

(G) of section 2925.03 of the Revised Code. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.

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

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

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

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

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

(2) If the offense involves an anabolic steroid, any person

who is conducting or participating in a research project involving 6027  
the use of an anabolic steroid if the project has been approved by 6028  
the United States food and drug administration; 6029

(3) Any person who sells, offers for sale, prescribes, 6030  
dispenses, or administers for livestock or other nonhuman species 6031  
an anabolic steroid that is expressly intended for administration 6032  
through implants to livestock or other nonhuman species and 6033  
approved for that purpose under the "Federal Food, Drug, and 6034  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 6035  
and is sold, offered for sale, prescribed, dispensed, or 6036  
administered for that purpose in accordance with that act; 6037

(4) Any person who obtained the controlled substance pursuant 6038  
to a lawful prescription issued by a licensed health professional 6039  
authorized to prescribe drugs. 6040

(C) Whoever violates division (A) of this section is guilty 6041  
of one of the following: 6042

(1) If the drug involved in the violation is a compound, 6043  
mixture, preparation, or substance included in schedule I or II, 6044  
with the exception of marihuana, cocaine, L.S.D., heroin, and 6045  
hashish, whoever violates division (A) of this section is guilty 6046  
of aggravated possession of drugs. The penalty for the offense 6047  
shall be determined as follows: 6048

(a) Except as otherwise provided in division (C)(1)(b), (c), 6049  
(d), or (e) of this section, aggravated possession of drugs is a 6050  
felony of the fifth degree, and division (B) of section 2929.13 of 6051  
the Revised Code applies in determining whether to impose a prison 6052  
term on the offender. 6053

(b) If the amount of the drug involved equals or exceeds the 6054  
bulk amount but is less than five times the bulk amount, 6055  
aggravated possession of drugs is a felony of the third degree, 6056  
and there is a presumption for a prison term for the offense. 6057

(c) If the amount of the drug involved equals or exceeds five 6058  
times the bulk amount but is less than fifty times the bulk 6059  
amount, aggravated possession of drugs is a felony of the second 6060  
degree, and the court shall impose as a mandatory prison term one 6061  
of the prison terms prescribed for a felony of the second degree. 6062

(d) If the amount of the drug involved equals or exceeds 6063  
fifty times the bulk amount but is less than one hundred times the 6064  
bulk amount, aggravated possession of drugs is a felony of the 6065  
first degree, and the court shall impose as a mandatory prison 6066  
term one of the prison terms prescribed for a felony of the first 6067  
degree. 6068

(e) If the amount of the drug involved equals or exceeds one 6069  
hundred times the bulk amount, aggravated possession of drugs is a 6070  
felony of the first degree, the offender is a major drug offender, 6071  
and the court shall impose as a mandatory prison term the maximum 6072  
prison term prescribed for a felony of the first degree and may 6073  
impose an additional mandatory prison term prescribed for a major 6074  
drug offender under division (D)(3)(b) of section 2929.14 of the 6075  
Revised Code. 6076

(2) If the drug involved in the violation is a compound, 6077  
mixture, preparation, or substance included in schedule III, IV, 6078  
or V, whoever violates division (A) of this section is guilty of 6079  
possession of drugs. The penalty for the offense shall be 6080  
determined as follows: 6081

(a) Except as otherwise provided in division (C)(2)(b), (c), 6082  
or (d) of this section, possession of drugs is a misdemeanor of 6083  
the first degree or, if the offender previously has been convicted 6084  
of a drug abuse offense, a felony of the fifth degree. 6085

(b) If the amount of the drug involved equals or exceeds the 6086  
bulk amount but is less than five times the bulk amount, 6087  
possession of drugs is a felony of the fourth degree, and division 6088

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

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed for a felony of the second 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 possession of marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), ~~or (f)~~, or (g) of this section, possession of marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether

to impose a prison term on the offender. 6120

(e) If the amount of the drug involved equals or exceeds five 6121  
thousand grams but is less than twenty thousand grams, possession 6122  
of marihuana is a felony of the third degree, and there is a 6123  
presumption that a prison term shall be imposed for the offense. 6124

(f) If the amount of the drug involved equals or exceeds 6125  
twenty thousand grams but is less than forty thousand grams, 6126  
possession of marihuana is a felony of the second degree, and the 6127  
court shall impose a mandatory prison term of five, six, seven, or 6128  
eight years. 6129

(g) If the amount of the drug involved equals or exceeds 6130  
forty thousand grams, possession of marihuana is a felony of the 6131  
second degree, and the court shall impose as a mandatory prison 6132  
term the maximum prison term prescribed for a felony of the second 6133  
degree. 6134

(4) If the drug involved in the violation is cocaine or a 6135  
compound, mixture, preparation, or substance containing cocaine, 6136  
whoever violates division (A) of this section is guilty of 6137  
possession of cocaine. The penalty for the offense shall be 6138  
determined as follows: 6139

(a) Except as otherwise provided in division (C)(4)(b), (c), 6140  
(d), (e), or (f) of this section, possession of cocaine is a 6141  
felony of the fifth degree, and division (B) of section 2929.13 of 6142  
the Revised Code applies in determining whether to impose a prison 6143  
term on the offender. 6144

(b) If the amount of the drug involved equals or exceeds five 6145  
grams but is less than ~~twenty five~~ ten grams of cocaine ~~that is~~ 6146  
~~not crack cocaine or equals or exceeds one gram but is less than~~ 6147  
~~five grams of crack cocaine,~~ possession of cocaine is a felony of 6148  
the fourth degree, and ~~there is a presumption for a prison term~~ 6149  
~~for the offense~~ division (B) of section 2929.13 of the Revised 6150

Code applies in determining whether to impose a prison term on the offender. 6151  
6152

(c) If the amount of the drug involved equals or exceeds ~~twenty-five~~ ten grams but is less than ~~one hundred~~ twenty grams of cocaine ~~that is not crack cocaine or equals or exceeds five grams but is less than ten grams of crack cocaine,~~ possession of cocaine is a felony of the third degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 6153  
6154  
6155  
6156  
6157  
6158  
6159

(d) If the amount of the drug involved equals or exceeds ~~one hundred~~ twenty grams but is less than ~~five hundred~~ twenty-seven grams of cocaine ~~that is not crack cocaine or equals or exceeds ten grams but is less than twenty five grams of crack cocaine,~~ possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 6160  
6161  
6162  
6163  
6164  
6165  
6166

(e) If the amount of the drug involved equals or exceeds ~~five hundred~~ twenty-seven grams but is less than one ~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or equals or exceeds twenty five grams but is less than one hundred grams of crack cocaine,~~ possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 6167  
6168  
6169  
6170  
6171  
6172  
6173

(f) If the amount of the drug involved equals or exceeds one ~~thousand~~ hundred grams of cocaine ~~that is not crack cocaine or equals or exceeds one hundred grams of crack cocaine,~~ possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code. 6174  
6175  
6176  
6177  
6178  
6179  
6180  
6181  
6182

(5) If the drug involved in the violation is L.S.D., whoever  
violates division (A) of this section is guilty of possession of  
L.S.D. The penalty for the offense shall be determined as follows:

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

(b) If the amount of L.S.D. involved equals or exceeds ten  
unit doses but is less than fifty unit doses of L.S.D. in a solid  
form or equals or exceeds one gram but is less than five grams of  
L.S.D. in a liquid concentrate, liquid extract, or liquid  
distillate form, possession of L.S.D. is a felony of the fourth  
degree, and division (C) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty  
unit doses, but is less than two hundred fifty unit doses of  
L.S.D. in a solid form or equals or exceeds five grams but is less  
than twenty-five grams of L.S.D. in a liquid concentrate, liquid  
extract, or liquid distillate form, possession of L.S.D. is a  
felony of the third degree, and there is a presumption for a  
prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two  
hundred fifty unit doses but is less than one thousand unit doses  
of L.S.D. in a solid form or equals or exceeds twenty-five grams  
but is less than one hundred grams of L.S.D. in a liquid  
concentrate, liquid extract, or liquid distillate form, possession  
of L.S.D. is a felony of the second degree, and the court shall  
impose as a mandatory prison term one of the prison terms  
prescribed for a felony of the second degree.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

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

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

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13

of the Revised Code applies in determining whether to impose a 6246  
prison term on the offender. 6247

(c) If the amount of the drug involved equals or exceeds 6248  
fifty unit doses but is less than one hundred unit doses or equals 6249  
or exceeds five grams but is less than ten grams, possession of 6250  
heroin is a felony of the third degree, and there is a presumption 6251  
for a prison term for the offense. 6252

(d) If the amount of the drug involved equals or exceeds one 6253  
hundred unit doses but is less than five hundred unit doses or 6254  
equals or exceeds ten grams but is less than fifty grams, 6255  
possession of heroin is a felony of the second degree, and the 6256  
court shall impose as a mandatory prison term one of the prison 6257  
terms prescribed for a felony of the second degree. 6258

(e) If the amount of the drug involved equals or exceeds five 6259  
hundred unit doses but is less than two thousand five hundred unit 6260  
doses or equals or exceeds fifty grams but is less than two 6261  
hundred fifty grams, possession of heroin is a felony of the first 6262  
degree, and the court shall impose as a mandatory prison term one 6263  
of the prison terms prescribed for a felony of the first degree. 6264

(f) If the amount of the drug involved equals or exceeds two 6265  
thousand five hundred unit doses or equals or exceeds two hundred 6266  
fifty grams, possession of heroin is a felony of the first degree, 6267  
the offender is a major drug offender, and the court shall impose 6268  
as a mandatory prison term the maximum prison term prescribed for 6269  
a felony of the first degree and may impose an additional 6270  
mandatory prison term prescribed for a major drug offender under 6271  
division (D)(3)(b) of section 2929.14 of the Revised Code. 6272

(7) If the drug involved in the violation is hashish or a 6273  
compound, mixture, preparation, or substance containing hashish, 6274  
whoever violates division (A) of this section is guilty of 6275  
possession of hashish. The penalty for the offense shall be 6276

determined as follows: 6277

(a) Except as otherwise provided in division (C)(7)(b), (c), 6278  
(d), (e), ~~or (f)~~, or (g) of this section, possession of hashish is 6279  
a minor misdemeanor. 6280

(b) If the amount of the drug involved equals or exceeds five 6281  
grams but is less than ten grams of hashish in a solid form or 6282  
equals or exceeds one gram but is less than two grams of hashish 6283  
in a liquid concentrate, liquid extract, or liquid distillate 6284  
form, possession of hashish is a misdemeanor of the fourth degree. 6285

(c) If the amount of the drug involved equals or exceeds ten 6286  
grams but is less than fifty grams of hashish in a solid form or 6287  
equals or exceeds two grams but is less than ten grams of hashish 6288  
in a liquid concentrate, liquid extract, or liquid distillate 6289  
form, possession of hashish is a felony of the fifth degree, and 6290  
division (B) of section 2929.13 of the Revised Code applies in 6291  
determining whether to impose a prison term on the offender. 6292

(d) If the amount of the drug involved equals or exceeds 6293  
fifty grams but is less than two hundred fifty grams of hashish in 6294  
a solid form or equals or exceeds ten grams but is less than fifty 6295  
grams of hashish in a liquid concentrate, liquid extract, or 6296  
liquid distillate form, possession of hashish is a felony of the 6297  
third degree, and division (C) of section 2929.13 of the Revised 6298  
Code applies in determining whether to impose a prison term on the 6299  
offender. 6300

(e) If the amount of the drug involved equals or exceeds two 6301  
hundred fifty grams but is less than one thousand grams of hashish 6302  
in a solid form or equals or exceeds fifty grams but is less than 6303  
two hundred grams of hashish in a liquid concentrate, liquid 6304  
extract, or liquid distillate form, possession of hashish is a 6305  
felony of the third degree, and there is a presumption that a 6306  
prison term shall be imposed for the offense. 6307

(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

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

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the

mandatory fine specified for the offense under division (B)(1) of 6340  
section 2929.18 of the Revised Code unless, as specified in that 6341  
division, the court determines that the offender is indigent. 6342

(b) Notwithstanding any contrary provision of section 3719.21 6343  
of the Revised Code, the clerk of the court shall pay a mandatory 6344  
fine or other fine imposed for a violation of this section 6345  
pursuant to division (A) of section 2929.18 of the Revised Code in 6346  
accordance with and subject to the requirements of division (F) of 6347  
section 2925.03 of the Revised Code. The agency that receives the 6348  
fine shall use the fine as specified in division (F) of section 6349  
2925.03 of the Revised Code. 6350

(c) If a person is charged with a violation of this section 6351  
that is a felony of the first, second, or third degree, posts 6352  
bail, and forfeits the bail, the clerk shall pay the forfeited 6353  
bail pursuant to division (E)(1)(b) of this section as if it were 6354  
a mandatory fine imposed under division (E)(1)(a) of this section. 6355

(2) The court shall suspend for not less than six months or 6356  
more than five years the offender's driver's or commercial 6357  
driver's license or permit. 6358

(3) If the offender is a professionally licensed person, in 6359  
addition to any other sanction imposed for a violation of this 6360  
section, the court immediately shall comply with section 2925.38 6361  
of the Revised Code. 6362

(F) It is an affirmative defense, as provided in section 6363  
2901.05 of the Revised Code, to a charge of a fourth degree felony 6364  
violation under this section that the controlled substance that 6365  
gave rise to the charge is in an amount, is in a form, is 6366  
prepared, compounded, or mixed with substances that are not 6367  
controlled substances in a manner, or is possessed under any other 6368  
circumstances, that indicate that the substance was possessed 6369  
solely for personal use. Notwithstanding any contrary provision of 6370

this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

**Sec. 2929.01.** As used in this chapter:

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

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

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

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

(B) "Basic probation supervision" means a requirement that 6401  
the offender maintain contact with a person appointed to supervise 6402  
the offender in accordance with sanctions imposed by the court or 6403  
imposed by the parole board pursuant to section 2967.28 of the 6404  
Revised Code. "Basic probation supervision" includes basic parole 6405  
supervision and basic post-release control supervision. 6406

(C) "Cocaine," ~~"crack cocaine,"~~ "hashish," "L.S.D.," and 6407  
"unit dose" have the same meanings as in section 2925.01 of the 6408  
Revised Code. 6409

(D) "Community-based correctional facility" means a 6410  
community-based correctional facility and program or district 6411  
community-based correctional facility and program developed 6412  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6413

(E) "Community control sanction" means a sanction that is not 6414  
a prison term and that is described in section 2929.15, 2929.16, 6415  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 6416  
a jail term and that is described in section 2929.26, 2929.27, or 6417  
2929.28 of the Revised Code. "Community control sanction" includes 6418  
probation if the sentence involved was imposed for a felony that 6419  
was committed prior to July 1, 1996, or if the sentence involved 6420  
was imposed for a misdemeanor that was committed prior to January 6421  
1, 2004. 6422

(F) "Controlled substance," "marihuana," "schedule I," and 6423  
"schedule II" have the same meanings as in section 3719.01 of the 6424  
Revised Code. 6425

(G) "Curfew" means a requirement that an offender during a 6426  
specified period of time be at a designated place. 6427

(H) "Day reporting" means a sanction pursuant to which an 6428  
offender is required each day to report to and leave a center or 6429  
other approved reporting location at specified times in order to 6430  
participate in work, education or training, treatment, and other 6431

approved programs at the center or outside the center. 6432

(I) "Deadly weapon" has the same meaning as in section 6433  
2923.11 of the Revised Code. 6434

(J) "Drug and alcohol use monitoring" means a program under 6435  
which an offender agrees to submit to random chemical analysis of 6436  
the offender's blood, breath, or urine to determine whether the 6437  
offender has ingested any alcohol or other drugs. 6438

(K) "Drug treatment program" means any program under which a 6439  
person undergoes assessment and treatment designed to reduce or 6440  
completely eliminate the person's physical or emotional reliance 6441  
upon alcohol, another drug, or alcohol and another drug and under 6442  
which the person may be required to receive assessment and 6443  
treatment on an outpatient basis or may be required to reside at a 6444  
facility other than the person's home or residence while 6445  
undergoing assessment and treatment. 6446

(L) "Economic loss" means any economic detriment suffered by 6447  
a victim as a direct and proximate result of the commission of an 6448  
offense and includes any loss of income due to lost time at work 6449  
because of any injury caused to the victim, and any property loss, 6450  
medical cost, or funeral expense incurred as a result of the 6451  
commission of the offense. "Economic loss" does not include 6452  
non-economic loss or any punitive or exemplary damages. 6453

(M) "Education or training" includes study at, or in 6454  
conjunction with a program offered by, a university, college, or 6455  
technical college or vocational study and also includes the 6456  
completion of primary school, secondary school, and literacy 6457  
curricula or their equivalent. 6458

(N) "Firearm" has the same meaning as in section 2923.11 of 6459  
the Revised Code. 6460

(O) "Halfway house" means a facility licensed by the division 6461  
of parole and community services of the department of 6462

rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

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

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

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

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

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

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

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

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

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

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

(W) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or substance that consists of or contains at least one thousand grams of hashish; at least one hundred grams of ~~crack~~ cocaine; ~~at least one thousand~~

~~grams of cocaine that is not crack cocaine;~~ at least two thousand 6526  
five hundred unit doses or two hundred fifty grams of heroin; at 6527  
least five thousand unit doses of L.S.D. or five hundred grams of 6528  
L.S.D. in a liquid concentrate, liquid extract, or liquid 6529  
distillate form; or at least one hundred times the amount of any 6530  
other schedule I or II controlled substance other than marihuana 6531  
that is necessary to commit a felony of the third degree pursuant 6532  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6533  
Code that is based on the possession of, sale of, or offer to sell 6534  
the controlled substance. 6535

(X) "Mandatory prison term" means any of the following: 6536

(1) Subject to division (X)(2) of this section, the term in 6537  
prison that must be imposed for the offenses or circumstances set 6538  
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 6539  
2929.13 and division (D) of section 2929.14 of the Revised Code. 6540  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 6541  
and 2925.11 of the Revised Code, unless the maximum or another 6542  
specific term is required under section 2929.14 or 2929.142 of the 6543  
Revised Code, a mandatory prison term described in this division 6544  
may be any prison term authorized for the level of offense. 6545

(2) The term of sixty or one hundred twenty days in prison 6546  
that a sentencing court is required to impose for a third or 6547  
fourth degree felony OVI offense pursuant to division (G)(2) of 6548  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 6549  
of the Revised Code or the term of one, two, three, four, or five 6550  
years in prison that a sentencing court is required to impose 6551  
pursuant to division (G)(2) of section 2929.13 of the Revised 6552  
Code. 6553

(3) The term in prison imposed pursuant to division (A) of 6554  
section 2971.03 of the Revised Code for the offenses and in the 6555  
circumstances described in division (F)(11) of section 2929.13 of 6556  
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 6557

(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 6558  
2971.03 of the Revised Code and that term as modified or 6559  
terminated pursuant to section 2971.05 of the Revised Code. 6560

(Y) "Monitored time" means a period of time during which an 6561  
offender continues to be under the control of the sentencing court 6562  
or parole board, subject to no conditions other than leading a 6563  
law-abiding life. 6564

(Z) "Offender" means a person who, in this state, is 6565  
convicted of or pleads guilty to a felony or a misdemeanor. 6566

(AA) "Prison" means a residential facility used for the 6567  
confinement of convicted felony offenders that is under the 6568  
control of the department of rehabilitation and correction but 6569  
does not include a violation sanction center operated under 6570  
authority of section 2967.141 of the Revised Code. 6571

(BB) "Prison term" includes either of the following sanctions 6572  
for an offender: 6573

(1) A stated prison term; 6574

(2) A term in a prison shortened by, or with the approval of, 6575  
the sentencing court pursuant to section 2929.143, 2929.20, 6576  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 6577

(CC) "Repeat violent offender" means a person about whom both 6578  
of the following apply: 6579

(1) The person is being sentenced for committing or for 6580  
complicity in committing any of the following: 6581

(a) Aggravated murder, murder, any felony of the first or 6582  
second degree that is an offense of violence, or an attempt to 6583  
commit any of these offenses if the attempt is a felony of the 6584  
first or second degree; 6585

(b) An offense under an existing or former law of this state, 6586  
another state, or the United States that is or was substantially 6587

equivalent to an offense described in division (CC)(1)(a) of this section. 6588  
6589

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC)(1)(a) or (b) of this section. 6590  
6591  
6592

(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. 6593  
6594  
6595  
6596  
6597

(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. 6598  
6599  
6600

(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. 6601  
6602  
6603  
6604  
6605  
6606  
6607  
6608  
6609  
6610

(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. 6611  
6612  
6613  
6614  
6615

(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. 6616  
6617  
6618

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

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

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

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

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

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

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

(PP) "Third degree felony OVI offense" means a violation of

division (A) of section 4511.19 of the Revised Code that, under 6650  
division (G) of that section, is a felony of the third degree. 6651

(QQ) "Random drug testing" has the same meaning as in section 6652  
5120.63 of the Revised Code. 6653

(RR) "Felony sex offense" has the same meaning as in section 6654  
2967.28 of the Revised Code. 6655

(SS) "Body armor" has the same meaning as in section 6656  
2941.1411 of the Revised Code. 6657

(TT) "Electronic monitoring" means monitoring through the use 6658  
of an electronic monitoring device. 6659

(UU) "Electronic monitoring device" means any of the 6660  
following: 6661

(1) Any device that can be operated by electrical or battery 6662  
power and that conforms with all of the following: 6663

(a) The device has a transmitter that can be attached to a 6664  
person, that will transmit a specified signal to a receiver of the 6665  
type described in division (UU)(1)(b) of this section if the 6666  
transmitter is removed from the person, turned off, or altered in 6667  
any manner without prior court approval in relation to electronic 6668  
monitoring or without prior approval of the department of 6669  
rehabilitation and correction in relation to the use of an 6670  
electronic monitoring device for an inmate on transitional control 6671  
or otherwise is tampered with, that can transmit continuously and 6672  
periodically a signal to that receiver when the person is within a 6673  
specified distance from the receiver, and that can transmit an 6674  
appropriate signal to that receiver if the person to whom it is 6675  
attached travels a specified distance from that receiver. 6676

(b) The device has a receiver that can receive continuously 6677  
the signals transmitted by a transmitter of the type described in 6678  
division (UU)(1)(a) of this section, can transmit continuously 6679

those signals by a wireless or landline telephone connection to a 6680  
central monitoring computer of the type described in division 6681  
(UU)(1)(c) of this section, and can transmit continuously an 6682  
appropriate signal to that central monitoring computer if the 6683  
device has been turned off or altered without prior court approval 6684  
or otherwise tampered with. The device is designed specifically 6685  
for use in electronic monitoring, is not a converted wireless 6686  
phone or another tracking device that is clearly not designed for 6687  
electronic monitoring, and provides a means of text-based or voice 6688  
communication with the person. 6689

(c) The device has a central monitoring computer that can 6690  
receive continuously the signals transmitted by a wireless or 6691  
landline telephone connection by a receiver of the type described 6692  
in division (UU)(1)(b) of this section and can monitor 6693  
continuously the person to whom an electronic monitoring device of 6694  
the type described in division (UU)(1)(a) of this section is 6695  
attached. 6696

(2) Any device that is not a device of the type described in 6697  
division (UU)(1) of this section and that conforms with all of the 6698  
following: 6699

(a) The device includes a transmitter and receiver that can 6700  
monitor and determine the location of a subject person at any 6701  
time, or at a designated point in time, through the use of a 6702  
central monitoring computer or through other electronic means. 6703

(b) The device includes a transmitter and receiver that can 6704  
determine at any time, or at a designated point in time, through 6705  
the use of a central monitoring computer or other electronic means 6706  
the fact that the transmitter is turned off or altered in any 6707  
manner without prior approval of the court in relation to the 6708  
electronic monitoring or without prior approval of the department 6709  
of rehabilitation and correction in relation to the use of an 6710  
electronic monitoring device for an inmate on transitional control 6711

or otherwise is tampered with. 6712

(3) Any type of technology that can adequately track or 6713  
determine the location of a subject person at any time and that is 6714  
approved by the director of rehabilitation and correction, 6715  
including, but not limited to, any satellite technology, voice 6716  
tracking system, or retinal scanning system that is so approved. 6717

(VV) "Non-economic loss" means nonpecuniary harm suffered by 6718  
a victim of an offense as a result of or related to the commission 6719  
of the offense, including, but not limited to, pain and suffering; 6720  
loss of society, consortium, companionship, care, assistance, 6721  
attention, protection, advice, guidance, counsel, instruction, 6722  
training, or education; mental anguish; and any other intangible 6723  
loss. 6724

(WW) "Prosecutor" has the same meaning as in section 2935.01 6725  
of the Revised Code. 6726

(XX) "Continuous alcohol monitoring" means the ability to 6727  
automatically test and periodically transmit alcohol consumption 6728  
levels and tamper attempts at least every hour, regardless of the 6729  
location of the person who is being monitored. 6730

(YY) A person is "adjudicated a sexually violent predator" if 6731  
the person is convicted of or pleads guilty to a violent sex 6732  
offense and also is convicted of or pleads guilty to a sexually 6733  
violent predator specification that was included in the 6734  
indictment, count in the indictment, or information charging that 6735  
violent sex offense or if the person is convicted of or pleads 6736  
guilty to a designated homicide, assault, or kidnapping offense 6737  
and also is convicted of or pleads guilty to both a sexual 6738  
motivation specification and a sexually violent predator 6739  
specification that were included in the indictment, count in the 6740  
indictment, or information charging that designated homicide, 6741  
assault, or kidnapping offense. 6742

(ZZ) An offense is "committed in proximity to a school" if 6743  
the offender commits the offense in a school safety zone or within 6744  
five hundred feet of any school building or the boundaries of any 6745  
school premises, regardless of whether the offender knows the 6746  
offense is being committed in a school safety zone or within five 6747  
hundred feet of any school building or the boundaries of any 6748  
school premises. 6749

(AAA) "Human trafficking" means a scheme or plan to which all 6750  
of the following apply: 6751

(1) Its object is to subject a victim or victims to 6752  
involuntary servitude, as defined in section 2905.31 of the 6753  
Revised Code, to compel a victim or victims to engage in sexual 6754  
activity for hire, to engage in a performance that is obscene, 6755  
sexually oriented, or nudity oriented, or to be a model or 6756  
participant in the production of material that is obscene, 6757  
sexually oriented, or nudity oriented. 6758

(2) It involves at least two felony offenses, whether or not 6759  
there has been a prior conviction for any of the felony offenses, 6760  
to which all of the following apply: 6761

(a) Each of the felony offenses is a violation of section 6762  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 6763  
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 6764  
(4), or (5) of section 2919.22 of the Revised Code or is a 6765  
violation of a law of any state other than this state that is 6766  
substantially similar to any of the sections or divisions of the 6767  
Revised Code identified in this division. 6768

(b) At least one of the felony offenses was committed in this 6769  
state. 6770

(c) The felony offenses are related to the same scheme or 6771  
plan and are not isolated instances. 6772

(BBB) "Material," "nudity," "obscene," "performance," and 6773

"sexual activity" have the same meanings as in section 2907.01 of  
the Revised Code. 6774  
6775

(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. 6776  
6777  
6778  
6779

(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. 6780  
6781  
6782  
6783  
6784

**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. 6785  
6786  
6787  
6788  
6789  
6790  
6791  
6792

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 6793  
6794  
6795  
6796  
6797  
6798  
6799  
6800  
6801  
6802  
6803  
6804

section 2929.16 or 2929.17 of the Revised Code. 6805

If the offender is being sentenced for a fourth degree felony 6806  
OVI offense or for a third degree felony OVI offense, in addition 6807  
to the mandatory term of local incarceration or the mandatory 6808  
prison term required for the offense by division (G)(1) or (2) of 6809  
this section, the court shall impose upon the offender a mandatory 6810  
fine in accordance with division (B)(3) of section 2929.18 of the 6811  
Revised Code and may impose whichever of the following is 6812  
applicable: 6813

(1) For a fourth degree felony OVI offense for which sentence 6814  
is imposed under division (G)(1) of this section, an additional 6815  
community control sanction or combination of community control 6816  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 6817  
the court imposes upon the offender a community control sanction 6818  
and the offender violates any condition of the community control 6819  
sanction, the court may take any action prescribed in division (B) 6820  
of section 2929.15 of the Revised Code relative to the offender, 6821  
including imposing a prison term on the offender pursuant to that 6822  
division. 6823

(2) For a third or fourth degree felony OVI offense for which 6824  
sentence is imposed under division (G)(2) of this section, an 6825  
additional prison term as described in division (D)(4) of section 6826  
2929.14 of the Revised Code or a community control sanction as 6827  
described in division (G)(2) of this section. 6828

(B)(1) Except as provided in division (B)(2), (E), (F), or 6829  
(G) of this section, in sentencing an offender for a felony of the 6830  
fourth or fifth degree, the sentencing court shall determine 6831  
whether any of the following apply: 6832

(a) In committing the offense, the offender caused physical 6833  
harm to a person. 6834

(b) In committing the offense, the offender attempted to 6835

cause or made an actual threat of physical harm to a person with a 6836  
deadly weapon. 6837

(c) In committing the offense, the offender attempted to 6838  
cause or made an actual threat of physical harm to a person, and 6839  
the offender previously was convicted of an offense that caused 6840  
physical harm to a person. 6841

(d) The offender held a public office or position of trust 6842  
and the offense related to that office or position; the offender's 6843  
position obliged the offender to prevent the offense or to bring 6844  
those committing it to justice; or the offender's professional 6845  
reputation or position facilitated the offense or was likely to 6846  
influence the future conduct of others. 6847

(e) The offender committed the offense for hire or as part of 6848  
an organized criminal activity. 6849

(f) The offense is a sex offense that is a fourth or fifth 6850  
degree felony violation of section 2907.03, 2907.04, 2907.05, 6851  
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 6852  
Revised Code. 6853

(g) The offender at the time of the offense was serving, or 6854  
the offender previously had served, a prison term. 6855

(h) The offender committed the offense while under a 6856  
community control sanction, while on probation, or while released 6857  
from custody on a bond or personal recognizance. 6858

(i) The offender committed the offense while in possession of 6859  
a firearm. 6860

(2)(a) If the court makes a finding described in division 6861  
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 6862  
section and if the court, after considering the factors set forth 6863  
in section 2929.12 of the Revised Code, finds that a prison term 6864  
is consistent with the purposes and principles of sentencing set 6865

forth in section 2929.11 of the Revised Code and finds that the 6866  
offender is not amenable to an available community control 6867  
sanction, the court shall impose a prison term upon the offender. 6868

(b) Except as provided in division (E), (F), or (G) of this 6869  
section, if the court does not make a finding described in 6870  
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 6871  
this section and if the court, after considering the factors set 6872  
forth in section 2929.12 of the Revised Code, finds that a 6873  
community control sanction or combination of community control 6874  
sanctions is consistent with the purposes and principles of 6875  
sentencing set forth in section 2929.11 of the Revised Code, the 6876  
court shall impose a community control sanction or combination of 6877  
community control sanctions upon the offender. 6878

(C) Except as provided in division (D), (E), (F), or (G) of 6879  
this section, in determining whether to impose a prison term as a 6880  
sanction for a felony of the third degree or a felony drug offense 6881  
that is a violation of a provision of Chapter 2925. of the Revised 6882  
Code and that is specified as being subject to this division for 6883  
purposes of sentencing, the sentencing court shall comply with the 6884  
purposes and principles of sentencing under section 2929.11 of the 6885  
Revised Code and with section 2929.12 of the Revised Code. 6886

(D)(1) Except as provided in division (E) or (F) of this 6887  
section, for a felony of the first or second degree, for a felony 6888  
drug offense that is a violation of any provision of Chapter 6889  
2925., 3719., or 4729. of the Revised Code for which a presumption 6890  
in favor of a prison term is specified as being applicable, and 6891  
for a violation of division (A)(4) or (B) of section 2907.05 of 6892  
the Revised Code for which a presumption in favor of a prison term 6893  
is specified as being applicable, it is presumed that a prison 6894  
term is necessary in order to comply with the purposes and 6895  
principles of sentencing under section 2929.11 of the Revised 6896  
Code. Division (D)(2) of this section does not apply to a 6897

presumption established under this division for a violation of 6898  
division (A)(4) of section 2907.05 of the Revised Code. 6899

(2) Notwithstanding the presumption established under 6900  
division (D)(1) of this section for the offenses listed in that 6901  
division other than a violation of division (A)(4) or (B) of 6902  
section 2907.05 of the Revised Code, the sentencing court may 6903  
impose a community control sanction or a combination of community 6904  
control sanctions instead of a prison term on an offender for a 6905  
felony of the first or second degree or for a felony drug offense 6906  
that is a violation of any provision of Chapter 2925., 3719., or 6907  
4729. of the Revised Code for which a presumption in favor of a 6908  
prison term is specified as being applicable if it makes both of 6909  
the following findings: 6910

(a) A community control sanction or a combination of 6911  
community control sanctions would adequately punish the offender 6912  
and protect the public from future crime, because the applicable 6913  
factors under section 2929.12 of the Revised Code indicating a 6914  
lesser likelihood of recidivism outweigh the applicable factors 6915  
under that section indicating a greater likelihood of recidivism. 6916

(b) A community control sanction or a combination of 6917  
community control sanctions would not demean the seriousness of 6918  
the offense, because one or more factors under section 2929.12 of 6919  
the Revised Code that indicate that the offender's conduct was 6920  
less serious than conduct normally constituting the offense are 6921  
applicable, and they outweigh the applicable factors under that 6922  
section that indicate that the offender's conduct was more serious 6923  
than conduct normally constituting the offense. 6924

(E)(1) Except as provided in division (F) of this section, 6925  
for any drug offense that is a violation of any provision of 6926  
Chapter 2925. of the Revised Code and that is a felony of the 6927  
third, fourth, or fifth degree, the applicability of a presumption 6928  
under division (D) of this section in favor of a prison term or of 6929

division (B) or (C) of this section in determining whether to 6930  
impose a prison term for the offense shall be determined as 6931  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 6932  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 6933  
Revised Code, whichever is applicable regarding the violation. 6934

(2) If an offender who was convicted of or pleaded guilty to 6935  
a felony violates the conditions of a community control sanction 6936  
imposed for the offense solely by reason of producing positive 6937  
results on a drug test, the court, as punishment for the violation 6938  
of the sanction, shall not order that the offender be imprisoned 6939  
unless the court determines on the record either of the following: 6940

(a) The offender had been ordered as a sanction for the 6941  
felony to participate in a drug treatment program, in a drug 6942  
education program, or in narcotics anonymous or a similar program, 6943  
and the offender continued to use illegal drugs after a reasonable 6944  
period of participation in the program. 6945

(b) The imprisonment of the offender for the violation is 6946  
consistent with the purposes and principles of sentencing set 6947  
forth in section 2929.11 of the Revised Code. 6948

(3) A court that sentences an offender for a drug abuse 6949  
offense that is a felony of the third, fourth, or fifth degree may 6950  
require that the offender be assessed by a properly credentialed 6951  
professional within a specified period of time. The court shall 6952  
require the professional to file a written assessment of the 6953  
offender with the court. If the offender is eligible for a 6954  
community control sanction and after considering the written 6955  
assessment, the court may impose a community control sanction that 6956  
includes treatment and recovery support services authorized by 6957  
section 3793.02 of the Revised Code. If the court imposes 6958  
treatment and recovery support services as a community control 6959  
sanction, the court shall direct the level and type of treatment 6960  
and recovery support services after considering the assessment and 6961

recommendation of treatment and recovery support services 6962  
providers. 6963

(F) Notwithstanding divisions (A) to (E) of this section, the 6964  
court shall impose a prison term or terms under sections 2929.02 6965  
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 6966  
of the Revised Code and except as specifically provided in section 6967  
2929.20, division (C) of section 2967.19, or section 2967.191 of 6968  
the Revised Code or when parole is authorized for the offense 6969  
under section 2967.13 of the Revised Code shall not reduce the 6970  
term or terms pursuant to section 2929.20, section 2967.19, 6971  
section 2967.193, or any other provision of Chapter 2967. or 6972  
Chapter 5120. of the Revised Code for any of the following 6973  
offenses: 6974

(1) Aggravated murder when death is not imposed or murder; 6975

(2) Any rape, regardless of whether force was involved and 6976  
regardless of the age of the victim, or an attempt to commit rape 6977  
if, had the offender completed the rape that was attempted, the 6978  
offender would have been guilty of a violation of division 6979  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 6980  
sentenced under section 2971.03 of the Revised Code; 6981

(3) Gross sexual imposition or sexual battery, if the victim 6982  
is less than thirteen years of age and if any of the following 6983  
applies: 6984

(a) Regarding gross sexual imposition, the offender 6985  
previously was convicted of or pleaded guilty to rape, the former 6986  
offense of felonious sexual penetration, gross sexual imposition, 6987  
or sexual battery, and the victim of the previous offense was less 6988  
than thirteen years of age; 6989

(b) Regarding gross sexual imposition, the offense was 6990  
committed on or after August 3, 2006, and evidence other than the 6991  
testimony of the victim was admitted in the case corroborating the 6992

violation.	6993
(c) Regarding sexual battery, either of the following applies:	6994 6995
(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.	6996 6997 6998 6999 7000
(ii) The offense was committed on or after August 3, 2006.	7001
(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;	7002 7003 7004
(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;	7005 7006 7007 7008 7009
(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;	7010 7011 7012 7013 7014 7015 7016
(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:	7017 7018 7019 7020 7021 7022 7023

(a) Aggravated murder, murder, involuntary manslaughter, 7024  
rape, felonious sexual penetration as it existed under section 7025  
2907.12 of the Revised Code prior to September 3, 1996, a felony 7026  
of the first or second degree that resulted in the death of a 7027  
person or in physical harm to a person, or complicity in or an 7028  
attempt to commit any of those offenses; 7029

(b) An offense under an existing or former law of this state, 7030  
another state, or the United States that is or was substantially 7031  
equivalent to an offense listed in division (F)(7)(a) of this 7032  
section that resulted in the death of a person or in physical harm 7033  
to a person. 7034

(8) Any offense, other than a violation of section 2923.12 of 7035  
the Revised Code, that is a felony, if the offender had a firearm 7036  
on or about the offender's person or under the offender's control 7037  
while committing the felony, with respect to a portion of the 7038  
sentence imposed pursuant to division (D)(1)(a) of section 2929.14 7039  
of the Revised Code for having the firearm; 7040

(9) Any offense of violence that is a felony, if the offender 7041  
wore or carried body armor while committing the felony offense of 7042  
violence, with respect to the portion of the sentence imposed 7043  
pursuant to division (D)(1)(d) of section 2929.14 of the Revised 7044  
Code for wearing or carrying the body armor; 7045

(10) Corrupt activity in violation of section 2923.32 of the 7046  
Revised Code when the most serious offense in the pattern of 7047  
corrupt activity that is the basis of the offense is a felony of 7048  
the first degree; 7049

(11) Any violent sex offense or designated homicide, assault, 7050  
or kidnapping offense if, in relation to that offense, the 7051  
offender is adjudicated a sexually violent predator; 7052

(12) A violation of division (A)(1) or (2) of section 2921.36 7053  
of the Revised Code, or a violation of division (C) of that 7054

section involving an item listed in division (A)(1) or (2) of that 7055  
section, if the offender is an officer or employee of the 7056  
department of rehabilitation and correction; 7057

(13) A violation of division (A)(1) or (2) of section 2903.06 7058  
of the Revised Code if the victim of the offense is a peace 7059  
officer, as defined in section 2935.01 of the Revised Code, or an 7060  
investigator of the bureau of criminal identification and 7061  
investigation, as defined in section 2903.11 of the Revised Code, 7062  
with respect to the portion of the sentence imposed pursuant to 7063  
division (D)(5) of section 2929.14 of the Revised Code; 7064

(14) A violation of division (A)(1) or (2) of section 2903.06 7065  
of the Revised Code if the offender has been convicted of or 7066  
pleaded guilty to three or more violations of division (A) or (B) 7067  
of section 4511.19 of the Revised Code or an equivalent offense, 7068  
as defined in section 2941.1415 of the Revised Code, or three or 7069  
more violations of any combination of those divisions and 7070  
offenses, with respect to the portion of the sentence imposed 7071  
pursuant to division (D)(6) of section 2929.14 of the Revised 7072  
Code; 7073

(15) Kidnapping, in the circumstances specified in section 7074  
2971.03 of the Revised Code and when no other provision of 7075  
division (F) of this section applies; 7076

(16) Kidnapping, abduction, compelling prostitution, 7077  
promoting prostitution, engaging in a pattern of corrupt activity, 7078  
illegal use of a minor in a nudity-oriented material or 7079  
performance in violation of division (A)(1) or (2) of section 7080  
2907.323 of the Revised Code, or endangering children in violation 7081  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 7082  
the Revised Code, if the offender is convicted of or pleads guilty 7083  
to a specification as described in section 2941.1422 of the 7084  
Revised Code that was included in the indictment, count in the 7085  
indictment, or information charging the offense; 7086

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (D)(8) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of

this section. 7119

(2) If the offender is being sentenced for a third degree 7120  
felony OVI offense, or if the offender is being sentenced for a 7121  
fourth degree felony OVI offense and the court does not impose a 7122  
mandatory term of local incarceration under division (G)(1) of 7123  
this section, the court shall impose upon the offender a mandatory 7124  
prison term of one, two, three, four, or five years if the 7125  
offender also is convicted of or also pleads guilty to a 7126  
specification of the type described in section 2941.1413 of the 7127  
Revised Code or shall impose upon the offender a mandatory prison 7128  
term of sixty days or one hundred twenty days as specified in 7129  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 7130  
if the offender has not been convicted of and has not pleaded 7131  
guilty to a specification of that type. The Subject to division 7132  
(C) of section 2967.19 of the Revised Code, the court shall not 7133  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 7134  
any other provision of the Revised Code. The offender shall serve 7135  
the one-, two-, three-, four-, or five-year mandatory prison term 7136  
consecutively to and prior to the prison term imposed for the 7137  
underlying offense and consecutively to any other mandatory prison 7138  
term imposed in relation to the offense. In no case shall an 7139  
offender who once has been sentenced to a mandatory term of local 7140  
incarceration pursuant to division (G)(1) of this section for a 7141  
fourth degree felony OVI offense be sentenced to another mandatory 7142  
term of local incarceration under that division for any violation 7143  
of division (A) of section 4511.19 of the Revised Code. In 7144  
addition to the mandatory prison term described in division (G)(2) 7145  
of this section, the court may sentence the offender to a 7146  
community control sanction under section 2929.16 or 2929.17 of the 7147  
Revised Code, but the offender shall serve the prison term prior 7148  
to serving the community control sanction. The department of 7149  
rehabilitation and correction may place an offender sentenced to a 7150  
mandatory prison term under this division in an intensive program 7151

prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of

sentencing, of those duties and of their duration. If required 7184  
under division (A)(2) of section 2950.03 of the Revised Code, the 7185  
judge shall perform the duties specified in that section, or, if 7186  
required under division (A)(6) of section 2950.03 of the Revised 7187  
Code, the judge shall perform the duties specified in that 7188  
division. 7189

(J)(1) Except as provided in division (J)(2) of this section, 7190  
when considering sentencing factors under this section in relation 7191  
to an offender who is convicted of or pleads guilty to an attempt 7192  
to commit an offense in violation of section 2923.02 of the 7193  
Revised Code, the sentencing court shall consider the factors 7194  
applicable to the felony category of the violation of section 7195  
2923.02 of the Revised Code instead of the factors applicable to 7196  
the felony category of the offense attempted. 7197

(2) When considering sentencing factors under this section in 7198  
relation to an offender who is convicted of or pleads guilty to an 7199  
attempt to commit a drug abuse offense for which the penalty is 7200  
determined by the amount or number of unit doses of the controlled 7201  
substance involved in the drug abuse offense, the sentencing court 7202  
shall consider the factors applicable to the felony category that 7203  
the drug abuse offense attempted would be if that drug abuse 7204  
offense had been committed and had involved an amount or number of 7205  
unit doses of the controlled substance that is within the next 7206  
lower range of controlled substance amounts than was involved in 7207  
the attempt. 7208

(K) As used in this section, "drug abuse offense" has the 7209  
same meaning as in section 2925.01 of the Revised Code. 7210

(L) At the time of sentencing an offender for any sexually 7211  
oriented offense, if the offender is a tier III sex 7212  
offender/child-victim offender relative to that offense and the 7213  
offender does not serve a prison term or jail term, the court may 7214  
require that the offender be monitored by means of a global 7215

positioning device. If the court requires such monitoring, the 7216  
cost of monitoring shall be borne by the offender. If the offender 7217  
is indigent, the cost of compliance shall be paid by the crime 7218  
victims reparations fund. 7219

**Sec. 2929.14.** (A) Except as provided in division (C), (D)(1), 7220  
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), 7221  
(J), ~~or (L)~~, or (M) of this section or in division (D)(6) of 7222  
section 2919.25 of the Revised Code and except in relation to an 7223  
offense for which a sentence of death or life imprisonment is to 7224  
be imposed, if the court imposing a sentence upon an offender for 7225  
a felony elects or is required to impose a prison term on the 7226  
offender pursuant to this chapter, the court shall impose a 7227  
definite prison term that shall be one of the following: 7228

(1) For a felony of the first degree, the prison term shall 7230  
be three, four, five, six, seven, eight, nine, ~~or ten~~, or eleven 7231  
years. 7232

(2) For a felony of the second degree, the prison term shall 7233  
be two, three, four, five, six, seven, or eight years. 7234

(3) For a felony of the third degree, the prison term shall 7235  
be ~~one, two, three, four, or five years~~ nine, twelve, eighteen, 7236  
twenty-four, or thirty-six months. 7237

(4) For a felony of the fourth degree, the prison term shall 7238  
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 7239  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 7240

(5) For a felony of the fifth degree, the prison term shall 7241  
be six, seven, eight, nine, ten, eleven, or twelve months. 7242

(B) Except as provided in division (C), (D)(1), (D)(2), 7243  
(D)(3), (D)(5), (D)(6), (D)(7), (D)(8), (G), (I), (J), ~~or (L)~~, or 7244  
(M) of this section, in section 2907.02 , 2907.05, or 2919.25 of 7245

the Revised Code, or in Chapter 2925. of the Revised Code, if the  
court imposing a sentence upon an offender for a felony elects or  
is required to impose a prison term on the offender, the court  
shall impose the shortest prison term authorized for the offense  
pursuant to division (A) of this section, unless one or more of  
the following applies:

(1) The offender was serving a prison term at the time of the  
offense, or the offender previously had served a prison term.

(2) The court finds on the record that the shortest prison  
term will demean the seriousness of the offender's conduct or will  
not adequately protect the public from future crime by the  
offender or others.

(C) Except as provided in division (D)(7), (D)(8), (G), ~~or~~  
(L), or (M) of this section, in section 2919.25 of the Revised  
Code, or in Chapter 2925. of the Revised Code, the court imposing  
a sentence upon an offender for a felony may impose the longest  
prison term authorized for the offense pursuant to division (A) of  
this section only upon offenders who committed the worst forms of  
the offense, upon offenders who pose the greatest likelihood of  
committing future crimes, upon certain major drug offenders under  
division (D)(3) of this section, and upon certain repeat violent  
offenders in accordance with division (D)(2) of this section.

(D)(1)(a) Except as provided in division (D)(1)(e) of this  
section, if an offender who is convicted of or pleads guilty to a  
felony also is convicted of or pleads guilty to a specification of  
the type described in section 2941.141, 2941.144, or 2941.145 of  
the Revised Code, the court shall impose on the offender one of  
the following prison terms:

(i) A prison term of six years if the specification is of the  
type described in section 2941.144 of the Revised Code that  
charges the offender with having a firearm that is an automatic

firearm or that was equipped with a firearm muffler or silencer on 7277  
or about the offender's person or under the offender's control 7278  
while committing the felony; 7279

(ii) A prison term of three years if the specification is of 7280  
the type described in section 2941.145 of the Revised Code that 7281  
charges the offender with having a firearm on or about the 7282  
offender's person or under the offender's control while committing 7283  
the offense and displaying the firearm, brandishing the firearm, 7284  
indicating that the offender possessed the firearm, or using it to 7285  
facilitate the offense; 7286

(iii) A prison term of one year if the specification is of 7287  
the type described in section 2941.141 of the Revised Code that 7288  
charges the offender with having a firearm on or about the 7289  
offender's person or under the offender's control while committing 7290  
the felony. 7291

(b) If a court imposes a prison term on an offender under 7292  
division (D)(1)(a) of this section, the prison term shall not be 7293  
reduced pursuant to section 2967.19, section 2929.20, section 7294  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7295  
of the Revised Code. Except as provided in division (D)(1)(g) of 7296  
this section, a court shall not impose more than one prison term 7297  
on an offender under division (D)(1)(a) of this section for 7298  
felonies committed as part of the same act or transaction. 7299

(c) Except as provided in division (D)(1)(e) of this section, 7300  
if an offender who is convicted of or pleads guilty to a violation 7301  
of section 2923.161 of the Revised Code or to a felony that 7302  
includes, as an essential element, purposely or knowingly causing 7303  
or attempting to cause the death of or physical harm to another, 7304  
also is convicted of or pleads guilty to a specification of the 7305  
type described in section 2941.146 of the Revised Code that 7306  
charges the offender with committing the offense by discharging a 7307  
firearm from a motor vehicle other than a manufactured home, the 7308

court, after imposing a prison term on the offender for the 7309  
violation of section 2923.161 of the Revised Code or for the other 7310  
felony offense under division (A), (D)(2), or (D)(3) of this 7311  
section, shall impose an additional prison term of five years upon 7312  
the offender that shall not be reduced pursuant to section 7313  
2929.20, section 2967.19, section 2967.193, or any other provision 7314  
of Chapter 2967. or Chapter 5120. of the Revised Code. A court 7315  
shall not impose more than one additional prison term on an 7316  
offender under division (D)(1)(c) of this section for felonies 7317  
committed as part of the same act or transaction. If a court 7318  
imposes an additional prison term on an offender under division 7319  
(D)(1)(c) of this section relative to an offense, the court also 7320  
shall impose a prison term under division (D)(1)(a) of this 7321  
section relative to the same offense, provided the criteria 7322  
specified in that division for imposing an additional prison term 7323  
are satisfied relative to the offender and the offense. 7324

(d) If an offender who is convicted of or pleads guilty to an 7325  
offense of violence that is a felony also is convicted of or 7326  
pleads guilty to a specification of the type described in section 7327  
2941.1411 of the Revised Code that charges the offender with 7328  
wearing or carrying body armor while committing the felony offense 7329  
of violence, the court shall impose on the offender a prison term 7330  
of two years. The prison term so imposed, subject to division (C) 7331  
of section 2967.19 of the Revised Code, shall not be reduced 7332  
pursuant to section 2929.20, section 2967.19, section 2967.193, or 7333  
any other provision of Chapter 2967. or Chapter 5120. of the 7334  
Revised Code. A court shall not impose more than one prison term 7335  
on an offender under division (D)(1)(d) of this section for 7336  
felonies committed as part of the same act or transaction. If a 7337  
court imposes an additional prison term under division (D)(1)(a) 7338  
or (c) of this section, the court is not precluded from imposing 7339  
an additional prison term under division (D)(1)(d) of this 7340  
section. 7341

(e) The court shall not impose any of the prison terms 7342  
described in division (D)(1)(a) of this section or any of the 7343  
additional prison terms described in division (D)(1)(c) of this 7344  
section upon an offender for a violation of section 2923.12 or 7345  
2923.123 of the Revised Code. The court shall not impose any of 7346  
the prison terms described in division (D)(1)(a) or (b) of this 7347  
section upon an offender for a violation of section 2923.122 that 7348  
involves a deadly weapon that is a firearm other than a dangerous 7349  
ordnance, section 2923.16, or section 2923.121 of the Revised 7350  
Code. The court shall not impose any of the prison terms described 7351  
in division (D)(1)(a) of this section or any of the additional 7352  
prison terms described in division (D)(1)(c) of this section upon 7353  
an offender for a violation of section 2923.13 of the Revised Code 7354  
unless all of the following apply: 7355

(i) The offender previously has been convicted of aggravated 7356  
murder, murder, or any felony of the first or second degree. 7357

(ii) Less than five years have passed since the offender was 7358  
released from prison or post-release control, whichever is later, 7359  
for the prior offense. 7360

(f) If an offender is convicted of or pleads guilty to a 7361  
felony that includes, as an essential element, causing or 7362  
attempting to cause the death of or physical harm to another and 7363  
also is convicted of or pleads guilty to a specification of the 7364  
type described in section 2941.1412 of the Revised Code that 7365  
charges the offender with committing the offense by discharging a 7366  
firearm at a peace officer as defined in section 2935.01 of the 7367  
Revised Code or a corrections officer, as defined in section 7368  
2941.1412 of the Revised Code, the court, after imposing a prison 7369  
term on the offender for the felony offense under division (A), 7370  
(D)(2), or (D)(3) of this section, shall impose an additional 7371  
prison term of seven years upon the offender that shall not be 7372  
reduced pursuant to section 2929.20, section 2967.19, section 7373

2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7374  
of the Revised Code. If an offender is convicted of or pleads 7375  
guilty to two or more felonies that include, as an essential 7376  
element, causing or attempting to cause the death or physical harm 7377  
to another and also is convicted of or pleads guilty to a 7378  
specification of the type described under division (D)(1)(f) of 7379  
this section in connection with two or more of the felonies of 7380  
which the offender is convicted or to which the offender pleads 7381  
guilty, the sentencing court shall impose on the offender the 7382  
prison term specified under division (D)(1)(f) of this section for 7383  
each of two of the specifications of which the offender is 7384  
convicted or to which the offender pleads guilty and, in its 7385  
discretion, also may impose on the offender the prison term 7386  
specified under that division for any or all of the remaining 7387  
specifications. If a court imposes an additional prison term on an 7388  
offender under division (D)(1)(f) of this section relative to an 7389  
offense, the court shall not impose a prison term under division 7390  
(D)(1)(a) or (c) of this section relative to the same offense. 7391

(g) If an offender is convicted of or pleads guilty to two or 7392  
more felonies, if one or more of those felonies ~~is~~ are aggravated 7393  
murder, murder, attempted aggravated murder, attempted murder, 7394  
aggravated robbery, felonious assault, or rape, and if the 7395  
offender is convicted of or pleads guilty to a specification of 7396  
the type described under division (D)(1)(a) of this section in 7397  
connection with two or more of the felonies, the sentencing court 7398  
shall impose on the offender the prison term specified under 7399  
division (D)(1)(a) of this section for each of the two most 7400  
serious specifications of which the offender is convicted or to 7401  
which the offender pleads guilty and, in its discretion, also may 7402  
impose on the offender the prison term specified under that 7403  
division for any or all of the remaining specifications. 7404

(2)(a) If division (D)(2)(b) of this section does not apply, 7405

the court may impose on an offender, in addition to the longest 7406  
prison term authorized or required for the offense, an additional 7407  
definite prison term of one, two, three, four, five, six, seven, 7408  
eight, nine, or ten years if all of the following criteria are 7409  
met: 7410

(i) The offender is convicted of or pleads guilty to a 7411  
specification of the type described in section 2941.149 of the 7412  
Revised Code that the offender is a repeat violent offender. 7413

(ii) The offense of which the offender currently is convicted 7414  
or to which the offender currently pleads guilty is aggravated 7415  
murder and the court does not impose a sentence of death or life 7416  
imprisonment without parole, murder, terrorism and the court does 7417  
not impose a sentence of life imprisonment without parole, any 7418  
felony of the first degree that is an offense of violence and the 7419  
court does not impose a sentence of life imprisonment without 7420  
parole, or any felony of the second degree that is an offense of 7421  
violence and the trier of fact finds that the offense involved an 7422  
attempt to cause or a threat to cause serious physical harm to a 7423  
person or resulted in serious physical harm to a person. 7424

(iii) The court imposes the longest prison term for the 7425  
offense that is not life imprisonment without parole. 7426

(iv) The court finds that the prison terms imposed pursuant 7427  
to division (D)(2)(a)(iii) of this section and, if applicable, 7428  
division (D)(1) or (3) of this section are inadequate to punish 7429  
the offender and protect the public from future crime, because the 7430  
applicable factors under section 2929.12 of the Revised Code 7431  
indicating a greater likelihood of recidivism outweigh the 7432  
applicable factors under that section indicating a lesser 7433  
likelihood of recidivism. 7434

(v) The court finds that the prison terms imposed pursuant to 7435  
division (D)(2)(a)(iii) of this section and, if applicable, 7436

division (D)(1) or (3) of this section are demeaning to the 7437  
seriousness of the offense, because one or more of the factors 7438  
under section 2929.12 of the Revised Code indicating that the 7439  
offender's conduct is more serious than conduct normally 7440  
constituting the offense are present, and they outweigh the 7441  
applicable factors under that section indicating that the 7442  
offender's conduct is less serious than conduct normally 7443  
constituting the offense. 7444

(b) The court shall impose on an offender the longest prison 7445  
term authorized or required for the offense and shall impose on 7446  
the offender an additional definite prison term of one, two, 7447  
three, four, five, six, seven, eight, nine, or ten years if all of 7448  
the following criteria are met: 7449

(i) The offender is convicted of or pleads guilty to a 7450  
specification of the type described in section 2941.149 of the 7451  
Revised Code that the offender is a repeat violent offender. 7452

(ii) The offender within the preceding twenty years has been 7453  
convicted of or pleaded guilty to three or more offenses described 7454  
in division (CC)(1) of section 2929.01 of the Revised Code, 7455  
including all offenses described in that division of which the 7456  
offender is convicted or to which the offender pleads guilty in 7457  
the current prosecution and all offenses described in that 7458  
division of which the offender previously has been convicted or to 7459  
which the offender previously pleaded guilty, whether prosecuted 7460  
together or separately. 7461

(iii) The offense or offenses of which the offender currently 7462  
is convicted or to which the offender currently pleads guilty is 7463  
aggravated murder and the court does not impose a sentence of 7464  
death or life imprisonment without parole, murder, terrorism and 7465  
the court does not impose a sentence of life imprisonment without 7466  
parole, any felony of the first degree that is an offense of 7467  
violence and the court does not impose a sentence of life 7468

imprisonment without parole, or any felony of the second degree 7469  
that is an offense of violence and the trier of fact finds that 7470  
the offense involved an attempt to cause or a threat to cause 7471  
serious physical harm to a person or resulted in serious physical 7472  
harm to a person. 7473

(c) For purposes of division (D)(2)(b) of this section, two 7474  
or more offenses committed at the same time or as part of the same 7475  
act or event shall be considered one offense, and that one offense 7476  
shall be the offense with the greatest penalty. 7477

(d) A sentence imposed under division (D)(2)(a) or (b) of 7478  
this section shall not be reduced pursuant to section 2929.20, 7479  
section 2967.19, or section 2967.193, or any other provision of 7480  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 7481  
shall serve an additional prison term imposed under this section 7482  
consecutively to and prior to the prison term imposed for the 7483  
underlying offense. 7484

(e) When imposing a sentence pursuant to division (D)(2)(a) 7485  
or (b) of this section, the court shall state its findings 7486  
explaining the imposed sentence. 7487

(3)(a) Except when an offender commits a violation of section 7488  
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 7489  
the violation is life imprisonment or commits a violation of 7490  
section 2903.02 of the Revised Code, if the offender commits a 7491  
violation of section 2925.03 or 2925.11 of the Revised Code and 7492  
that section classifies the offender as a major drug offender and 7493  
requires the imposition of a ten-year prison term on the offender, 7494  
if the offender commits a felony violation of section 2925.02, 7495  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 7496  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 7497  
division (C) of section 4729.51, or division (J) of section 7498  
4729.54 of the Revised Code that includes the sale, offer to sell, 7499  
or possession of a schedule I or II controlled substance, with the 7500

exception of marihuana, and the court imposing sentence upon the 7501  
offender finds that the offender is guilty of a specification of 7502  
the type described in section 2941.1410 of the Revised Code 7503  
charging that the offender is a major drug offender, if the court 7504  
imposing sentence upon an offender for a felony finds that the 7505  
offender is guilty of corrupt activity with the most serious 7506  
offense in the pattern of corrupt activity being a felony of the 7507  
first degree, or if the offender is guilty of an attempted 7508  
violation of section 2907.02 of the Revised Code and, had the 7509  
offender completed the violation of section 2907.02 of the Revised 7510  
Code that was attempted, the offender would have been subject to a 7511  
sentence of life imprisonment or life imprisonment without parole 7512  
for the violation of section 2907.02 of the Revised Code, the 7513  
court shall impose upon the offender for the felony violation a 7514  
ten-year prison term that, subject to division (C) of section 7515  
2967.19 of the Revised Code, cannot be reduced pursuant to section 7516  
2929.20, section 2967.19, or any other provision of Chapter 2967. 7517  
or 5120. of the Revised Code. 7518

(b) The court imposing a prison term on an offender under 7519  
division (D)(3)(a) of this section may impose an additional prison 7520  
term of one, two, three, four, five, six, seven, eight, nine, or 7521  
ten years, if the court, with respect to the term imposed under 7522  
division (D)(3)(a) of this section and, if applicable, divisions 7523  
(D)(1) and (2) of this section, makes both of the findings set 7524  
forth in divisions (D)(2)(a)(iv) and (v) of this section. 7525

(4) If the offender is being sentenced for a third or fourth 7526  
degree felony OVI offense under division (G)(2) of section 2929.13 7527  
of the Revised Code, the sentencing court shall impose upon the 7528  
offender a mandatory prison term in accordance with that division. 7529  
In addition to the mandatory prison term, if the offender is being 7530  
sentenced for a fourth degree felony OVI offense, the court, 7531  
notwithstanding division (A)(4) of this section, may sentence the 7532

offender to a definite prison term of not less than six months and 7533  
not more than thirty months, and if the offender is being 7534  
sentenced for a third degree felony OVI offense, the sentencing 7535  
court may sentence the offender to an additional prison term of 7536  
any duration specified in division (A)(3) of this section. In 7537  
either case, the additional prison term imposed shall be reduced 7538  
by the sixty or one hundred twenty days imposed upon the offender 7539  
as the mandatory prison term. The total of the additional prison 7540  
term imposed under division (D)(4) of this section plus the sixty 7541  
or one hundred twenty days imposed as the mandatory prison term 7542  
shall equal a definite term in the range of six months to thirty 7543  
months for a fourth degree felony OVI offense and shall equal one 7544  
of the authorized prison terms specified in division (A)(3) of 7545  
this section for a third degree felony OVI offense. If the court 7546  
imposes an additional prison term under division (D)(4) of this 7547  
section, the offender shall serve the additional prison term after 7548  
the offender has served the mandatory prison term required for the 7549  
offense. In addition to the mandatory prison term or mandatory and 7550  
additional prison term imposed as described in division (D)(4) of 7551  
this section, the court also may sentence the offender to a 7552  
community control sanction under section 2929.16 or 2929.17 of the 7553  
Revised Code, but the offender shall serve all of the prison terms 7554  
so imposed prior to serving the community control sanction. 7555

If the offender is being sentenced for a fourth degree felony 7556  
OVI offense under division (G)(1) of section 2929.13 of the 7557  
Revised Code and the court imposes a mandatory term of local 7558  
incarceration, the court may impose a prison term as described in 7559  
division (A)(1) of that section. 7560

(5) If an offender is convicted of or pleads guilty to a 7561  
violation of division (A)(1) or (2) of section 2903.06 of the 7562  
Revised Code and also is convicted of or pleads guilty to a 7563  
specification of the type described in section 2941.1414 of the 7564

Revised Code that charges that the victim of the offense is a 7565  
peace officer, as defined in section 2935.01 of the Revised Code, 7566  
or an investigator of the bureau of criminal identification and 7567  
investigation, as defined in section 2903.11 of the Revised Code, 7568  
the court shall impose on the offender a prison term of five 7569  
years. If a court imposes a prison term on an offender under 7570  
division (D)(5) of this section, the prison term, subject to 7571  
division (C) of section 2967.19 of the Revised Code, shall not be 7572  
reduced pursuant to section 2929.20, section 2967.19, section 7573  
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 7574  
of the Revised Code. A court shall not impose more than one prison 7575  
term on an offender under division (D)(5) of this section for 7576  
felonies committed as part of the same act. 7577

(6) If an offender is convicted of or pleads guilty to a 7578  
violation of division (A)(1) or (2) of section 2903.06 of the 7579  
Revised Code and also is convicted of or pleads guilty to a 7580  
specification of the type described in section 2941.1415 of the 7581  
Revised Code that charges that the offender previously has been 7582  
convicted of or pleaded guilty to three or more violations of 7583  
division (A) or (B) of section 4511.19 of the Revised Code or an 7584  
equivalent offense, as defined in section 2941.1415 of the Revised 7585  
Code, or three or more violations of any combination of those 7586  
divisions and offenses, the court shall impose on the offender a 7587  
prison term of three years. If a court imposes a prison term on an 7588  
offender under division (D)(6) of this section, the prison term, 7589  
subject to division (C) of section 2967.19 of the Revised Code, 7590  
shall not be reduced pursuant to section 2929.20, section 2967.19, 7591  
section 2967.193, or any other provision of Chapter 2967. or 7592  
Chapter 5120. of the Revised Code. A court shall not impose more 7593  
than one prison term on an offender under division (D)(6) of this 7594  
section for felonies committed as part of the same act. 7595

(7)(a) If an offender is convicted of or pleads guilty to a 7596

felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 7597  
2923.32, division (A)(1) or (2) of section 2907.323, or division 7598  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 7599  
Code and also is convicted of or pleads guilty to a specification 7600  
of the type described in section 2941.1422 of the Revised Code 7601  
that charges that the offender knowingly committed the offense in 7602  
furtherance of human trafficking, the court shall impose on the 7603  
offender a mandatory prison term that is one of the following: 7604

(i) If the offense is a felony of the first degree, a 7605  
definite prison term of not less than five years and not greater 7606  
than ten years; 7607

(ii) If the offense is a felony of the second or third 7608  
degree, a definite prison term of not less than three years and 7609  
not greater than the maximum prison term allowed for the offense 7610  
by division (A) of section 2929.14 of the Revised Code; 7611

(iii) If the offense is a felony of the fourth or fifth 7612  
degree, a definite prison term that is the maximum prison term 7613  
allowed for the offense by division (A) of section 2929.14 of the 7614  
Revised Code. 7615

(b) The Subject to division (C) of section 2967.19 of the 7616  
Revised Code, the prison term imposed under division (D)(7)(a) of 7617  
this section shall not be reduced pursuant to section 2929.20, 7618  
section 2967.19, section 2967.193, or any other provision of 7619  
Chapter 2967. of the Revised Code. A court shall not impose more 7620  
than one prison term on an offender under division (D)(7)(a) of 7621  
this section for felonies committed as part of the same act, 7622  
scheme, or plan. 7623

(8) If an offender is convicted of or pleads guilty to a 7624  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7625  
Revised Code and also is convicted of or pleads guilty to a 7626  
specification of the type described in section 2941.1423 of the 7627

Revised Code that charges that the victim of the violation was a 7628  
woman whom the offender knew was pregnant at the time of the 7629  
violation, notwithstanding the range of prison terms prescribed in 7630  
division (A) of this section for felonies of the same degree as 7631  
the violation, the court shall impose on the offender a mandatory 7632  
prison term that is either a definite prison term of six months or 7633  
one of the prison terms prescribed in section 2929.14 of the 7634  
Revised Code for felonies of the same degree as the violation. 7635

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 7636  
mandatory prison term is imposed upon an offender pursuant to 7637  
division (D)(1)(a) of this section for having a firearm on or 7638  
about the offender's person or under the offender's control while 7639  
committing a felony, if a mandatory prison term is imposed upon an 7640  
offender pursuant to division (D)(1)(c) of this section for 7641  
committing a felony specified in that division by discharging a 7642  
firearm from a motor vehicle, or if both types of mandatory prison 7643  
terms are imposed, the offender shall serve any mandatory prison 7644  
term imposed under either division consecutively to any other 7645  
mandatory prison term imposed under either division or under 7646  
division (D)(1)(d) of this section, consecutively to and prior to 7647  
any prison term imposed for the underlying felony pursuant to 7648  
division (A), (D)(2), or (D)(3) of this section or any other 7649  
section of the Revised Code, and consecutively to any other prison 7650  
term or mandatory prison term previously or subsequently imposed 7651  
upon the offender. 7652

(b) If a mandatory prison term is imposed upon an offender 7653  
pursuant to division (D)(1)(d) of this section for wearing or 7654  
carrying body armor while committing an offense of violence that 7655  
is a felony, the offender shall serve the mandatory term so 7656  
imposed consecutively to any other mandatory prison term imposed 7657  
under that division or under division (D)(1)(a) or (c) of this 7658  
section, consecutively to and prior to any prison term imposed for 7659

the underlying felony under division (A), (D)(2), or (D)(3) of 7660  
this section or any other section of the Revised Code, and 7661  
consecutively to any other prison term or mandatory prison term 7662  
previously or subsequently imposed upon the offender. 7663

(c) If a mandatory prison term is imposed upon an offender 7664  
pursuant to division (D)(1)(f) of this section, the offender shall 7665  
serve the mandatory prison term so imposed consecutively to and 7666  
prior to any prison term imposed for the underlying felony under 7667  
division (A), (D)(2), or (D)(3) of this section or any other 7668  
section of the Revised Code, and consecutively to any other prison 7669  
term or mandatory prison term previously or subsequently imposed 7670  
upon the offender. 7671

(d) If a mandatory prison term is imposed upon an offender 7672  
pursuant to division (D)(7) or (8) of this section, the offender 7673  
shall serve the mandatory prison term so imposed consecutively to 7674  
any other mandatory prison term imposed under that division or 7675  
under any other provision of law and consecutively to any other 7676  
prison term or mandatory prison term previously or subsequently 7677  
imposed upon the offender. 7678

(2) If an offender who is an inmate in a jail, prison, or 7679  
other residential detention facility violates section 2917.02, 7680  
2917.03, ~~2921.34~~, or 2921.35 of the Revised Code or division 7681  
(A)(1) or (2) of section 2921.34 of the Revised Code, if an 7682  
offender who is under detention at a detention facility commits a 7683  
felony violation of section 2923.131 of the Revised Code, or if an 7684  
offender who is an inmate in a jail, prison, or other residential 7685  
detention facility or is under detention at a detention facility 7686  
commits another felony while the offender is an escapee in 7687  
violation of division (A)(1) or (2) of section 2921.34 of the 7688  
Revised Code, any prison term imposed upon the offender for one of 7689  
those violations shall be served by the offender consecutively to 7690  
the prison term or term of imprisonment the offender was serving 7691

when the offender committed that offense and to any other prison 7692  
term previously or subsequently imposed upon the offender. 7693

(3) If a prison term is imposed for a violation of division 7694  
(B) of section 2911.01 of the Revised Code, a violation of 7695  
division (A) of section 2913.02 of the Revised Code in which the 7696  
stolen property is a firearm or dangerous ordnance, or a felony 7697  
violation of division (B) of section 2921.331 of the Revised Code, 7698  
the offender shall serve that prison term consecutively to any 7699  
other prison term or mandatory prison term previously or 7700  
subsequently imposed upon the offender. 7701

(4) If multiple prison terms are imposed on an offender for 7702  
convictions of multiple offenses, the court may require the 7703  
offender to serve the prison terms consecutively if the court 7704  
finds that the consecutive service is necessary to protect the 7705  
public from future crime or to punish the offender and that 7706  
consecutive sentences are not disproportionate to the seriousness 7707  
of the offender's conduct and to the danger the offender poses to 7708  
the public, and if the court also finds any of the following: 7709

(a) The offender committed one or more of the multiple 7710  
offenses while the offender was awaiting trial or sentencing, was 7711  
under a sanction imposed pursuant to section 2929.16, 2929.17, or 7712  
2929.18 of the Revised Code, or was under post-release control for 7713  
a prior offense. 7714

(b) At least two of the multiple offenses were committed as 7715  
part of one or more courses of conduct, and the harm caused by two 7716  
or more of the multiple offenses so committed was so great or 7717  
unusual that no single prison term for any of the offenses 7718  
committed as part of any of the courses of conduct adequately 7719  
reflects the seriousness of the offender's conduct. 7720

(c) The offender's history of criminal conduct demonstrates 7721  
that consecutive sentences are necessary to protect the public 7722

from future crime by the offender. 7723

(5) If a mandatory prison term is imposed upon an offender 7724  
pursuant to division (D)(5) or (6) of this section, the offender 7725  
shall serve the mandatory prison term consecutively to and prior 7726  
to any prison term imposed for the underlying violation of 7727  
division (A)(1) or (2) of section 2903.06 of the Revised Code 7728  
pursuant to division (A) of this section or section 2929.142 of 7729  
the Revised Code. If a mandatory prison term is imposed upon an 7730  
offender pursuant to division (D)(5) of this section, and if a 7731  
mandatory prison term also is imposed upon the offender pursuant 7732  
to division (D)(6) of this section in relation to the same 7733  
violation, the offender shall serve the mandatory prison term 7734  
imposed pursuant to division (D)(5) of this section consecutively 7735  
to and prior to the mandatory prison term imposed pursuant to 7736  
division (D)(6) of this section and consecutively to and prior to 7737  
any prison term imposed for the underlying violation of division 7738  
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 7739  
division (A) of this section or section 2929.142 of the Revised 7740  
Code. 7741

(6) When consecutive prison terms are imposed pursuant to 7742  
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 7743  
of this section, the term to be served is the aggregate of all of 7744  
the terms so imposed. 7745

(F)(1) If a court imposes a prison term for a felony of the 7746  
first degree, for a felony of the second degree, for a felony sex 7747  
offense, or for a felony of the third degree that is not a felony 7748  
sex offense and in the commission of which the offender caused or 7749  
threatened to cause physical harm to a person, it shall include in 7750  
the sentence a requirement that the offender be subject to a 7751  
period of post-release control after the offender's release from 7752  
imprisonment, in accordance with that division. If a court imposes 7753  
a sentence including a prison term of a type described in this 7754

division on or after July 11, 2006, the failure of a court to 7755  
include a post-release control requirement in the sentence 7756  
pursuant to this division does not negate, limit, or otherwise 7757  
affect the mandatory period of post-release control that is 7758  
required for the offender under division (B) of section 2967.28 of 7759  
the Revised Code. Section 2929.191 of the Revised Code applies if, 7760  
prior to July 11, 2006, a court imposed a sentence including a 7761  
prison term of a type described in this division and failed to 7762  
include in the sentence pursuant to this division a statement 7763  
regarding post-release control. 7764

(2) If a court imposes a prison term for a felony of the 7765  
third, fourth, or fifth degree that is not subject to division 7766  
(F)(1) of this section, it shall include in the sentence a 7767  
requirement that the offender be subject to a period of 7768  
post-release control after the offender's release from 7769  
imprisonment, in accordance with that division, if the parole 7770  
board determines that a period of post-release control is 7771  
necessary. Section 2929.191 of the Revised Code applies if, prior 7772  
to July 11, 2006, a court imposed a sentence including a prison 7773  
term of a type described in this division and failed to include in 7774  
the sentence pursuant to this division a statement regarding 7775  
post-release control. 7776

(G) The court shall impose sentence upon the offender in 7777  
accordance with section 2971.03 of the Revised Code, and Chapter 7778  
2971. of the Revised Code applies regarding the prison term or 7779  
term of life imprisonment without parole imposed upon the offender 7780  
and the service of that term of imprisonment if any of the 7781  
following apply: 7782

(1) A person is convicted of or pleads guilty to a violent 7783  
sex offense or a designated homicide, assault, or kidnapping 7784  
offense, and, in relation to that offense, the offender is 7785  
adjudicated a sexually violent predator. 7786

(2) A person is convicted of or pleads guilty to a violation 7787  
of division (A)(1)(b) of section 2907.02 of the Revised Code 7788  
committed on or after January 2, 2007, and either the court does 7789  
not impose a sentence of life without parole when authorized 7790  
pursuant to division (B) of section 2907.02 of the Revised Code, 7791  
or division (B) of section 2907.02 of the Revised Code provides 7792  
that the court shall not sentence the offender pursuant to section 7793  
2971.03 of the Revised Code. 7794

(3) A person is convicted of or pleads guilty to attempted 7795  
rape committed on or after January 2, 2007, and a specification of 7796  
the type described in section 2941.1418, 2941.1419, or 2941.1420 7797  
of the Revised Code. 7798

(4) A person is convicted of or pleads guilty to a violation 7799  
of section 2905.01 of the Revised Code committed on or after 7800  
January 1, 2008, and that section requires the court to sentence 7801  
the offender pursuant to section 2971.03 of the Revised Code. 7802

(5) A person is convicted of or pleads guilty to aggravated 7803  
murder committed on or after January 1, 2008, and division 7804  
(A)(2)(b)(ii) of section 2929.022, division (A)(1)(e), 7805  
(C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), (D)(3)(a)(iv), or 7806  
(E)(1)(d) of section 2929.03, or division (A) or (B) of section 7807  
2929.06 of the Revised Code requires the court to sentence the 7808  
offender pursuant to division (B)(3) of section 2971.03 of the 7809  
Revised Code. 7810

(6) A person is convicted of or pleads guilty to murder 7811  
committed on or after January 1, 2008, and division (B)(2) of 7812  
section 2929.02 of the Revised Code requires the court to sentence 7813  
the offender pursuant to section 2971.03 of the Revised Code. 7814

(H) If a person who has been convicted of or pleaded guilty 7815  
to a felony is sentenced to a prison term or term of imprisonment 7816  
under this section, sections 2929.02 to 2929.06 of the Revised 7817

Code, section 2929.142 of the Revised Code, section 2971.03 of the 7818  
Revised Code, or any other provision of law, section 5120.163 of 7819  
the Revised Code applies regarding the person while the person is 7820  
confined in a state correctional institution. 7821

(I) If an offender who is convicted of or pleads guilty to a 7822  
felony that is an offense of violence also is convicted of or 7823  
pleads guilty to a specification of the type described in section 7824  
2941.142 of the Revised Code that charges the offender with having 7825  
committed the felony while participating in a criminal gang, the 7826  
court shall impose upon the offender an additional prison term of 7827  
one, two, or three years. 7828

(J)(1) If an offender who is convicted of or pleads guilty to 7829  
aggravated murder, murder, or a felony of the first, second, or 7830  
third degree that is an offense of violence also is convicted of 7831  
or pleads guilty to a specification of the type described in 7832  
section 2941.143 of the Revised Code that charges the offender 7833  
with having committed the offense in a school safety zone or 7834  
towards a person in a school safety zone, the court shall impose 7835  
upon the offender an additional prison term of two years. The 7836  
offender shall serve the additional two years consecutively to and 7837  
prior to the prison term imposed for the underlying offense. 7838

(2)(a) If an offender is convicted of or pleads guilty to a 7839  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 7840  
of the Revised Code and to a specification of the type described 7841  
in section 2941.1421 of the Revised Code and if the court imposes 7842  
a prison term on the offender for the felony violation, the court 7843  
may impose upon the offender an additional prison term as follows: 7844

(i) Subject to division (J)(2)(a)(ii) of this section, an 7845  
additional prison term of one, two, three, four, five, or six 7846  
months; 7847

(ii) If the offender previously has been convicted of or 7848

pleaded guilty to one or more felony or misdemeanor violations of 7849  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 7850  
Revised Code and also was convicted of or pleaded guilty to a 7851  
specification of the type described in section 2941.1421 of the 7852  
Revised Code regarding one or more of those violations, an 7853  
additional prison term of one, two, three, four, five, six, seven, 7854  
eight, nine, ten, eleven, or twelve months. 7855

(b) In lieu of imposing an additional prison term under 7856  
division (J)(2)(a) of this section, the court may directly impose 7857  
on the offender a sanction that requires the offender to wear a 7858  
real-time processing, continual tracking electronic monitoring 7859  
device during the period of time specified by the court. The 7860  
period of time specified by the court shall equal the duration of 7861  
an additional prison term that the court could have imposed upon 7862  
the offender under division (J)(2)(a) of this section. A sanction 7863  
imposed under this division shall commence on the date specified 7864  
by the court, provided that the sanction shall not commence until 7865  
after the offender has served the prison term imposed for the 7866  
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 7867  
of the Revised Code and any residential sanction imposed for the 7868  
violation under section 2929.16 of the Revised Code. A sanction 7869  
imposed under this division shall be considered to be a community 7870  
control sanction for purposes of section 2929.15 of the Revised 7871  
Code, and all provisions of the Revised Code that pertain to 7872  
community control sanctions shall apply to a sanction imposed 7873  
under this division, except to the extent that they would by their 7874  
nature be clearly inapplicable. The offender shall pay all costs 7875  
associated with a sanction imposed under this division, including 7876  
the cost of the use of the monitoring device. 7877

(K) At the time of sentencing, the court may recommend the 7878  
offender for placement in a program of shock incarceration under 7879  
section 5120.031 of the Revised Code or for placement in an 7880

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 shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

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

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program

prison for which the offender is suited. If there is an available 7913  
program of shock incarceration or an intensive program prison for 7914  
which the offender is suited, the department shall notify the 7915  
court of the proposed placement of the offender as specified in 7916  
section 5120.031 or 5120.032 of the Revised Code and shall include 7917  
with the notice a brief description of the placement. The court 7918  
shall have ten days from receipt of the notice to disapprove the 7919  
placement. 7920

(L) If a person is convicted of or pleads guilty to 7921  
aggravated vehicular homicide in violation of division (A)(1) of 7922  
section 2903.06 of the Revised Code and division (B)(2)(c) of that 7923  
section applies, the person shall be sentenced pursuant to section 7924  
2929.142 of the Revised Code. 7925

(M)(1) Except as provided in division (M)(2) of this section, 7926  
if an offender is convicted of or pleads guilty to a felony of the 7927  
fourth or fifth degree that is not an offense of violence, the 7928  
court shall sentence the offender to a community control sanction 7929  
if both of the following apply: 7930

(a) The offender previously has not been convicted of or 7931  
pleaded guilty to a felony offense. 7932

(b) The violation is the most serious charge before the 7933  
offender at the time of sentencing. 7934

(2) The court has discretion to impose a prison term upon an 7935  
offender who is convicted of or pleads guilty to a felony of the 7936  
fourth or fifth degree that is not an offense of violence if 7937  
either of the following apply: 7938

(a) The offender committed the offense while having a firearm 7939  
on or about the offender's person or under the offender's control. 7940

(b) The offender caused physical harm to another person while 7941  
committing the offense. 7942

(3) A sentencing court may impose an additional penalty under 7943  
division (B) of section 2929.15 of the Revised Code upon an 7944  
offender sentenced to a community control sanction under division 7945  
(M)(1) of this section if the offender violates the conditions of 7946  
the community control sanction, violates a law, or leaves the 7947  
state without the permission of the court or the offender's 7948  
probation officer. 7949

**Sec. 2929.143.** (A) When a court sentences an offender who is 7950  
convicted of a felony to a term of incarceration in a state 7951  
correctional institution, the court may recommend that the 7952  
offender serve a risk reduction sentence under section 5120.036 of 7953  
the Revised Code if the court determines that a risk reduction 7954  
sentence is appropriate and all of the following apply: 7955

(1) The prosecutor and the defense attorney agree that a risk 7956  
reduction sentence is appropriate. 7957

(2) The offender agrees to cooperate with an assessment of 7958  
the offender's needs and risk of reoffending that the department 7959  
of rehabilitation and correction conducts under section 5120.036 7960  
of the Revised Code. 7961

(3) The offender agrees to participate in any programming or 7962  
treatment that the department of rehabilitation and correction 7963  
orders to address any issues raised in the assessment described in 7964  
division (A)(2) of this section. 7965

(B) An offender who is serving a risk reduction sentence is 7966  
not entitled to any earned credit under section 2967.193 of the 7967  
Revised Code. 7968

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 7969  
felony the court is not required to impose a prison term, a 7970  
mandatory prison term, or a term of life imprisonment upon the 7971  
offender, the court may directly impose a sentence that consists 7972

of one or more community control sanctions authorized pursuant to 7973  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 7974  
court is sentencing an offender for a fourth degree felony OVI 7975  
offense under division (G)(1) of section 2929.13 of the Revised 7976  
Code, in addition to the mandatory term of local incarceration 7977  
imposed under that division and the mandatory fine required by 7978  
division (B)(3) of section 2929.18 of the Revised Code, the court 7979  
may impose upon the offender a community control sanction or 7980  
combination of community control sanctions in accordance with 7981  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 7982  
sentencing an offender for a third or fourth degree felony OVI 7983  
offense under division (G)(2) of section 2929.13 of the Revised 7984  
Code, in addition to the mandatory prison term or mandatory prison 7985  
term and additional prison term imposed under that division, the 7986  
court also may impose upon the offender a community control 7987  
sanction or combination of community control sanctions under 7988  
section 2929.16 or 2929.17 of the Revised Code, but the offender 7989  
shall serve all of the prison terms so imposed prior to serving 7990  
the community control sanction. 7991

The duration of all community control sanctions imposed upon 7992  
an offender under this division shall not exceed five years. If 7993  
the offender absconds or otherwise leaves the jurisdiction of the 7994  
court in which the offender resides without obtaining permission 7995  
from the court or the offender's probation officer to leave the 7996  
jurisdiction of the court, or if the offender is confined in any 7997  
institution for the commission of any offense while under a 7998  
community control sanction, the period of the community control 7999  
sanction ceases to run until the offender is brought before the 8000  
court for its further action. If the court sentences the offender 8001  
to one or more nonresidential sanctions under section 2929.17 of 8002  
the Revised Code, the court shall impose as a condition of the 8003  
nonresidential sanctions that, during the period of the sanctions, 8004  
the offender must abide by the law and must not leave the state 8005

without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the

person of the offender, and to the rules governing that department 8039  
of probation. 8040

If there is no department of probation in the county that 8041  
serves the court, the court shall place the offender, regardless 8042  
of the offender's county of residence, under the general control 8043  
and supervision of the adult parole authority for purposes of 8044  
reporting to the court a violation of any of the sanctions, any 8045  
condition of release under a community control sanction imposed by 8046  
the court, a violation of law, or the departure of the offender 8047  
from this state without the permission of the court or the 8048  
offender's probation officer. 8049

(b) If the court imposing sentence upon an offender sentences 8050  
the offender to any community control sanction or combination of 8051  
community control sanctions authorized pursuant to section 8052  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 8053  
offender violates any condition of the sanctions, any condition of 8054  
release under a community control sanction imposed by the court, 8055  
violates any law, or departs the state without the permission of 8056  
the court or the offender's probation officer, the public or 8057  
private person or entity that operates or administers the sanction 8058  
or the program or activity that comprises the sanction shall 8059  
report the violation or departure directly to the sentencing 8060  
court, or shall report the violation or departure to the county or 8061  
multicounty department of probation with general control and 8062  
supervision over the offender under division (A)(2)(a) of this 8063  
section or the officer of that department who supervises the 8064  
offender, or, if there is no such department with general control 8065  
and supervision over the offender under that division, to the 8066  
adult parole authority. If the public or private person or entity 8067  
that operates or administers the sanction or the program or 8068  
activity that comprises the sanction reports the violation or 8069  
departure to the county or multicounty department of probation or 8070

the adult parole authority, the department's or authority's 8071  
officers may treat the offender as if the offender were on 8072  
probation and in violation of the probation, and shall report the 8073  
violation of the condition of the sanction, any condition of 8074  
release under a community control sanction imposed by the court, 8075  
the violation of law, or the departure from the state without the 8076  
required permission to the sentencing court. 8077

(3) If an offender who is eligible for community control 8078  
sanctions under this section admits to being drug addicted or the 8079  
court has reason to believe that the offender is drug addicted, 8080  
and if the offense for which the offender is being sentenced was 8081  
related to the addiction, the court may require that the offender 8082  
be assessed by a properly credentialed professional within a 8083  
specified period of time and shall require the professional to 8084  
file a written assessment of the offender with the court. If a 8085  
court imposes treatment and recovery support services as a 8086  
community control sanction, the court shall direct the level and 8087  
type of treatment and recovery support services after 8088  
consideration of the written assessment, if available at the time 8089  
of sentencing, and recommendations of the professional and other 8090  
treatment and recovery support services providers. 8091

(4) If an assessment completed pursuant to division (A)(3) of 8092  
this section indicates that the offender is addicted to drugs or 8093  
alcohol, the court may include in any community control sanction 8094  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 8095  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 8096  
2925.37 of the Revised Code a requirement that the offender 8097  
participate in a treatment and recovery support services program 8098  
certified under section 3793.06 of the Revised Code or offered by 8099  
another properly credentialed program provider. 8100

(B)(1) If the conditions of a community control sanction are 8101  
violated or if the offender violates a law or leaves the state 8102

without the permission of the court or the offender's probation officer, the sentencing court may impose upon the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section;

(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code;

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code.

(2) The prison term, if any, imposed upon a violator pursuant to this division shall be within the range of prison terms available for the offense for which the sanction that was violated was imposed and shall not exceed the prison term specified in the notice provided to the offender at the sentencing hearing pursuant to division (B)(3) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to this division by the time the offender successfully spent under the sanction that was initially imposed.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction

that requires the offender to submit to random drug testing, the 8134  
department of probation or the adult parole authority that has 8135  
general control and supervision of the offender under division 8136  
(A)(2)(a) of this section may cause the offender to submit to 8137  
random drug testing performed by a laboratory or entity that has 8138  
entered into a contract with any of the governmental entities or 8139  
officers authorized to enter into a contract with that laboratory 8140  
or entity under section 341.26, 753.33, or 5120.63 of the Revised 8141  
Code. 8142

(2) If no laboratory or entity described in division (D)(1) 8143  
of this section has entered into a contract as specified in that 8144  
division, the department of probation or the adult parole 8145  
authority that has general control and supervision of the offender 8146  
under division (A)(2)(a) of this section shall cause the offender 8147  
to submit to random drug testing performed by a reputable public 8148  
laboratory to determine whether the individual who is the subject 8149  
of the drug test ingested or was injected with a drug of abuse. 8150

(3) A laboratory or entity that has entered into a contract 8151  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 8152  
shall perform the random drug tests under division (D)(1) of this 8153  
section in accordance with the applicable standards that are 8154  
included in the terms of that contract. A public laboratory shall 8155  
perform the random drug tests under division (D)(2) of this 8156  
section in accordance with the standards set forth in the policies 8157  
and procedures established by the department of rehabilitation and 8158  
correction pursuant to section 5120.63 of the Revised Code. An 8159  
offender who is required under division (A)(1) of this section to 8160  
submit to random drug testing as a condition of release under a 8161  
community control sanction and whose test results indicate that 8162  
the offender ingested or was injected with a drug of abuse shall 8163  
pay the fee for the drug test if the department of probation or 8164  
the adult parole authority that has general control and 8165

supervision of the offender requires payment of a fee. A 8166  
laboratory or entity that performs the random drug testing on an 8167  
offender under division (D)(1) or (2) of this section shall 8168  
transmit the results of the drug test to the appropriate 8169  
department of probation or the adult parole authority that has 8170  
general control and supervision of the offender under division 8171  
(A)(2)(a) of this section. 8172

(E) The court may sentence a felony offender to a 8173  
community-based corrections program that is established pursuant 8174  
to section 5149.31 of the Revised Code if the offender meets any 8175  
of the following criteria: 8176

(1) The offender is convicted of a felony of the first, 8177  
second, or third degree. 8178

(2) The offender is convicted of a felony of the fourth or 8179  
fifth degree and is found to be a high risk, as assessed by the 8180  
single validated risk assessment tool described in section 8181  
5120.114 of the Revised Code. 8182

(3) The offender's community control sanction or combination 8183  
of community control sanctions imposed under section 2929.16 or 8184  
2929.17 of the Revised Code has been revoked, and the offender is 8185  
found to be a medium or high risk, as assessed by the single 8186  
validated risk assessment tool described in section 5120.114 of 8187  
the Revised Code. 8188

**Sec. 2929.16.** (A) Except as provided in this division, the 8189  
court imposing a sentence for a felony upon an offender who is not 8190  
required to serve a mandatory prison term may impose any community 8191  
residential sanction or combination of community residential 8192  
sanctions under this section. The court imposing a sentence for a 8193  
fourth degree felony OVI offense under division (G)(1) or (2) of 8194  
section 2929.13 of the Revised Code or for a third degree felony 8195  
OVI offense under division (G)(2) of that section may impose upon 8196

the offender, in addition to the mandatory term of local 8197  
incarceration or mandatory prison term imposed under the 8198  
applicable division, a community residential sanction or 8199  
combination of community residential sanctions under this section, 8200  
and the offender shall serve or satisfy the sanction or 8201  
combination of sanctions after the offender has served the 8202  
mandatory term of local incarceration or mandatory prison term 8203  
required for the offense. Community residential sanctions include, 8204  
but are not limited to, the following: 8205

(1) A term of up to six months at a community-based 8206  
correctional facility that serves the county if the offender 8207  
satisfies any of the following criteria: 8208

(a) The offender is convicted of a felony of the first or 8209  
second degree. 8210

(b) The offender is convicted of a felony of the third degree 8211  
and is found to be a medium or high risk, as assessed by the 8212  
single validated risk assessment tool described in section 8213  
5120.114 of the Revised Code. 8214

(c) The offender is convicted of a felony of the fourth or 8215  
fifth degree and is found to be a high risk, as assessed by the 8216  
single validated risk assessment tool described in section 8217  
5120.114 of the Revised Code. 8218

(d) The offender's community control sanction or combination 8219  
of community control sanctions imposed under section 2929.16 or 8220  
2929.17 of the Revised Code have been revoked, and the offender is 8221  
found to be a medium or high risk, as assessed by the single 8222  
validated risk assessment tool described in section 5120.114 of 8223  
the Revised Code. 8224

(2) Except as otherwise provided in division (A)(3) of this 8225  
section and subject to division (D) of this section, a term of up 8226

to six months in a jail; 8227

(3) If the offender is convicted of a fourth degree felony 8228  
OVI offense and is sentenced under division (G)(1) of section 8229  
2929.13 of the Revised Code, subject to division (D) of this 8230  
section, a term of up to one year in a jail less the mandatory 8231  
term of local incarceration of sixty or one hundred twenty 8232  
consecutive days of imprisonment imposed pursuant to that 8233  
division; 8234

(4) A term in a halfway house; 8235

(5) A term in an alternative residential facility. 8236

(B) The court that assigns any offender convicted of a felony 8237  
to a residential sanction under this section may authorize the 8238  
offender to be released so that the offender may seek or maintain 8239  
employment, receive education or training, or receive treatment. A 8240  
release pursuant to this division shall be only for the duration 8241  
of time that is needed to fulfill the purpose of the release and 8242  
for travel that reasonably is necessary to fulfill the purposes of 8243  
the release. 8244

(C) If the court assigns an offender to a county jail that is 8245  
not a minimum security misdemeanor jail in a county that has 8246  
established a county jail industry program pursuant to section 8247  
5147.30 of the Revised Code, the court shall specify, as part of 8248  
the sentence, whether the sheriff of that county may consider the 8249  
offender for participation in the county jail industry program. 8250  
During the offender's term in the county jail, the court shall 8251  
retain jurisdiction to modify its specification upon a 8252  
reassessment of the offender's qualifications for participation in 8253  
the program. 8254

(D) If a court sentences an offender to a term in jail under 8255  
division (A)(2) or (3) of this section and if the sentence is 8256  
imposed for a felony of the fourth or fifth degree that is not an 8257

offense of violence, the court may specify that it prefers that 8258  
the offender serve the term in a minimum security jail established 8259  
under section 341.34 or 753.21 of the Revised Code. If the court 8260  
includes a specification of that type in the sentence and if the 8261  
administrator of the appropriate minimum security jail or the 8262  
designee of that administrator classifies the offender in 8263  
accordance with section 341.34 or 753.21 of the Revised Code as a 8264  
minimal security risk, the offender shall serve the term in the 8265  
minimum security jail established under section 341.34 or 753.21 8266  
of the Revised Code. Absent a specification of that type and a 8267  
finding of that type, the offender shall serve the term in a jail 8268  
other than a minimum security jail established under section 8269  
341.34 or 753.21 of the Revised Code. 8270

(E) If a person who has been convicted of or pleaded guilty 8271  
to a felony is sentenced to a community residential sanction as 8272  
described in division (A) of this section, at the time of 8273  
reception and at other times the person in charge of the operation 8274  
of the community-based correctional facility, jail, halfway house, 8275  
alternative residential facility, or other place at which the 8276  
offender will serve the residential sanction determines to be 8277  
appropriate, the person in charge of the operation of the 8278  
community-based correctional facility, jail, halfway house, 8279  
alternative residential facility, or other place may cause the 8280  
convicted offender to be examined and tested for tuberculosis, HIV 8281  
infection, hepatitis, including but not limited to hepatitis A, B, 8282  
and C, and other contagious diseases. The person in charge of the 8283  
operation of the community-based correctional facility, jail, 8284  
halfway house, alternative residential facility, or other place at 8285  
which the offender will serve the residential sanction may cause a 8286  
convicted offender in the community-based correctional facility, 8287  
jail, halfway house, alternative residential facility, or other 8288  
place who refuses to be tested or treated for tuberculosis, HIV 8289  
infection, hepatitis, including but not limited to hepatitis A, B, 8290

and C, or another contagious disease to be tested and treated 8291  
involuntarily. 8292

**Sec. 2929.20.** (A) As used in this section: 8293

(1)(a) Except as provided in division (A)(1)(b) of this 8294  
section, "eligible offender" means any person who, on or after 8295  
April 7, 2009, is serving a stated prison term ~~of~~ that includes 8296  
one or more nonmandatory prison terms that in the aggregate are 8297  
ten years or less ~~when either of the following applies:~~ 8298

~~(i) The stated prison term does not include a mandatory~~ 8299  
~~prison term.~~ 8300

~~(ii) The stated prison term includes a mandatory prison term,~~ 8301  
~~and the person has served the mandatory prison term.~~ 8302

(b) "Eligible offender" does not include any person who, on 8303  
or after April 7, 2009, is serving a stated prison term for any of 8304  
the following criminal offenses that was a felony and was 8305  
committed while the person held a public office in this state: 8306

(i) A violation of section 2921.02, 2921.03, 2921.05, 8307  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8308  
Code; 8309

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8310  
2921.12 of the Revised Code, when the conduct constituting the 8311  
violation was related to the duties of the offender's public 8312  
office or to the offender's actions as a public official holding 8313  
that public office; 8314

(iii) A violation of an existing or former municipal 8315  
ordinance or law of this or any other state or the United States 8316  
that is substantially equivalent to any violation listed in 8317  
division (A)(1)(b)(i) of this section; 8318

(iv) A violation of an existing or former municipal ordinance 8319  
or law of this or any other state or the United States that is 8320

substantially equivalent to any violation listed in division 8321  
(A)(1)(b)(ii) of this section, when the conduct constituting the 8322  
violation was related to the duties of the offender's public 8323  
office or to the offender's actions as a public official holding 8324  
that public office; 8325

(v) A conspiracy to commit, attempt to commit, or complicity 8326  
in committing any offense listed in division (A)(1)(b)(i) or 8327  
described in division (A)(1)(b)(iii) of this section; 8328

(vi) A conspiracy to commit, attempt to commit, or complicity 8329  
in committing any offense listed in division (A)(1)(b)(ii) or 8330  
described in division (A)(1)(b)(iv) of this section, if the 8331  
conduct constituting the offense that was the subject of the 8332  
conspiracy, that would have constituted the offense attempted, or 8333  
constituting the offense in which the offender was complicit was 8334  
or would have been related to the duties of the offender's public 8335  
office or to the offender's actions as a public official holding 8336  
that public office. 8337

(2) "Nonmandatory prison term" means a prison term that is 8338  
not a mandatory prison term. 8339

(3) "Public office" means any elected federal, state, or 8340  
local government office in this state. 8341

(B) On the motion of an eligible offender or upon its own 8342  
motion, the sentencing court may reduce the eligible offender's 8343  
~~stated~~ aggregated nonmandatory prison term or terms of ten years 8344  
or less through a judicial release under this section. 8345

(C) An eligible offender may file a motion for judicial 8346  
release with the sentencing court within the following applicable 8347  
periods: 8348

(1) If the ~~stated~~ aggregated nonmandatory prison term or 8349  
terms is less than two years, the eligible offender may file the 8350  
motion ~~not earlier than thirty days~~ after the offender ~~is~~ 8351

~~delivered to a state correctional institution or, if the prison~~ 8352  
~~term includes a mandatory prison term or terms, not earlier than~~ 8353  
~~has served~~ thirty days after the expiration of all mandatory 8354  
~~prison terms~~ of the aggregated nonmandatory prison term or terms. 8355

(2) If the ~~stated~~ aggregated nonmandatory prison term or 8356  
terms is at least two years but less than five years, the eligible 8357  
offender may file the motion ~~not earlier than one hundred eighty~~ 8358  
~~days~~ after the offender ~~is delivered to a state correctional~~ 8359  
~~institution or, if the prison term includes a mandatory prison~~ 8360  
~~term or terms, not earlier than~~ has served one hundred eighty days 8361  
~~after the expiration of all mandatory prison terms~~ of the 8362  
aggregated nonmandatory prison term or terms. 8363

(3) If the aggregated nonmandatory prison term or terms is 8364  
five years, the eligible offender may file the motion after the 8365  
eligible offender has served four years of the aggregated 8366  
nonmandatory prison term or terms. 8367

(4) If the ~~stated~~ aggregated nonmandatory prison term or 8368  
terms is more than five years ~~or more~~ but not more than ten years, 8369  
the eligible offender may file the motion ~~not earlier than five~~ 8370  
~~years~~ after the eligible offender ~~is delivered to a state~~ 8371  
~~correctional institution or, if the prison term includes a~~ 8372  
~~mandatory prison term or terms, not earlier than~~ has served five 8373  
~~years after the expiration of all mandatory prison~~ of the 8374  
aggregated nonmandatory prison term or terms. 8375

(D) Upon receipt of a timely motion for judicial release 8376  
filed by an eligible offender under division (C) of this section 8377  
or upon the sentencing court's own motion made within the 8378  
appropriate time specified in that division, the court may deny 8379  
the motion without a hearing or schedule a hearing on the motion. 8380  
The court shall not grant the motion without a hearing. If a court 8381  
denies a motion without a hearing, the court later may consider 8382  
judicial release for that eligible offender on a subsequent motion 8383

filed by that eligible offender unless the court denies the motion 8384  
with prejudice. If a court denies a motion with prejudice, the 8385  
court may later consider judicial release on its own motion. If a 8386  
court denies a motion after a hearing, the court shall not 8387  
consider a subsequent motion for that eligible offender. The court 8388  
shall hold only one hearing for any eligible offender. 8389

A hearing under this section shall be conducted in open court 8390  
within sixty days after the motion is filed, provided that the 8391  
court may delay the hearing for one hundred eighty additional 8392  
days. If the court holds a hearing, the court shall enter a ruling 8393  
on the motion within ten days after the hearing. If the court 8394  
denies the motion without a hearing, the court shall enter its 8395  
ruling on the motion within sixty days after the motion is filed. 8396

(E) If a court schedules a hearing under division (D) of this 8397  
section, the court shall notify the eligible offender and the head 8398  
of the state correctional institution in which the eligible 8399  
offender is confined prior to the hearing. The head of the state 8400  
correctional institution immediately shall notify the appropriate 8401  
person at the department of rehabilitation and correction of the 8402  
hearing, and the department within twenty-four hours after receipt 8403  
of the notice, shall post on the database it maintains pursuant to 8404  
section 5120.66 of the Revised Code the offender's name and all of 8405  
the information specified in division (A)(1)(c)(i) of that 8406  
section. If the court schedules a hearing for judicial release, 8407  
the court promptly shall give notice of the hearing to the 8408  
prosecuting attorney of the county in which the eligible offender 8409  
was indicted. Upon receipt of the notice from the court, the 8410  
prosecuting attorney shall notify the victim of the offense or the 8411  
victim's representative pursuant to section 2930.16 of the Revised 8412  
Code. 8413

(F) Upon an offender's successful completion of 8414  
rehabilitative activities, the head of the state correctional 8415

institution may notify the sentencing court of the successful 8416  
completion of the activities. 8417

(G) Prior to the date of the hearing on a motion for judicial 8418  
release under this section, the head of the state correctional 8419  
institution in which the eligible offender is confined shall send 8420  
to the court a report on the eligible offender's conduct in the 8421  
institution and in any institution from which the eligible 8422  
offender may have been transferred. The report shall cover the 8423  
eligible offender's participation in school, vocational training, 8424  
work, treatment, and other rehabilitative activities and any 8425  
disciplinary action taken against the eligible offender. The 8426  
report shall be made part of the record of the hearing. 8427

(H) If the court grants a hearing on a motion for judicial 8428  
release under this section, the eligible offender shall attend the 8429  
hearing if ordered to do so by the court. Upon receipt of a copy 8430  
of the journal entry containing the order, the head of the state 8431  
correctional institution in which the eligible offender is 8432  
incarcerated shall deliver the eligible offender to the sheriff of 8433  
the county in which the hearing is to be held. The sheriff shall 8434  
convey the eligible offender to and from the hearing. 8435

(I) At the hearing on a motion for judicial release under 8436  
this section, the court shall afford the eligible offender and the 8437  
eligible offender's attorney an opportunity to present written 8438  
and, if present, oral information relevant to the motion. The 8439  
court shall afford a similar opportunity to the prosecuting 8440  
attorney, the victim or the victim's representative, as defined in 8441  
section 2930.01 of the Revised Code, and any other person the 8442  
court determines is likely to present additional relevant 8443  
information. The court shall consider any statement of a victim 8444  
made pursuant to section 2930.14 or 2930.17 of the Revised Code, 8445  
any victim impact statement prepared pursuant to section 2947.051 8446  
of the Revised Code, and any report made under division (G) of 8447

this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible offender under division (J)(1) of this section shall specify on the record both findings required in that division and also shall list all the factors described in that division that were presented at the hearing.

(K) If the court grants a motion for judicial release under this section, the court shall order the release of the eligible

offender, shall place the eligible offender under an appropriate 8479  
community control sanction, under appropriate conditions, and 8480  
under the supervision of the department of probation serving the 8481  
court and shall reserve the right to reimpose the sentence that it 8482  
reduced if the offender violates the sanction. If the court 8483  
reimposes the reduced sentence, it may do so either concurrently 8484  
with, or consecutive to, any new sentence imposed upon the 8485  
eligible offender as a result of the violation that is a new 8486  
offense. The period of community control shall be no longer than 8487  
five years. The court, in its discretion, may reduce the period of 8488  
community control by the amount of time the eligible offender 8489  
spent in jail or prison for the offense and in prison. If the 8490  
court made any findings pursuant to division (J)(1) of this 8491  
section, the court shall serve a copy of the findings upon counsel 8492  
for the parties within fifteen days after the date on which the 8493  
court grants the motion for judicial release. 8494

If the court grants a motion for judicial release, the court 8495  
shall notify the appropriate person at the department of 8496  
rehabilitation and correction, and the department shall post 8497  
notice of the release on the database it maintains pursuant to 8498  
section 5120.66 of the Revised Code. 8499

(L) In addition to and independent of the right of a victim 8500  
to make a statement pursuant to section 2930.14, 2930.17, or 8501  
2946.051 of the Revised Code and any right of a person to present 8502  
written information or make a statement pursuant to division (I) 8503  
of this section, any person may submit to the court, at any time 8504  
prior to the hearing on the offender's motion for judicial 8505  
release, a written statement concerning the effects of the 8506  
offender's crime or crimes, the circumstances surrounding the 8507  
crime or crimes, the manner in which the crime or crimes were 8508  
perpetrated, and the person's opinion as to whether the offender 8509  
should be released. 8510

(M) The changes to this section that are made on the 8511  
effective date of this division apply to any judicial release 8512  
decision made on or after the effective date of this division for 8513  
any eligible offender. 8514

**Sec. 2929.26.** (A) Except when a mandatory jail term is 8515  
required by law, the court imposing a sentence for a misdemeanor, 8516  
other than a minor misdemeanor, may impose upon the offender any 8517  
community residential sanction or combination of community 8518  
residential sanctions under this section. Community residential 8519  
sanctions include, but are not limited to, the following: 8520

(1) A term of up to one hundred eighty days in a halfway 8521  
house or a term in a halfway house not to exceed the longest jail 8522  
term available for the offense, whichever is shorter, if the 8523  
political subdivision that would have responsibility for paying 8524  
the costs of confining the offender in a jail has entered into a 8525  
contract with the halfway house for use of the facility for 8526  
misdemeanor offenders; 8527

(2) A term of up to one hundred eighty days in an alternative 8528  
residential facility or a term in an alternative residential 8529  
facility not to exceed the longest jail term available for the 8530  
offense, whichever is shorter. The court may specify the level of 8531  
security in the alternative residential facility that is needed 8532  
for the offender. 8533

(3) If the offender is an eligible offender, as defined in 8534  
section 307.932 of the Revised Code, a term of up to thirty days 8535  
in a community alternative sentencing center or district community 8536  
alternative sentencing center established and operated in 8537  
accordance with that section, in the circumstances specified in 8538  
that section, with one of the conditions of the sanction being 8539  
that the offender complete in the center the entire term imposed. 8540

(B) The A sentence to a community residential sanction under 8541

division (A)(3) of this section shall be in accordance with 8542  
section 307.932 of the Revised Code. In all other cases, the court 8543  
that sentences an offender to a community residential sanction 8544  
under this section may do either or both of the following: 8545

(1) Permit the offender to serve the offender's sentence in 8546  
intermittent confinement, overnight, on weekends or at any other 8547  
time or times that will allow the offender to continue at the 8548  
offender's occupation or care for the offender's family; 8549

(2) Authorize the offender to be released so that the 8550  
offender may seek or maintain employment, receive education or 8551  
training, receive treatment, perform community service, or 8552  
otherwise fulfill an obligation imposed by law or by the court. A 8553  
release pursuant to this division shall be only for the duration 8554  
of time that is needed to fulfill the purpose of the release and 8555  
for travel that reasonably is necessary to fulfill the purposes of 8556  
the release. 8557

(C) The court may order that a reasonable portion of the 8558  
income earned by the offender upon a release pursuant to division 8559  
(B) of this section be applied to any financial sanction imposed 8560  
under section 2929.28 of the Revised Code. 8561

(D) No court shall sentence any person to a prison term for a 8562  
misdemeanor or minor misdemeanor or to a jail term for a minor 8563  
misdemeanor. 8564

(E) If a court sentences a person who has been convicted of 8565  
or pleaded guilty to a misdemeanor to a community residential 8566  
sanction as described in division (A) of this section, at the time 8567  
of reception and at other times the person in charge of the 8568  
operation of the halfway house, alternative residential facility, 8569  
community alternative sentencing center, district community 8570  
alternative sentencing center, or other place at which the 8571  
offender will serve the residential sanction determines to be 8572

appropriate, the person in charge of the operation of the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction may cause a convicted offender in the halfway house, alternative residential facility, community alternative sentencing center, district community alternative sentencing center, or other place who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

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

**Sec. 2929.34.** (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall

serve that term as follows: 8604

(a) Subject to divisions (B)(1)(b) and (B)(2) of this 8605  
section, in an institution under the control of the department of 8606  
rehabilitation and correction if the term is a prison term or as 8607  
otherwise determined by the sentencing court pursuant to section 8608  
2929.16 of the Revised Code if the term is not a prison term; 8609

(b) In a facility of a type described in division (G)(1) of 8610  
section 2929.13 of the Revised Code, if the offender is sentenced 8611  
pursuant to that division. 8612

(2) If the term is a prison term, the person may be 8613  
imprisoned in a jail that is not a minimum security jail pursuant 8614  
to agreement under section 5120.161 of the Revised Code between 8615  
the department of rehabilitation and correction and the local 8616  
authority that operates the jail. 8617

(C) A person who is convicted of or pleads guilty to one or 8618  
more misdemeanors and who is sentenced to a jail term or term of 8619  
imprisonment pursuant to the conviction or convictions shall serve 8620  
that term in a county, multicounty, municipal, municipal-county, 8621  
or multicounty-municipal jail or workhouse; in a community 8622  
alternative sentencing center or district community alternative 8623  
sentencing center when authorized by section 307.932 of the 8624  
Revised Code; or, if the misdemeanor or misdemeanors are not 8625  
offenses of violence, in a minimum security jail. 8626

(D) Nothing in this section prohibits the commitment, 8627  
referral, or sentencing of a person who is convicted of or pleads 8628  
guilty to a felony to a community-based correctional facility. 8629

**Sec. 2930.12.** At the request of the victim in a criminal 8630  
prosecution, the prosecutor shall give the victim notice of the 8631  
defendant's acquittal or conviction. At the request of the victim 8632  
in a delinquency proceeding, the prosecutor shall give the victim 8633

notice of the dismissal of the complaint against the alleged 8634  
juvenile offender or of the adjudication of the alleged juvenile 8635  
offender as a delinquent child, except that, if the juvenile court 8636  
dismisses the complaint against the alleged juvenile offender or 8637  
adjudicates the alleged juvenile offender a delinquent child prior 8638  
to the prosecutor's involvement in the case, at the request of the 8639  
victim, the court or a court employee shall give the victim notice 8640  
of the dismissal or of the adjudication. If the defendant or 8641  
alleged juvenile offender is convicted or is adjudicated a 8642  
delinquent child, the notice shall include all of the following: 8643

(A) The crimes or specified delinquent acts of which the 8644  
defendant was convicted or for which the alleged juvenile offender 8645  
was adjudicated a delinquent child; 8646

(B) The address and telephone number of the probation office 8647  
or other person, if any, that is to prepare a presentence 8648  
investigation report pursuant to section 2951.03 of the Revised 8649  
Code or Criminal Rule 32.2, the address and telephone number of 8650  
the person, if any, who is to prepare a disposition investigation 8651  
report pursuant to division (C)(1) of section 2152.18 of the 8652  
Revised Code, and the address and telephone number of the person, 8653  
if any, who is to prepare a victim impact statement pursuant to 8654  
division (D)(1) of section 2152.19 or section 2947.051 of the 8655  
Revised Code; 8656

(C) Notice that the victim may make a statement about the 8657  
impact of the crime or specified delinquent act to the probation 8658  
officer or other person, if any, who prepares the presentence 8659  
investigation report or to the person, if any, who prepares a 8660  
victim impact statement, that a statement of the victim included 8661  
in the report will be made available to the defendant or alleged 8662  
juvenile offender unless the court exempts it from disclosure, and 8663  
that the court may make the victim impact statement available to 8664  
the defendant or alleged juvenile offender; 8665

(D) Notice of the victim's right under section 2930.14 of the Revised Code to make a statement about the impact of the crime or specified delinquent act before sentencing or disposition;

(E) The date, time, and place of the sentencing hearing or dispositional hearing;

(F) One of the following:

(1) Any sentence imposed upon the defendant and any subsequent modification of that sentence, including modification under section 2929.20 or 5120.036 of the Revised Code or as a result of the defendant's appeal of the sentence pursuant to section 2953.08 of the Revised Code;

(2) Any disposition ordered for the defendant and any subsequent modification of that disposition, including judicial release or early release in accordance with section 2151.38 of the Revised Code.

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in a case who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. If an alleged juvenile offender is committed to the temporary custody of a school, camp, institution, or other facility operated for the care of delinquent children or to the legal custody of the department of youth services, a victim in a case who has requested to receive notice under this section shall be given notice of the commitment. Promptly after sentence is imposed upon the defendant or the commitment of the alleged juvenile offender is ordered, the prosecutor in the case shall notify the victim of the date on which the defendant will be released from confinement or the prosecutor's reasonable estimate of that date or the date on which the alleged juvenile offender will have served the minimum period of commitment or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim of the name of

the custodial agency of the defendant or alleged juvenile offender 8697  
and tell the victim how to contact that custodial agency. If the 8698  
custodial agency is the department of rehabilitation and 8699  
correction, the prosecutor shall notify the victim of the services 8700  
offered by the office of victims' services pursuant to section 8701  
5120.60 of the Revised Code. If the custodial agency is the 8702  
department of youth services, the prosecutor shall notify the 8703  
victim of the services provided by the office of victims' services 8704  
within the release authority of the department pursuant to section 8705  
5139.55 of the Revised Code and the victim's right pursuant to 8706  
section 5139.56 of the Revised Code to submit a written request to 8707  
the release authority to be notified of actions the release 8708  
authority takes with respect to the alleged juvenile offender. The 8709  
victim shall keep the custodial agency informed of the victim's 8710  
current address and telephone number. 8711

(B)(1) Upon the victim's request, the prosecutor promptly 8712  
shall notify the victim of any hearing for judicial release of the 8713  
defendant pursuant to section 2929.20 of the Revised Code, of any 8714  
hearing for release of the defendant pursuant to section 2967.19 8715  
of the Revised Code, or of any hearing for judicial release or 8716  
early release of the alleged juvenile offender pursuant to section 8717  
2151.38 of the Revised Code and of the victim's right to make a 8718  
statement under those sections. The court shall notify the victim 8719  
of its ruling in each of those hearings and on each of those 8720  
applications. 8721

(2) If an offender is sentenced to a prison term pursuant to 8722  
division (A)(3) or (B) of section 2971.03 of the Revised Code, 8723  
upon the request of the victim of the crime, the prosecutor 8724  
promptly shall notify the victim of any hearing to be conducted 8725  
pursuant to section 2971.05 of the Revised Code to determine 8726  
whether to modify the requirement that the offender serve the 8727  
entire prison term in a state correctional facility in accordance 8728

with division (C) of that section, whether to continue, revise, or 8729  
revoke any existing modification of that requirement, or whether 8730  
to terminate the prison term in accordance with division (D) of 8731  
that section. The court shall notify the victim of any order 8732  
issued at the conclusion of the hearing. 8733

(C) Upon the victim's request made at any time before the 8734  
particular notice would be due, the custodial agency of a 8735  
defendant or alleged juvenile offender shall give the victim any 8736  
of the following notices that is applicable: 8737

(1) At least three weeks before the adult parole authority 8738  
recommends a pardon or commutation of sentence for the defendant 8739  
or at least three weeks prior to a hearing before the adult parole 8740  
authority regarding a grant of parole to the defendant, notice of 8741  
the victim's right to submit a statement regarding the impact of 8742  
the defendant's release in accordance with section 2967.12 of the 8743  
Revised Code and, if applicable, of the victim's right to appear 8744  
at a full board hearing of the parole board to give testimony as 8745  
authorized by section 5149.101 of the Revised Code; 8746

(2) At least three weeks before the defendant is transferred 8747  
to transitional control under section 2967.26 of the Revised Code, 8748  
notice of the pendency of the transfer and of the victim's right 8749  
under that section to submit a statement regarding the impact of 8750  
the transfer; 8751

(3) At least thirty days before the release authority of the 8752  
department of youth services holds a release review, release 8753  
hearing, or discharge review for the alleged juvenile offender, 8754  
notice of the pendency of the review or hearing, of the victim's 8755  
right to make an oral or written statement regarding the impact of 8756  
the crime upon the victim or regarding the possible release or 8757  
discharge, and, if the notice pertains to a hearing, of the 8758  
victim's right to attend and make statements or comments at the 8759  
hearing as authorized by section 5139.56 of the Revised Code; 8760

(4) Prompt notice of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or mental retardation and developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(5) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody;

(6) Notice of the defendant's or alleged juvenile offender's release from confinement or custody and the terms and conditions of the release.

**Sec. 2930.17.** (A) In determining whether to grant a judicial release to a defendant from a prison term pursuant to section 2929.20 of the Revised Code at a time before the defendant's stated prison term expires, in determining whether to grant a release to an offender from a prison term pursuant to section 2967.19 of the Revised Code at a time before the offender's stated prison term expires, or in determining whether to grant a judicial release or early release to an alleged juvenile offender from a commitment to the department of youth services pursuant to section 2151.38 of the Revised Code, the court shall permit a victim of a crime or specified delinquent act for which the defendant or alleged juvenile offender was incarcerated or committed to make a statement, in addition to any other statement made under this chapter, concerning the effects of that crime or specified delinquent act on the victim, the circumstances surrounding the crime or specified delinquent act, the manner in which the crime or specified delinquent act was perpetrated, and the victim's opinion whether the defendant or alleged juvenile offender should

be released. The victim may make the statement in writing or 8792  
orally, at the court's discretion. The court shall give the 8793  
defendant or alleged juvenile offender and either the adult parole 8794  
authority or the department of youth services, whichever is 8795  
applicable, a copy of any written impact statement made by the 8796  
victim under this division. 8797

(B) In deciding whether to grant a judicial release or early 8798  
release to the defendant or alleged juvenile offender, the court 8799  
shall consider a statement made by the victim under division (A) 8800  
of this section or section 2930.14 or 2947.051 of the Revised 8801  
Code. 8802

**Sec. 2950.99.** (A)(1)(a) Except as otherwise provided in 8803  
division (A)(1)(b) of this section, whoever violates a prohibition 8804  
in section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised 8805  
Code shall be punished as follows: 8806

(i) If the most serious sexually oriented offense that was 8807  
the basis of the registration, notice of intent to reside, change 8808  
of address notification, or address verification requirement that 8809  
was violated under the prohibition is aggravated murder or murder 8810  
if committed by an adult or a comparable category of offense 8811  
committed in another jurisdiction, the offender is guilty of a 8812  
felony of the first degree. 8813

(ii) If the most serious sexually oriented offense or 8814  
child-victim oriented offense that was the basis of the 8815  
registration, notice of intent to reside, change of address 8816  
notification, or address verification requirement that was 8817  
violated under the prohibition is a felony of the first, second, 8818  
third, or fourth degree if committed by an adult or a comparable 8819  
category of offense committed in another jurisdiction, the 8820  
offender is guilty of a felony of the same degree as the most 8821  
serious sexually oriented offense or child-victim oriented offense 8822

that was the basis of the registration, notice of intent to 8823  
reside, change of address, or address verification requirement 8824  
that was violated under the prohibition, or, if the most serious 8825  
sexually oriented offense or child-victim oriented offense that 8826  
was the basis of the registration, notice of intent to reside, 8827  
change of address, or address verification requirement that was 8828  
violated under the prohibition is a comparable category of offense 8829  
committed in another jurisdiction, the offender is guilty of a 8830  
felony of the same degree as that offense committed in the other 8831  
jurisdiction would constitute if committed in this state. 8832

(iii) If the most serious sexually oriented offense or 8833  
child-victim oriented offense that was the basis of the 8834  
registration, notice of intent to reside, change of address 8835  
notification, or address verification requirement that was 8836  
violated under the prohibition is a felony of the fifth degree or 8837  
a misdemeanor if committed by an adult or a comparable category of 8838  
offense committed in another jurisdiction, the offender is guilty 8839  
of a felony of the fourth degree. 8840

(b) If the offender previously has been convicted of or 8841  
pleaded guilty to, or previously has been adjudicated a delinquent 8842  
child for committing, a violation of a prohibition in section 8843  
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, 8844  
whoever violates a prohibition in section 2950.04, 2950.041, 8845  
2950.05, or 2950.06 of the Revised Code shall be punished as 8846  
follows: 8847

(i) If the most serious sexually oriented offense that was 8848  
the basis of the registration, notice of intent to reside, change 8849  
of address notification, or address verification requirement that 8850  
was violated under the prohibition is aggravated murder or murder 8851  
if committed by an adult or a comparable category of offense 8852  
committed in another jurisdiction, the offender is guilty of a 8853  
felony of the first degree. 8854

(ii) If the most serious sexually oriented offense or 8855  
child-victim oriented offense that was the basis of the 8856  
registration, notice of intent to reside, change of address 8857  
notification, or address verification requirement that was 8858  
violated under the prohibition is a felony of the first, second, 8859  
or third degree if committed by an adult or a comparable category 8860  
of offense committed in another jurisdiction, the offender is 8861  
guilty of a felony of the same degree as the most serious sexually 8862  
oriented offense or child-victim oriented offense that was the 8863  
basis of the registration, notice of intent to reside, change of 8864  
address, or address verification requirement that was violated 8865  
under the prohibition, or, if the most serious sexually oriented 8866  
offense or child-victim oriented offense that was the basis of the 8867  
registration, notice of intent to reside, change of address, or 8868  
address verification requirement that was violated under the 8869  
prohibition is a comparable category of offense committed in 8870  
another jurisdiction, the offender is guilty of a felony of the 8871  
same degree as that offense committed in the other jurisdiction 8872  
would constitute if committed in this state. 8873

(iii) If the most serious sexually oriented offense or 8874  
child-victim oriented offense that was the basis of the 8875  
registration, notice of intent to reside, change of address 8876  
notification, or address verification requirement that was 8877  
violated under the prohibition is a felony of the fourth or fifth 8878  
degree if committed by an adult or a comparable category of 8879  
offense committed in another jurisdiction, the offender is guilty 8880  
of a felony of the third degree. 8881

(iv) If the most serious sexually oriented offense or 8882  
child-victim oriented offense that was the basis of the 8883  
registration, notice of intent to reside, change of address 8884  
notification, or address verification requirement that was 8885  
violated under the prohibition is a misdemeanor if committed by an 8886

adult or a comparable category of offense committed in another 8887  
jurisdiction, the offender is guilty of a felony of the fourth 8888  
degree. 8889

(2)(a) In addition to any penalty or sanction imposed under 8890  
division (A)(1) of this section or any other provision of law for 8891  
a violation of a prohibition in section 2950.04, 2950.041, 8892  
2950.05, or 2950.06 of the Revised Code, if the offender or 8893  
delinquent child is subject to a community control sanction, is on 8894  
parole, is subject to one or more post-release control sanctions, 8895  
or is subject to any other type of supervised release at the time 8896  
of the violation, the violation shall constitute a violation of 8897  
the terms and conditions of the community control sanction, 8898  
parole, post-release control sanction, or other type of supervised 8899  
release. 8900

(b) In addition to any penalty or sanction imposed under 8901  
division (A)(1)(b)(i), (ii), or (iii) of this section or any other 8902  
provision of law for a violation of a prohibition in section 8903  
2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code, if the 8904  
offender previously has been convicted of or pleaded guilty to, or 8905  
previously has been adjudicated a delinquent child for committing, 8906  
a violation of a prohibition in section 2950.04, 2950.041, 8907  
2950.05, or 2950.06 of the Revised Code when the most serious 8908  
sexually oriented offense or child-victim oriented offense that 8909  
was the basis of the requirement that was violated under the 8910  
prohibition is a felony if committed by an adult or a comparable 8911  
category of offense committed in another jurisdiction, the court 8912  
imposing a sentence upon the offender shall impose a definite 8913  
prison term of no less than three years. The definite prison term 8914  
imposed under this section is not restricted by division (B) of 8915  
section 2929.14 of the Revised Code and, subject to division (C) 8916  
of section 2967.19 of the Revised Code, shall not be reduced to 8917  
less than three years pursuant to any provision of Chapter 2967. 8918

or any other provision of the Revised Code. 8919

(3) As used in division (A)(1) of this section, "comparable 8920  
category of offense committed in another jurisdiction" means a 8921  
sexually oriented offense or child-victim oriented offense that 8922  
was the basis of the registration, notice of intent to reside, 8923  
change of address notification, or address verification 8924  
requirement that was violated, that is a violation of an existing 8925  
or former law of another state or the United States, an existing 8926  
or former law applicable in a military court or in an Indian 8927  
tribal court, or an existing or former law of any nation other 8928  
than the United States, and that, if it had been committed in this 8929  
state, would constitute or would have constituted aggravated 8930  
murder or murder for purposes of division (A)(1)(a)(i) of this 8931  
section, a felony of the first, second, third, or fourth degree 8932  
for purposes of division (A)(1)(a)(ii) of this section, a felony 8933  
of the fifth degree or a misdemeanor for purposes of division 8934  
(A)(1)(a)(iii) of this section, aggravated murder or murder for 8935  
purposes of division (A)(1)(b)(i) of this section, a felony of the 8936  
first, second, or third degree for purposes of division 8937  
(A)(1)(b)(ii) of this section, a felony of the fourth or fifth 8938  
degree for purposes of division (A)(1)(b)(iii) of this section, or 8939  
a misdemeanor for purposes of division (A)(1)(b)(iv) of this 8940  
section. 8941

(B) If a person violates a prohibition in section 2950.04, 8942  
2950.041, 2950.05, or 2950.06 of the Revised Code that applies to 8943  
the person as a result of the person being adjudicated a 8944  
delinquent child and being classified a juvenile offender 8945  
registrant or an out-of-state juvenile offender registrant, both 8946  
of the following apply: 8947

(1) If the violation occurs while the person is under 8948  
eighteen years of age, the person is subject to proceedings under 8949  
Chapter 2152. of the Revised Code based on the violation. 8950

(2) If the violation occurs while the person is eighteen 8951  
years of age or older, the person is subject to criminal 8952  
prosecution based on the violation. 8953

(C) Whoever violates division (C) of section 2950.13 of the 8954  
Revised Code is guilty of a misdemeanor of the first degree. 8955

**Sec. 2951.022.** (A) As used in this section: 8956

(1) "Concurrent supervision offender" means any offender who 8957  
has been sentenced to community control for one or more 8958  
misdemeanor violations, is a parolee or releasee, or has been 8959  
placed under a community control sanction pursuant to section 8960  
2929.16, 2929.17, 2929.18, or 2929.20 of the Revised Code and who 8961  
is simultaneously subject to supervision by any of the following: 8962

(a) Two or more municipal courts or county courts in this 8963  
state; 8964

(b) Two or more courts of common pleas in this state; 8965

(c) One or more courts of common pleas in this state and one 8966  
or more municipal courts or county courts in this state; 8967

(d) One or more municipal or county courts or courts of 8968  
common pleas in this state and the adult parole authority. 8969

"Concurrent supervision offender" does not include an 8970  
offender subject to the joint supervision of a court of common 8971  
pleas and the adult parole authority pursuant to an agreement 8972  
entered into under section 2967.29 of the Revised Code. 8973

(2) "Parolee" and "releasee" have the same meanings as in 8974  
section 2967.01 of the Revised Code. 8975

(B)(1) Except as otherwise provided in divisions (B)(2), (3), 8976  
(4), and (5) of this section, a concurrent supervision offender 8977  
shall be supervised by the court that imposed the longest possible 8978  
sentence and shall not be supervised by any other authority. 8979

(2) In the case of a concurrent supervision offender subject to supervision by two or more municipal or county courts in the same county, the municipal or county court in the territorial jurisdiction in which the offender resides shall supervise the offender. In the case of a concurrent supervision offender subject to supervision by a municipal court or county court and a court of common pleas for two or more equal possible sentences, the municipal or county court shall supervise the offender. In the case of a concurrent supervision offender subject to supervision by two or more courts of common pleas in separate counties in this state, the court that lies within the same territorial jurisdiction in which the offender resides shall supervise the offender. 8980  
8981  
8982  
8983  
8984  
8985  
8986  
8987  
8988  
8989  
8990  
8991  
8992

(3) Separate courts within the same county may enter into an agreement or adopt local rules of procedure specifying, generally, that concurrent supervision offenders will be supervised in a manner other than that provided for in divisions (B)(1) and (2) of this section. 8993  
8994  
8995  
8996  
8997

(4)(a) The judges of the various courts of this state having jurisdiction over a concurrent supervision offender may agree by journal entry to transfer jurisdiction over a concurrent supervision offender from one court to another court in any manner the courts consider appropriate, if the offender is supervised by only a single supervising authority at all times. An agreement to transfer supervision of an offender under division (B)(4)(a) of this section shall not take effect until approved by every court having authority to supervise the offender and may provide for the transfer of supervision to the offender's jurisdiction of residence whether or not the offender was subject to supervision in that jurisdiction prior to transfer. 8998  
8999  
9000  
9001  
9002  
9003  
9004  
9005  
9006  
9007  
9008  
9009

(b) If the judges of the various courts of this state having authority to supervise a concurrent supervision offender cannot 9010  
9011

reach agreement with respect to the supervision of the offender, 9012  
the offender may be subject to concurrent supervision in the 9013  
interest of justice upon the courts' consideration of the 9014  
provisions set forth in division (C) of this section. 9015

(5) Notwithstanding any other provision of this section, the 9016  
adult parole authority shall remain solely responsible for 9017  
addressing any alleged violations by a parolee or releasee of the 9018  
terms of supervision of that parolee or releasee. 9019

(C) In determining whether a court maintains authority to 9020  
supervise an offender or transfers authority to supervise the 9021  
offender pursuant to division (B)(3) or (4) of this section, the 9022  
court shall consider all of the following: 9023

(1) The safety of the community; 9024

(2) The risk that the offender might reoffend; 9025

(3) The nature of the offenses committed by the offender; 9026

(4) The likelihood that the offender will remain in the 9027  
jurisdiction; 9028

(5) The ability of the offender to travel to and from the 9029  
offender's residence and place of employment or school to the 9030  
offices of the supervising authority; 9031

(6) The resources for residential and nonresidential 9032  
sanctions or rehabilitative treatment available to the various 9033  
courts having supervising authority; 9034

(7) Any other factors consistent with the purposes of 9035  
sentencing. 9036

(D) The court having sole authority over a concurrent 9037  
supervision offender pursuant to this section shall enforce any 9038  
financial obligations imposed by any other court, shall set a 9039  
payment schedule consistent with the offender's ability to pay, 9040  
and shall cause collections of the offender's financial 9041

obligations to be distributed in proportion to the total amounts 9042  
ordered by all sentencing courts, or as otherwise agreed by the 9043  
sentencing courts. Financial obligations include financial 9044  
sanctions imposed pursuant to sections 2929.18 and 2929.28 of the 9045  
Revised Code, court costs, and any other financial order or fee 9046  
imposed by a sentencing court. A supervision fee may be charged 9047  
only by the agency providing supervision of the case. 9048

(E) Unless the local residential sanction is suspended, the 9049  
offender shall complete any local residential sanction before 9050  
jurisdiction is transferred in accordance with this section. The 9051  
supervising court shall respect all conditions of supervision 9052  
established by a sentencing court, but any conflicting or 9053  
inconsistent order of the supervising court shall supersede any 9054  
other order of a sentencing court. In the case of a concurrent 9055  
supervision offender, the supervising court shall determine when 9056  
supervision will be terminated but shall not terminate supervision 9057  
until all financial obligations are paid pursuant to sections 9058  
2929.18 and 2929.28 of the Revised Code. 9059

**Sec. 2951.041.** (A)(1) If an offender is charged with a 9060  
criminal offense, including but not limited to a violation of 9061  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 9062  
the Revised Code, and the court has reason to believe that drug or 9063  
alcohol usage by the offender was a factor leading to the 9064  
offender's criminal offense with which the offender is charged or 9065  
that, at the time of committing that offense, the offender had a 9066  
mental illness or was a mentally retarded person and that the 9067  
mental illness or status as a mentally retarded person was a 9068  
factor leading to the offender's criminal behavior, the court may 9069  
accept, prior to the entry of a guilty plea, the offender's 9070  
request for intervention in lieu of conviction. The request shall 9071  
include a statement from the offender as to whether the offender 9072  
is alleging that drug or alcohol usage by the offender was a 9073

factor leading to the criminal offense with which the offender is 9074  
charged or is alleging that, at the time of committing that 9075  
offense, the offender had a mental illness or was a mentally 9076  
retarded person and that the mental illness or status as a 9077  
mentally retarded person was a factor leading to the criminal 9078  
offense with which the offender is charged. The request also shall 9079  
include a waiver of the defendant's right to a speedy trial, the 9080  
preliminary hearing, the time period within which the grand jury 9081  
may consider an indictment against the offender, and arraignment, 9082  
unless the hearing, indictment, or arraignment has already 9083  
occurred. The court may reject an offender's request without a 9084  
hearing. If the court elects to consider an offender's request, 9085  
the court shall conduct a hearing to determine whether the 9086  
offender is eligible under this section for intervention in lieu 9087  
of conviction and shall stay all criminal proceedings pending the 9088  
outcome of the hearing. If the court schedules a hearing, the 9089  
court shall order an assessment of the offender for the purpose of 9090  
determining the offender's eligibility for intervention in lieu of 9091  
conviction and recommending an appropriate intervention plan. 9092

If the offender alleges that drug or alcohol usage by the 9093  
offender was a factor leading to the criminal offense with which 9094  
the offender is charged, the court may order that the offender be 9095  
assessed by a program certified pursuant to section 3793.06 of the 9096  
Revised Code or a properly credentialed professional for the 9097  
purpose of determining the offender's eligibility for intervention 9098  
in lieu of conviction and recommending an appropriate intervention 9099  
plan. The program or the properly credentialed professional shall 9100  
provide a written assessment of the offender to the court. 9101

(2) The victim notification provisions of division (C) of 9102  
section 2930.08 of the Revised Code apply in relation to any 9103  
hearing held under division (A)(1) of this section. 9104

(B) An offender is eligible for intervention in lieu of 9105

conviction if the court finds all of the following: 9106

(1) The offender previously has not been convicted of or 9107  
pleaded guilty to a felony offense of violence or previously has 9108  
been convicted of or pleaded guilty to any felony that is not an 9109  
offense of violence and the prosecuting attorney recommends that 9110  
the offender be found eligible for participation in intervention 9111  
in lieu of treatment under this section, previously has not been 9112  
through intervention in lieu of conviction under this section or 9113  
any similar regimen, and is charged with a felony for which the 9114  
court, upon conviction, would impose sentence under division 9115  
(B)(2)(b) of section 2929.13 of the Revised Code or with a 9116  
misdemeanor. 9117

(2) The offense is not a felony of the first, second, or 9118  
third degree, is not an offense of violence, is not a violation of 9119  
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 9120  
not a violation of division (A)(1) of section 2903.08 of the 9121  
Revised Code, is not a violation of division (A) of section 9122  
4511.19 of the Revised Code or a municipal ordinance that is 9123  
substantially similar to that division, and is not an offense for 9124  
which a sentencing court is required to impose a mandatory prison 9125  
term, a mandatory term of local incarceration, or a mandatory term 9126  
of imprisonment in a jail. 9127

(3) The offender is not charged with a violation of section 9128  
2925.02, ~~2925.03~~, 2925.04, or 2925.06 of the Revised Code, is not 9129  
charged with a violation of section 2925.03 of the Revised Code 9130  
that is a felony of the first, second, third, or fourth degree, 9131  
and is not charged with a violation of section 2925.11 of the 9132  
Revised Code that is a felony of the first, second, or third 9133  
degree. 9134

(4) ~~The offender is not charged with a violation of section~~ 9135  
~~2925.11 of the Revised Code that is a felony of the fourth degree,~~ 9136  
~~or the offender is charged with a violation of that section that~~ 9137

~~is a felony of the fourth degree and the prosecutor in the case 9138  
has recommended that the offender be classified as being eligible 9139  
for intervention in lieu of conviction under this section. 9140~~

~~(5) The If an offender alleges that drug or alcohol usage by 9141  
the offender was a factor leading to the criminal offense with 9142  
which the offender is charged, the court has ordered that the 9143  
offender has been be assessed by an appropriately licensed 9144  
provider, certified facility, or licensed and credentialed 9145  
professional, including, but not limited to, a program licensed by 9146  
the department of alcohol and drug addiction services pursuant to 9147  
section 3793.11 of the Revised Code, a program certified by that 9148  
department pursuant to section 3793.06 of the Revised Code, a 9149  
public or private hospital, the United States department of 9150  
veterans affairs, another appropriate agency of the government of 9151  
the United States, or a licensed physician, psychiatrist, 9152  
psychologist, independent social worker, professional counselor, 9153  
or chemical dependency counselor or a properly credentialed 9154  
professional for the purpose of determining the offender's 9155  
eligibility for intervention in lieu of conviction and 9156  
recommending an appropriate intervention plan, the offender has 9157  
been assessed by a program of that nature or a properly 9158  
credentialed professional in accordance with the court's order, 9159  
and the program or properly credentialed professional has filed 9160  
the written assessment of the offender with the court. 9161~~

~~(5) If an offender alleges that, at the time of committing 9162  
the criminal offense with which the offender is charged, the 9163  
offender had a mental illness or was a mentally retarded person 9164  
and that the mental illness or status as a mentally retarded 9165  
person was a factor leading to that offense, the offender has been 9166  
assessed by a psychiatrist, psychologist, independent social 9167  
worker, or professional clinical counselor for the purpose of 9168  
determining the offender's eligibility for intervention in lieu of 9169~~

conviction and recommending an appropriate intervention plan. 9170

(6) The offender's drug ~~or~~ usage, alcohol usage, mental 9171  
illness, or mental retardation, whichever is applicable, was a 9172  
factor leading to the criminal offense with which the offender is 9173  
charged, intervention in lieu of conviction would not demean the 9174  
seriousness of the offense, and intervention would substantially 9175  
reduce the likelihood of any future criminal activity. 9176

(7) The alleged victim of the offense was not sixty-five 9177  
years of age or older, permanently and totally disabled, under 9178  
thirteen years of age, or a peace officer engaged in the officer's 9179  
official duties at the time of the alleged offense. 9180

(8) If the offender is charged with a violation of section 9181  
2925.24 of the Revised Code, the alleged violation did not result 9182  
in physical harm to any person, and the offender previously has 9183  
not been treated for drug abuse. 9184

(9) The offender is willing to comply with all terms and 9185  
conditions imposed by the court pursuant to division (D) of this 9186  
section. 9187

(C) At the conclusion of a hearing held pursuant to division 9188  
(A) of this section, the court shall enter its determination as to 9189  
whether the offender is eligible for intervention in lieu of 9190  
conviction and as to whether to grant the offender's request. If 9191  
the court finds under division (B) of this section that the 9192  
offender is eligible for intervention in lieu of conviction and 9193  
grants the offender's request, the court shall accept the 9194  
offender's plea of guilty and waiver of the defendant's right to a 9195  
speedy trial, the preliminary hearing, the time period within 9196  
which the grand jury may consider an indictment against the 9197  
offender, and arraignment, unless the hearing, indictment, or 9198  
arraignment has already occurred. In addition, the court then may 9199  
stay all criminal proceedings and order the offender to comply 9200

with all terms and conditions imposed by the court pursuant to 9201  
division (D) of this section. If the court finds that the offender 9202  
is not eligible or does not grant the offender's request, the 9203  
criminal proceedings against the offender shall proceed as if the 9204  
offender's request for intervention in lieu of conviction had not 9205  
been made. 9206

(D) If the court grants an offender's request for 9207  
intervention in lieu of conviction, the court shall place the 9208  
offender under the general control and supervision of the county 9209  
probation department, the adult parole authority, or another 9210  
appropriate local probation or court services agency, if one 9211  
exists, as if the offender was subject to a community control 9212  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 9213  
Revised Code. The court shall establish an intervention plan for 9214  
the offender. The terms and conditions of the intervention plan 9215  
shall require the offender, for at least one year from the date on 9216  
which the court grants the order of intervention in lieu of 9217  
conviction, to abstain from the use of illegal drugs and alcohol, 9218  
to participate in treatment and recovery support services, and to 9219  
submit to regular random testing for drug and alcohol use and may 9220  
include any other treatment terms and conditions, or terms and 9221  
conditions similar to community control sanctions, which may 9222  
include community service or restitution, that are ordered by the 9223  
court. 9224

(E) If the court grants an offender's request for 9225  
intervention in lieu of conviction and the court finds that the 9226  
offender has successfully completed the intervention plan for the 9227  
offender, including the requirement that the offender abstain from 9228  
using illegal drugs and alcohol for a period of at least one year 9229  
from the date on which the court granted the order of intervention 9230  
in lieu of conviction, the requirement that the offender 9231  
participate in treatment and recovery support services, and all 9232

other terms and conditions ordered by the court, the court shall 9233  
dismiss the proceedings against the offender. Successful 9234  
completion of the intervention plan and period of abstinence under 9235  
this section shall be without adjudication of guilt and is not a 9236  
criminal conviction for purposes of any disqualification or 9237  
disability imposed by law and upon conviction of a crime, and the 9238  
court may order the sealing of records related to the offense in 9239  
question in the manner provided in sections 2953.31 to 2953.36 of 9240  
the Revised Code. 9241

(F) If the court grants an offender's request for 9242  
intervention in lieu of conviction and the offender fails to 9243  
comply with any term or condition imposed as part of the 9244  
intervention plan for the offender, the supervising authority for 9245  
the offender promptly shall advise the court of this failure, and 9246  
the court shall hold a hearing to determine whether the offender 9247  
failed to comply with any term or condition imposed as part of the 9248  
plan. If the court determines that the offender has failed to 9249  
comply with any of those terms and conditions, it shall enter a 9250  
finding of guilty and shall impose an appropriate sanction under 9251  
Chapter 2929. of the Revised Code. If the court sentences the 9252  
offender to a prison term, the court, after consulting with the 9253  
department of rehabilitation and correction regarding the 9254  
availability of services, may order continued court-supervised 9255  
activity and treatment of the offender during the prison term and, 9256  
upon consideration of reports received from the department 9257  
concerning the offender's progress in the program of activity and 9258  
treatment, may consider judicial release under section 2929.20 of 9259  
the Revised Code. 9260

(G) As used in this section: 9261

(1) "Community control sanction" has the same meaning as in 9262  
section 2929.01 of the Revised Code. 9263

(2) "Intervention in lieu of conviction" means any 9264

court-supervised activity that complies with this section. 9265

(3) "Peace officer" has the same meaning as in section 9266  
2935.01 of the Revised Code. 9267

(4) "Mental illness" and "psychiatrist" have the same 9268  
meanings as in section 5122.01 of the Revised Code. 9269

(5) "Mentally retarded person" has the same meaning as in 9270  
section 5123.01 of the Revised Code. 9271

(6) "Psychologist" has the same meaning as in section 4732.01 9272  
of the Revised Code. 9273

**Sec. 2951.08.** (A) During a period of community control, any 9274  
field officer or probation officer may arrest the person under a 9275  
community control sanction without a warrant and bring the person 9276  
before the judge or magistrate before whom the cause was pending. 9277  
During a period of community control, any peace officer may arrest 9278  
the person under a community control sanction without a warrant 9279  
upon the written order of the chief probation officer of the 9280  
probation agency if the person under a community control sanction 9281  
is under the supervision of that probation agency or on the order 9282  
of an officer of the adult parole authority created pursuant to 9283  
section 5149.02 of the Revised Code if the person under a 9284  
community control sanction is under the supervision of the 9285  
authority. During a period of community control, any peace officer 9286  
may arrest the person under a community control sanction on the 9287  
warrant of the judge or magistrate before whom the cause was 9288  
pending. 9289

During a period of community control, any peace officer may 9290  
arrest the person under a community control sanction without a 9291  
warrant if the peace officer has reasonable ground to believe that 9292  
the person has violated or is violating any of the following that 9293  
is a condition of the person's community control sanction: 9294

(1) A condition that prohibits ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance;	9295 9296
(2) A condition that prohibits the person from being within a specified structure or geographic area;	9297 9298
(3) A condition that confines the person to a residence, facility, or other structure;	9299 9300
(4) A condition that prohibits the person from contacting or communicating with any specified individual;	9301 9302
(5) A condition that prohibits the person from associating with a specified individual;	9303 9304
(6) A condition as provided in division (A)(1)(a) of section 2929.25 of the Revised Code or in division (A)(1) of section 2929.15 or (A)(8) of section 2929.27 of the Revised Code that requires that the person not ingest or be injected with a drug of abuse and submit to random drug testing and requires that the results of the drug test indicate that the person did not ingest or was not injected with a drug of abuse.	9305 9306 9307 9308 9309 9310 9311
(B) <del>Upon</del> <u>Within three business days after</u> making an arrest under this section, the arresting field officer, probation officer, or peace officer or the department or agency of the arresting officer <del>promptly</del> shall notify the chief probation officer or the chief probation officer's designee that the person has been arrested. <del>Upon</del> <u>Within thirty days of</u> being notified that a <u>field officer, probation officer, or</u> peace officer has made an arrest under this section, the chief probation officer or designee, or another probation officer designated by the chief probation officer, promptly shall bring the person who was arrested before the judge or magistrate before whom the cause was pending.	9312 9313 9314 9315 9316 9317 9318 9319 9320 9321 9322 9323
(C) Nothing in this section limits the powers of arrest granted to certain law enforcement officers and citizens under	9324 9325

sections 2935.03 and 2935.04 of the Revised Code. 9326

(D) A probation officer shall receive the actual and 9327  
necessary expenses incurred in the performance of the officer's 9328  
duties. 9329

(E) As used in this section, "random drug testing" has the 9330  
same meaning as in section 5120.63 of the Revised Code. 9331

**Sec. 2967.05.** (A) As used in this section: 9332

(1) "Imminent danger of death" means that the inmate has a 9333  
medically diagnosable condition that will cause death to occur 9334  
within a short period of time. 9335

As used in division (A)(1) of this section, "within a short 9336  
period of time" means generally within six months. 9337

(2)(a) "Medically incapacitated" means any diagnosable 9338  
medical condition, including mental dementia and severe, permanent 9339  
medical or cognitive disability, that prevents the inmate from 9340  
completing activities of daily living without significant 9341  
assistance, that incapacitates the inmate to the extent that 9342  
institutional confinement does not offer additional restrictions, 9343  
that is likely to continue throughout the entire period of parole, 9344  
and that is unlikely to improve noticeably. 9345

(b) "Medically incapacitated" does not include conditions 9346  
related solely to mental illness unless the mental illness is 9347  
accompanied by injury, disease, or organic defect. 9348

(3)(a) "Terminal illness" means a condition that satisfies 9349  
all of the following criteria: 9350

(i) The condition is irreversible and incurable and is caused 9351  
by disease, illness, or injury from which the inmate is unlikely 9352  
to recover. 9353

(ii) In accordance with reasonable medical standards and a 9354

reasonable degree of medical certainty, the condition is likely to  
cause death to the inmate within twelve months.

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

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

(B)(1) Upon the recommendation of the director of  
rehabilitation and correction, accompanied by a certificate of the  
attending physician that an inmate is terminally ill, medically  
incapacitated, or in imminent danger of death, the governor may  
order the inmate's release ~~as if~~ on indefinite parole on or after  
a specified date, reserving the right to return the inmate to the  
institution pursuant to this section. ~~If~~ An inmate ordered to be  
released under this section may be released to a skilled nursing  
facility or may be released under a general release that is not to  
a skilled nursing facility.

(2) An inmate who is to be released under this section to a  
skilled nursing facility shall not be released until an  
appropriate placement in a skilled nursing facility has been  
secured for the inmate and the skilled nursing facility has  
secured a funding source for the placement. When an inmate is to  
be released under this section to a skilled nursing facility, the  
department of job and family services shall give priority to the  
processing and determination of an inmate's eligibility for  
initial or continued medicaid funding under this section. When an  
inmate is to be released under this section to a skilled nursing  
facility, the department of job and family services' processing  
and determination of the inmate's eligibility may be based solely  
on identifying information provided by the department of

rehabilitation and correction. In addition to the reimbursement 9387  
otherwise provided to a skilled nursing facility under Chapter 9388  
5111. of the Revised Code, the department of job and family 9389  
services, through the medicaid program, shall reimburse a skilled 9390  
nursing facility that provides care to inmates under this section 9391  
for reasonable additional costs incurred by the facility in 9392  
providing the security required by division (D)(1)(e) of this 9393  
section and will take all necessary steps to implement the payment 9394  
of these additional costs. An inmate shall not be released to a 9395  
skilled nursing facility used for the placement of inmates under 9396  
this division until the inmate has undergone preadmission 9397  
screening and resident review and the level of care review and 9398  
determination process established under the Administrative Code 9399  
and has been determined to meet the criteria for skilled nursing 9400  
care. A skilled nursing facility shall meet the requirements set 9401  
forth in division (D) of this section. 9402

(3) If an inmate is released under this section to a skilled 9403  
nursing facility or is released under this section under a general 9404  
release that is not to a skilled nursing facility, and if, 9405  
subsequent to the inmate's release, the inmate's health improves 9406  
so that the inmate is no longer terminally ill, medically 9407  
incapacitated, or in imminent danger of death, the inmate shall be 9408  
returned, by order of the governor, to the institution from which 9409  
the inmate was released. If the inmate violates any rules or 9410  
conditions applicable to the inmate, the inmate may be returned to 9411  
an institution under the control of the department of 9412  
rehabilitation and correction. The governor may direct the adult 9413  
parole authority to investigate or cause to be investigated the 9414  
inmate and make a recommendation in the manner set forth in 9415  
section 2967.03 of the Revised Code. An inmate released under this 9416  
section shall be subject to supervision by the adult parole 9417  
authority in accordance with any recommendation of the adult 9418  
parole authority that is approved by the governor. The adult 9419

parole authority shall adopt rules pursuant to section 119.03 of 9420  
the Revised Code to establish the procedure for medical release of 9421  
an inmate when an inmate is terminally ill, medically 9422  
incapacitated, or in imminent danger of death. 9423

(C)(1) No inmate is eligible for release under this section 9424  
to a skilled nursing facility if the inmate is serving a death 9425  
sentence, a sentence of life without parole, or a sentence under 9426  
Chapter 2971. of the Revised Code for a felony of the first or 9427  
second degree<sub>7</sub>. 9428

(2) No inmate is eligible for release under this section 9429  
under a general release that is not to a skilled nursing facility 9430  
if the inmate is serving any type of sentence identified in 9431  
division (C)(1) of this section or is serving a sentence for 9432  
aggravated murder or murder, or a mandatory prison term for an 9433  
offense of violence or any specification described in Chapter 9434  
2941. of the Revised Code. 9435

(D)(1) An inmate shall not be released to a skilled nursing 9436  
facility under this section unless the skilled nursing facility 9437  
meets all of the following requirements: 9438

(a) The skilled nursing facility is certified as a skilled 9439  
nursing facility under Title XVIII or XIX of the "Social Security 9440  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and has 9441  
obtained any approval or authorization needed for its operation as 9442  
described in division (E) of this section. 9443

(b) The skilled nursing facility is under contract with the 9444  
department of rehabilitation and correction solely for the care of 9445  
inmates released under this section, is certified by the 9446  
department, and does not house any person who is not an inmate 9447  
released under this section. 9448

(c) The skilled nursing facility is located in Ohio, and the 9449  
facility's location presents a minimal risk to public safety. 9450

(d) The skilled nursing facility is operated by a licensed nursing home administrator who has a minimum of six years of active licensure, a master's degree in healthcare administration, and experience in the administration of an assisted living program, a home care program, a skilled nursing facility, a hospice care program, and a long term acute care hospital.

(e) Employees of the facility or a contractor provide security to the skilled nursing facility. The security staff shall be directed by a person with at least thirty years of experience as a law enforcement officer with a law enforcement agency employing a minimum of five hundred law enforcement officers, whose experience includes a minimum of five years of supervisory experience.

(2) The department of health shall issue a certificate of need to the operator of a skilled nursing facility that accepts inmates under this section.

(E) The department of job and family services shall apply to the centers for medicare and medicaid services of the United States department of health and human services for any approval or other authorization needed for the operation of the skilled nursing facility to be used to provide care to inmates under this section, and for a statement of the applicable parameters for operation of the facility. The department shall notify the facility and the department of rehabilitation and correction of the grant by the centers of any such approval or authorization needed for the facility and of the applicable parameters for its operation.

(F) Sections 3721.10 to 3721.18 of the Revised Code do not apply to an inmate receiving care in a skilled nursing facility under divisions (B) to (D) of this section.

**Sec. 2967.14.** (A) The department of rehabilitation and

correction or the adult parole authority may require or allow a 9482  
parolee or, a releasee, or a prisoner otherwise released from a 9483  
state correctional institution to reside in a halfway house or 9484  
other suitable community residential center that has been licensed 9485  
by the division of parole and community services pursuant to 9486  
division (C) of this section during a part or for the entire 9487  
period of the offender's or parolee's conditional release or of 9488  
the releasee's term of post-release control. The court of common 9489  
pleas that placed an offender under a sanction consisting of a 9490  
term in a halfway house or in an alternative residential sanction 9491  
may require the offender to reside in a halfway house or other 9492  
suitable community residential center that is designated by the 9493  
court and that has been licensed by the division pursuant to 9494  
division (C) of this section during a part or for the entire 9495  
period of the offender's residential sanction. 9496

(B) The division of parole and community services may 9497  
negotiate and enter into agreements with any public or private 9498  
agency or a department or political subdivision of the state that 9499  
operates a halfway house, reentry center, or community residential 9500  
center that has been licensed by the division pursuant to division 9501  
(C) of this section. An agreement under this division shall 9502  
provide for the purchase of beds, shall set limits of supervision 9503  
and levels of occupancy, and shall determine the scope of services 9504  
for all eligible offenders, including those subject to a 9505  
residential sanction, as defined in rules adopted by the director 9506  
of rehabilitation and correction in accordance with Chapter 119. 9507  
of the Revised Code, or those released from prison without 9508  
supervision. ~~The payments for beds and services shall be equal to~~ 9509  
~~the halfway house's or community residential center's average~~ 9510  
~~daily per capita costs with its facility at full occupancy.~~ The 9511  
payments for beds and services shall not exceed the total 9512  
operating costs of the halfway house, reentry center, or community 9513  
residential center during the term of an agreement. The director 9514

of rehabilitation and correction shall adopt rules in accordance 9515  
with Chapter 119. of the Revised Code for determining includable 9516  
and excludable costs and income to be used in computing the 9517  
agency's average daily per capita costs with its facility at full 9518  
occupancy. 9519

The department of rehabilitation and correction may use no 9520  
more than ten per cent of the amount appropriated to the 9521  
department each fiscal year for the halfway house, reentry center, 9522  
and community residential center program to pay for contracts for 9523  
nonresidential services for offenders under the supervision of the 9524  
adult parole authority. The nonresidential services may include, 9525  
but are not limited to, treatment for substance abuse, mental 9526  
health counseling, ~~and~~ counseling for sex offenders, and 9527  
electronic monitoring services. 9528

(C) The division of parole and community services may license 9529  
a halfway house, reentry center, or community residential center 9530  
as a suitable facility for the care and treatment of adult 9531  
offenders, including offenders sentenced under section 2929.16 or 9532  
2929.26 of the Revised Code, only if the halfway house, reentry 9533  
center, or community residential center complies with the 9534  
standards that the division adopts in accordance with Chapter 119. 9535  
of the Revised Code for the licensure of halfway houses, reentry 9536  
centers, and community residential centers. The division shall 9537  
annually inspect each licensed halfway house, licensed reentry 9538  
center, and licensed community residential center to determine if 9539  
it is in compliance with the licensure standards. 9540

**Sec. 2967.19.** (A) As used in this section: 9541

(1) "Deadly weapon" and "dangerous ordnance" have the same 9542  
meanings as in section 2923.11 of the Revised. 9543

(2) "Disqualifying prison term" means any of the following: 9544

(a) A prison term imposed for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, or aggravated robbery; 9545  
9546

(b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A)(2)(a) of this section; 9549  
9550  
9551

(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility; 9552  
9553

(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance; 9554  
9555  
9556  
9557

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree; 9558  
9559  
9560

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code; 9561  
9562  
9563

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code. 9564  
9565

(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 9566  
9567

(4) "Restricting prison term" means any of the following: 9568

(a) A mandatory prison term imposed under division (D)(1)(a), (D)(1)(c), (D)(1)(f), (D)(1)(g), or (D)(2) of section 2929.14 of the Revised Code for a specification of the type described in that division; 9569  
9570  
9571  
9572

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in 9573  
9574

division (A)(4)(a) of this section, the prison term imposed for 9575  
the felony offense for which the specification was stated at the 9576  
end of the body of the indictment, count in the indictment, or 9577  
information charging the offense; 9578

(c) A prison term imposed for any offense that is described 9579  
in division (A)(4)(c)(i) of this section if division (A)(4)(c)(ii) 9580  
of this section applies to the offender: 9581

(i) The offense is a felony of the first or second degree 9582  
that is an offense of violence and that is not described in 9583  
division (A)(2)(a) or (b) of this section, an attempt to commit a 9584  
felony of the first or second degree that is an offense of 9585  
violence and that is not described in division (A)(2)(a) or (b) of 9586  
this section if the attempt is a felony of the first or second 9587  
degree, or an offense under an existing or former law of this 9588  
state, another state, or the United States that is or was 9589  
substantially equivalent to any other offense described in this 9590  
division. 9591

(ii) The offender previously was convicted of or pleaded 9592  
guilty to any offense listed in division (A)(4)(c)(i) of this 9593  
section. 9594

(B) The director of rehabilitation and correction may 9595  
petition the sentencing court for the release from prison of any 9596  
offender confined in a state correctional institution under a 9597  
stated prison term who is eligible under division (C) of this 9598  
section for a release under this section, who has one year or more 9599  
of that stated prison term that remains to be served after the 9600  
offender becomes eligible as described in that division, and who 9601  
has served at least eighty-five per cent of that stated prison 9602  
term that remains to be served after the offender becomes eligible 9603  
as described in that division. If the director wishes to submit a 9604  
petition for release under this section, the director shall submit 9605  
the petition not earlier than ninety days prior to the date on 9606

which the offender has served eighty-five per cent of the 9607  
offender's stated prison term that remains to be served after the 9608  
offender becomes eligible as described in division (C) of this 9609  
section. The director's submission of a petition for release under 9610  
this section constitutes a recommendation by the director that the 9611  
court strongly consider release of the offender consistent with 9612  
the purposes and principles of sentencing set forth in section 9613  
2929.13 of the Revised Code. 9614

(C) Except as otherwise provided in this division, an 9615  
offender serving a stated prison term of one year or more is 9616  
eligible for release from prison under this section upon the 9617  
offender's commencement of service of that stated prison term. An 9618  
offender serving a stated prison term that includes a 9619  
disqualifying prison term is not eligible for release from prison 9620  
under this section. An offender serving a stated prison term that 9621  
consists solely of one or more restricting prison terms is not 9622  
eligible for release under this section. An offender serving a 9623  
stated prison term that includes one or more restricting prison 9624  
terms and one or more eligible prison terms becomes eligible for 9625  
release under this section after having fully served each 9626  
restricting prison term. For purposes of determining an offender's 9627  
eligibility for release under this section, if the offender's 9628  
stated prison term includes consecutive prison terms, any 9629  
restricting prison terms shall be deemed served prior to any 9630  
eligible prison terms that run consecutively to the restricting 9631  
prison terms, and the eligible prison terms are deemed to commence 9632  
after all of the restricting prison terms have been fully served. 9633

An offender serving a stated prison term that includes a 9634  
mandatory prison term that is not a disqualifying prison term and 9635  
is not a restricting prison term is not automatically ineligible 9636  
as a result of the offender's service of that mandatory term for 9637  
release from prison under this section, and the offender's 9638

eligibility for release from prison under this section is 9639  
determined in accordance with this division. 9640

If an offender confined in a state correctional institution 9641  
under a stated prison term is eligible for release under this 9642  
section as described in this division, if the offender has one 9643  
year or more of that stated prison term that remains to be served 9644  
after the offender becomes eligible, and if the offender has 9645  
served at least eighty-five per cent of that stated prison term 9646  
that remains to be served after the offender becomes eligible, the 9647  
director of rehabilitation and correction may petition the 9648  
sentencing court pursuant to division (B) of this section for the 9649  
release from prison of the offender. 9650

(D) The director shall include with any petition submitted to 9651  
the sentencing court under this section an institutional summary 9652  
report that covers the offender's participation while confined in 9653  
a state correctional institution in school, training, work, 9654  
treatment, and other rehabilitative activities and any 9655  
disciplinary action taken against the offender while so confined. 9656  
The director shall include with the petition a post-release 9657  
control assessment and placement plan, when relevant, and any 9658  
other documentation requested by the court, if available. 9659

(E) When the director submits a petition under this section 9660  
for release of an offender, the department promptly shall give 9661  
notice of the petition to the prosecuting attorney of the county 9662  
in which the offender was indicted and to any victim of the 9663  
offender or victim's representative of any victim of the offender 9664  
who is registered with the office of victim's services. 9665

The department also shall post notice of the petition on the 9666  
database it maintains under section 5120.66 of the Revised Code 9667  
and include information on where a person may send comments 9668  
regarding the petition. 9669

(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. 9670  
9671  
9672  
9673  
9674  
9675  
9676  
9677

(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. 9678  
9679  
9680  
9681  
9682  
9683  
9684  
9685  
9686  
9687  
9688  
9689  
9690  
9691

Upon receipt of notice from a court of a hearing on the release of an offender under this division, the head of the state correctional institution in which the offender is confined immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A)(1)(c)(i) of that section. If the court grants a hearing on a petition for release of an 9692  
9693  
9694  
9695  
9696  
9697  
9698  
9699  
9700  
9701

offender under this section, the court promptly shall give notice 9702  
of the hearing to the prosecuting attorney of the county in which 9703  
the offender was indicted. Upon receipt of the notice from the 9704  
court, the prosecuting attorney shall notify pursuant to section 9705  
2930.16 of the Revised Code any victim of the offender or the 9706  
victim's representative of the hearing. 9707

(H) If the court grants a hearing on a petition for release 9708  
of an offender under this section, at the hearing, the court shall 9709  
afford the offender and the offender's attorney an opportunity to 9710  
present written information and, if present, oral information 9711  
relevant to the motion. The court shall afford a similar 9712  
opportunity to the prosecuting attorney, victim or victim's 9713  
representative, as defined in section 2930.01 of the Revised Code, 9714  
and any other person the court determines is likely to present 9715  
additional relevant information. If the court pursuant to division 9716  
(G) of this section permits the offender to appear at the hearing 9717  
by video conferencing equipment, the offender's opportunity to 9718  
present oral information shall be as a part of the video 9719  
conferencing. The court shall consider any statement of a victim 9720  
made under section 2930.14 or 2930.17 of the Revised Code, any 9721  
victim impact statement prepared under 2947.051 of the Revised 9722  
Code, and any report, plan, and other documentation submitted by 9723  
the director under division (D) of this section. After ruling on 9724  
the motion, the court shall notify the victim in accordance with 9725  
sections 2930.03 and 2930.16 of the Revised Code. 9726

(I) If the court grants a petition for release of an offender 9727  
under this section, it shall order the offender's release under 9728  
the supervision of the adult parole authority. The court shall not 9729  
make a release under this section effective prior to the date on 9730  
which the offender has served at least eighty-five per cent of the 9731  
offender's stated prison term that remains to be served after the 9732  
offender becomes eligible as described in division (C) of this 9733

section. If the sentence under which the offender is confined in a 9734  
state correctional institution and from which the offender is 9735  
being released was imposed for a felony of the first or second 9736  
degree, the court shall order that the offender be monitored by 9737  
means of a global positioning device, with the cost of monitoring 9738  
borne by the offender through the imposition of supervision fees 9739  
under section 5120.56 of the Revised Code. If the offender is 9740  
indigent, the cost shall be paid out of the reparations fund 9741  
created under section 2743.191 of the Revised Code. The initial 9742  
period of supervision by the adult parole authority and the 9743  
monitoring of the offender by means of a global positioning device 9744  
when ordered shall conclude on the date of expiration of the 9745  
stated prison term from which the offender was released. If the 9746  
parole board imposed a period of post-release control on the 9747  
offender under section 2967.28 of the Revised Code, upon the 9748  
conclusion of that initial period of supervision and that initial 9749  
period of monitoring when ordered, the offender shall be placed on 9750  
post-release control in accordance with the post-release control 9751  
sanctions the board imposed on the offender under that section. 9752

If the court grants a petition for release of an offender 9753  
under this section, it shall notify the appropriate person at the 9754  
department of rehabilitation and correction of the release, and 9755  
the department shall post notice of the release on the database it 9756  
maintains pursuant to section 5120.66 of the Revised Code. 9757

(J) Within ninety days after the effective date of this 9758  
section, the chair of the parole board or the chair's designee 9759  
shall review the cases of all parole-eligible inmates who are age 9760  
sixty-five or older and who have had a statutory first parole 9761  
consideration hearing. 9762

(K) Upon completion of the review described in division (J) 9763  
of this section, the chair of the parole board shall present to 9764  
the board the cases of the offenders described in that division. 9765

Upon presentation of the case of an offender, the board, by majority vote, may choose to rehear the offender's case for possible release on parole. 9766  
9767  
9768

(L) The department shall adopt under Chapter 119. of the Revised Code any rules necessary to implement this section. 9769  
9770

**Sec. 2967.193.** (A) Except as provided in division (C) of this section or in division (B) of section 2929.143 or section 2929.13, 2929.14, or 2967.13 of the Revised Code and subject to the maximum total specified in this section, a person confined in a state correctional institution may earn one day or five days of credit, determined based on the category set forth in division (D)(1), (2), (3), or (4) of this section in which the person is included, as a deduction from the person's stated prison term for each ~~full~~ completed month during which the person productively participates in an education program, vocational training, employment in prison industries, or treatment for substance abuse, ~~treatment as a sex offender, or any other constructive program~~ as developed by the department with specific standards for performance by prisoners. 9771  
9772  
9773  
9774  
9775  
9776  
9777  
9778  
9779  
9780  
9781  
9782  
9783  
9784  
9785  
9786  
9787  
9788  
9789  
9790  
9791  
9792  
9793  
9794

~~If a prisoner is released before the expiration of the prisoner's stated prison term by reason of credit earned under~~ 9795  
9796

~~this section, the department shall retain control of the prisoner 9797  
by means of an appropriate post release control sanction imposed 9798  
by the parole board until the end of the stated prison term if the 9799  
parole board imposes a post release control sanction pursuant to 9800  
section 2967.28 of the Revised Code. If the parole board is not 9801  
required to impose a post release control sanction under section 9802  
2967.28 of the Revised Code, the parole board may elect not to 9803  
impose a post release control sanction on the prisoner. 9804~~

(B) The department of rehabilitation and correction shall 9805  
adopt rules that specify the programs or activities for which 9806  
credit may be earned under this section, the criteria for 9807  
determining productive participation in the programs or activities 9808  
and for awarding credit, and the criteria for denying or 9809  
withdrawing previously earned credit as a result of a violation of 9810  
prison rules. 9811

(C) No person who is serving a sentence of life imprisonment 9812  
without parole imposed pursuant to section 2929.03 or 2929.06 of 9813  
the Revised Code ~~or~~, who is serving a prison term or a term of 9814  
life imprisonment without parole imposed pursuant to section 9815  
2971.03 of the Revised Code, or who is serving a sentence for a 9816  
sexually oriented offense that was imposed for a conviction 9817  
occurring or guilty plea entered on or after the effective date of 9818  
this amendment shall be awarded any days of credit under division 9819  
(A) of this section. 9820

(D) The determination of whether a person confined in a state 9821  
correctional institution may earn one day of credit or five days 9822  
of credit under division (A) of this section for each completed 9823  
month during which the person productively participates in a 9824  
program specified under that division shall be made in accordance 9825  
with the following: 9826

(1) The offender may earn one day of credit under division 9827  
(A) of this section, except as provided in division (C) of this 9828

section or in section 2929.13, 2929.14, or 2967.13 of the Revised 9829  
Code, if the most serious offense for which the offender is 9830  
confined is any of the following that is a felony of the first or 9831  
second degree: 9832

(a) A violation of section 2903.11, 2903.15, 2905.01, 9833  
2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 9834  
2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 9835  
2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 9836  
2925.24, or 2927.24 of the Revised Code; 9837

(b) A conspiracy or attempt to commit, or complicity in 9838  
committing, aggravated murder, murder, any other offense for which 9839  
the maximum penalty is death or imprisonment for life, or any 9840  
offense listed in division (D)(1)(a) of this section. 9841

(2) The offender may earn one day of credit under division 9842  
(A) of this section, except as provided in division (C) of this 9843  
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 9844  
Code, if the most serious offense for which the offender is 9845  
confined is a sexually oriented offense and the offender was 9846  
convicted of or pleaded guilty to that offense prior to the 9847  
effective date of this amendment. 9848

(3) The offender may earn five days of credit under division 9849  
(A) of this section, except as provided in division (C) of this 9850  
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 9851  
Code, if the most serious offense for which the offender is 9852  
confined is a felony of the first or second degree and neither 9853  
division (D)(1) nor (2) of this section applies to the offender. 9854

(4) The offender may earn five days of credit under division 9855  
(A) of this section, except as provided in division (C) of this 9856  
section or in section 2929.13, 2929.14, or 2967.13 of the Revised 9857  
Code, if the most serious offense for which the offender is 9858  
confined is a felony of the third, fourth, or fifth degree or an 9859

unclassified felony and division (D)(2) of this section does not 9860  
apply to the offender. 9861

(E) As used in this section, "sexually oriented offense" has 9862  
the same meaning as in section 2950.01 of the Revised Code. 9863

**Sec. 2967.28.** (A) As used in this section: 9864

(1) "Monitored time" means the monitored time sanction 9865  
specified in section 2929.17 of the Revised Code. 9866

(2) "Deadly weapon" and "dangerous ordnance" have the same 9867  
meanings as in section 2923.11 of the Revised Code. 9868

(3) "Felony sex offense" means a violation of a section 9869  
contained in Chapter 2907. of the Revised Code that is a felony. 9870

(B) Each sentence to a prison term for a felony of the first 9871  
degree, for a felony of the second degree, for a felony sex 9872  
offense, or for a felony of the third degree that is not a felony 9873  
sex offense and in the commission of which the offender caused or 9874  
threatened to cause physical harm to a person shall include a 9875  
requirement that the offender be subject to a period of 9876  
post-release control imposed by the parole board after the 9877  
offender's release from imprisonment. If a court imposes a 9878  
sentence including a prison term of a type described in this 9879  
division on or after July 11, 2006, the failure of a sentencing 9880  
court to notify the offender pursuant to division (B)(3)(c) of 9881  
section 2929.19 of the Revised Code of this requirement or to 9882  
include in the judgment of conviction entered on the journal a 9883  
statement that the offender's sentence includes this requirement 9884  
does not negate, limit, or otherwise affect the mandatory period 9885  
of supervision that is required for the offender under this 9886  
division. Section 2929.191 of the Revised Code applies if, prior 9887  
to July 11, 2006, a court imposed a sentence including a prison 9888  
term of a type described in this division and failed to notify the 9889

offender pursuant to division (B)(3)(c) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (F)(1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

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

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

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

(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or (3) of this section shall include a requirement that the offender be subject to a period of post-release control of up to three years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(3)(d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (F)(2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised

Code, a court of common pleas or parole board may impose sanctions 9922  
or conditions on an offender who is placed on post-release control 9923  
under this division. 9924

(D)(1) Before the prisoner is released from imprisonment, the 9925  
parole board or, pursuant to an agreement under section 2967.29 of 9926  
the Revised Code, the court shall impose upon a prisoner described 9927  
in division (B) of this section, may impose upon a prisoner 9928  
described in division (C) of this section, and shall impose upon a 9929  
prisoner described in division (B)(2)(b) of section 5120.031 or in 9930  
division (B)(1) of section 5120.032 of the Revised Code, one or 9931  
more post-release control sanctions to apply during the prisoner's 9932  
period of post-release control. Whenever the board or court 9933  
imposes one or more post-release control sanctions upon a 9934  
prisoner, the board or court, in addition to imposing the 9935  
sanctions, also shall include as a condition of the post-release 9936  
control that the offender not leave the state without permission 9937  
of the court or the offender's parole or probation officer and 9938  
that the offender abide by the law. The board or court may impose 9939  
any other conditions of release under a post-release control 9940  
sanction that the board or court considers appropriate, and the 9941  
conditions of release may include any community residential 9942  
sanction, community nonresidential sanction, or financial sanction 9943  
that the sentencing court was authorized to impose pursuant to 9944  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 9945  
to the release of a prisoner for whom it will impose one or more 9946  
post-release control sanctions under this division, the parole 9947  
board or court shall review the prisoner's criminal history, 9948  
results from the single validated risk assessment tool selected by 9949  
the department of rehabilitation and correction under section 9950  
5120.114 of the Revised Code, all juvenile court adjudications 9951  
finding the prisoner, while a juvenile, to be a delinquent child, 9952  
and the record of the prisoner's conduct while imprisoned. The 9953  
parole board or court shall consider any recommendation regarding 9954

post-release control sanctions for the prisoner made by the office 9955  
of victims' services. After considering those materials, the board 9956  
or court shall determine, for a prisoner described in division (B) 9957  
of this section, division (B)(2)(b) of section 5120.031, or 9958  
division (B)(1) of section 5120.032 of the Revised Code, which 9959  
post-release control sanction or combination of post-release 9960  
control sanctions is reasonable under the circumstances or, for a 9961  
prisoner described in division (C) of this section, whether a 9962  
post-release control sanction is necessary and, if so, which 9963  
post-release control sanction or combination of post-release 9964  
control sanctions is reasonable under the circumstances. In the 9965  
case of a prisoner convicted of a felony of the fourth or fifth 9966  
degree other than a felony sex offense, the board or court shall 9967  
presume that monitored time is the appropriate post-release 9968  
control sanction unless the board or court determines that a more 9969  
restrictive sanction is warranted. A post-release control sanction 9970  
imposed under this division takes effect upon the prisoner's 9971  
release from imprisonment. 9972

Regardless of whether the prisoner was sentenced to the 9973  
prison term prior to, on, or after July 11, 2006, prior to the 9974  
release of a prisoner for whom it will impose one or more 9975  
post-release control sanctions under this division, the parole 9976  
board shall notify the prisoner that, if the prisoner violates any 9977  
sanction so imposed or any condition of post-release control 9978  
described in division (B) of section 2967.131 of the Revised Code 9979  
that is imposed on the prisoner, the parole board may impose a 9980  
prison term of up to one-half of the stated prison term originally 9981  
imposed upon the prisoner. 9982

(2) If a prisoner who is placed on post-release control under 9983  
this section is released before the expiration of the prisoner's 9984  
stated prison term by reason of credit earned under section 9985  
2967.193 of the Revised Code and if the prisoner earned sixty or 9986

more days of credit, the adult parole authority shall supervise 9987  
the offender with an active global positioning system device for 9988  
the first fourteen days after the offender's release from 9989  
imprisonment. This division does not prohibit or limit the 9990  
imposition of any post-release control sanction otherwise 9991  
authorized by this section. 9992

(3) At any time after a prisoner is released from 9993  
imprisonment and during the period of post-release control 9994  
applicable to the releasee, the adult parole authority or, 9995  
pursuant to an agreement under section 2967.29 of the Revised 9996  
Code, the court may review the releasee's behavior under the 9997  
post-release control sanctions imposed upon the releasee under 9998  
this section. The authority or court may determine, based upon the 9999  
review and in accordance with the standards established under 10000  
division (E) of this section, that a more restrictive or a less 10001  
restrictive sanction is appropriate and may impose a different 10002  
sanction. The authority also may recommend that the parole board 10003  
or court increase or reduce the duration of the period of 10004  
post-release control imposed by the court. If the authority 10005  
recommends that the board or court increase the duration of 10006  
post-release control, the board or court shall review the 10007  
releasee's behavior and may increase the duration of the period of 10008  
post-release control imposed by the court up to eight years. If 10009  
the authority recommends that the board or court reduce the 10010  
duration of control for an offense described in division (B) or 10011  
(C) of this section, the board or court shall review the 10012  
releasee's behavior and may reduce the duration of the period of 10013  
control imposed by the court. In no case shall the board or court 10014  
reduce the duration of the period of control imposed for an 10015  
offense described in division (B)(1) of this section to a period 10016  
less than the length of the stated prison term originally imposed, 10017  
and in no case shall the board or court permit the releasee to 10018  
leave the state without permission of the court or the releasee's 10019

parole or probation officer. 10020

(E) The department of rehabilitation and correction, in 10021  
accordance with Chapter 119. of the Revised Code, shall adopt 10022  
rules that do all of the following: 10023

(1) Establish standards for the imposition by the parole 10024  
board of post-release control sanctions under this section that 10025  
are consistent with the overriding purposes and sentencing 10026  
principles set forth in section 2929.11 of the Revised Code and 10027  
that are appropriate to the needs of releasees; 10028

(2) Establish standards by which the parole board can 10029  
determine which prisoners described in division (C) of this 10030  
section should be placed under a period of post-release control; 10031

(3) Establish standards to be used by the parole board in 10032  
reducing the duration of the period of post-release control 10033  
imposed by the court when authorized under division (D) of this 10034  
section, in imposing a more restrictive post-release control 10035  
sanction than monitored time upon a prisoner convicted of a felony 10036  
of the fourth or fifth degree other than a felony sex offense, or 10037  
in imposing a less restrictive control sanction upon a releasee 10038  
based on the releasee's activities including, but not limited to, 10039  
remaining free from criminal activity and from the abuse of 10040  
alcohol or other drugs, successfully participating in approved 10041  
rehabilitation programs, maintaining employment, and paying 10042  
restitution to the victim or meeting the terms of other financial 10043  
sanctions; 10044

(4) Establish standards to be used by the adult parole 10045  
authority in modifying a releasee's post-release control sanctions 10046  
pursuant to division (D)(2) of this section; 10047

(5) Establish standards to be used by the adult parole 10048  
authority or parole board in imposing further sanctions under 10049  
division (F) of this section on releasees who violate post-release 10050

control sanctions, including standards that do the following: 10051

(a) Classify violations according to the degree of 10052  
seriousness; 10053

(b) Define the circumstances under which formal action by the 10054  
parole board is warranted; 10055

(c) Govern the use of evidence at violation hearings; 10056

(d) Ensure procedural due process to an alleged violator; 10057

(e) Prescribe nonresidential community control sanctions for 10058  
most misdemeanor and technical violations; 10059

(f) Provide procedures for the return of a releasee to 10060  
imprisonment for violations of post-release control. 10061

(F)(1) Whenever the parole board imposes one or more 10062  
post-release control sanctions upon an offender under this 10063  
section, the offender upon release from imprisonment shall be 10064  
under the general jurisdiction of the adult parole authority and 10065  
generally shall be supervised by the field services section 10066  
through its staff of parole and field officers as described in 10067  
section 5149.04 of the Revised Code, as if the offender had been 10068  
placed on parole. If the offender upon release from imprisonment 10069  
violates the post-release control sanction or any conditions 10070  
described in division (A) of section 2967.131 of the Revised Code 10071  
that are imposed on the offender, the public or private person or 10072  
entity that operates or administers the sanction or the program or 10073  
activity that comprises the sanction shall report the violation 10074  
directly to the adult parole authority or to the officer of the 10075  
authority who supervises the offender. The authority's officers 10076  
may treat the offender as if the offender were on parole and in 10077  
violation of the parole, and otherwise shall comply with this 10078  
section. 10079

(2) If the adult parole authority or, pursuant to an 10080

agreement under section 2967.29 of the Revised Code, the court 10081  
determines that a releasee has violated a post-release control 10082  
sanction or any conditions described in division (A) of section 10083  
2967.131 of the Revised Code imposed upon the releasee and that a 10084  
more restrictive sanction is appropriate, the authority or court 10085  
may impose a more restrictive sanction upon the releasee, in 10086  
accordance with the standards established under division (E) of 10087  
this section or in accordance with the agreement made under 10088  
section 2967.29 of the Revised Code, or may report the violation 10089  
to the parole board for a hearing pursuant to division (F)(3) of 10090  
this section. The authority or court may not, pursuant to this 10091  
division, increase the duration of the releasee's post-release 10092  
control or impose as a post-release control sanction a residential 10093  
sanction that includes a prison term, but the authority or court 10094  
may impose on the releasee any other residential sanction, 10095  
nonresidential sanction, or financial sanction that the sentencing 10096  
court was authorized to impose pursuant to sections 2929.16, 10097  
2929.17, and 2929.18 of the Revised Code. 10098

(3) The parole board or, pursuant to an agreement under 10099  
section 2967.29 of the Revised Code, the court may hold a hearing 10100  
on any alleged violation by a releasee of a post-release control 10101  
sanction or any conditions described in division (A) of section 10102  
2967.131 of the Revised Code that are imposed upon the releasee. 10103  
If after the hearing the board or court finds that the releasee 10104  
violated the sanction or condition, the board or court may 10105  
increase the duration of the releasee's post-release control up to 10106  
the maximum duration authorized by division (B) or (C) of this 10107  
section or impose a more restrictive post-release control 10108  
sanction. When appropriate, the board or court may impose as a 10109  
post-release control sanction a residential sanction that includes 10110  
a prison term. The board or court shall consider a prison term as 10111  
a post-release control sanction imposed for a violation of 10112  
post-release control when the violation involves a deadly weapon 10113

or dangerous ordnance, physical harm or attempted serious physical 10114  
harm to a person, or sexual misconduct, or when the releasee 10115  
committed repeated violations of post-release control sanctions. 10116  
Unless a releasee's stated prison term was reduced pursuant to 10117  
section 5120.032 of the Revised Code, the period of a prison term 10118  
that is imposed as a post-release control sanction under this 10119  
division shall not exceed nine months, and the maximum cumulative 10120  
prison term for all violations under this division shall not 10121  
exceed one-half of the stated prison term originally imposed upon 10122  
the offender as part of this sentence. If a releasee's stated 10123  
prison term was reduced pursuant to section 5120.032 of the 10124  
Revised Code, the period of a prison term that is imposed as a 10125  
post-release control sanction under this division and the maximum 10126  
cumulative prison term for all violations under this division 10127  
shall not exceed the period of time not served in prison under the 10128  
sentence imposed by the court. The period of a prison term that is 10129  
imposed as a post-release control sanction under this division 10130  
shall not count as, or be credited toward, the remaining period of 10131  
post-release control. 10132

If an offender is imprisoned for a felony committed while 10133  
under post-release control supervision and is again released on 10134  
post-release control for a period of time determined by division 10135  
(F)(4)(d) of this section, the maximum cumulative prison term for 10136  
all violations under this division shall not exceed one-half of 10137  
the total stated prison terms of the earlier felony, reduced by 10138  
any prison term administratively imposed by the parole board or 10139  
court, plus one-half of the total stated prison term of the new 10140  
felony. 10141

(4) Any period of post-release control shall commence upon an 10142  
offender's actual release from prison. If an offender is serving 10143  
an indefinite prison term or a life sentence in addition to a 10144  
stated prison term, the offender shall serve the period of 10145

post-release control in the following manner: 10146

(a) If a period of post-release control is imposed upon the 10147  
offender and if the offender also is subject to a period of parole 10148  
under a life sentence or an indefinite sentence, and if the period 10149  
of post-release control ends prior to the period of parole, the 10150  
offender shall be supervised on parole. The offender shall receive 10151  
credit for post-release control supervision during the period of 10152  
parole. The offender is not eligible for final release under 10153  
section 2967.16 of the Revised Code until the post-release control 10154  
period otherwise would have ended. 10155

(b) If a period of post-release control is imposed upon the 10156  
offender and if the offender also is subject to a period of parole 10157  
under an indefinite sentence, and if the period of parole ends 10158  
prior to the period of post-release control, the offender shall be 10159  
supervised on post-release control. The requirements of parole 10160  
supervision shall be satisfied during the post-release control 10161  
period. 10162

(c) If an offender is subject to more than one period of 10163  
post-release control, the period of post-release control for all 10164  
of the sentences shall be the period of post-release control that 10165  
expires last, as determined by the parole board or court. Periods 10166  
of post-release control shall be served concurrently and shall not 10167  
be imposed consecutively to each other. 10168

(d) The period of post-release control for a releasee who 10169  
commits a felony while under post-release control for an earlier 10170  
felony shall be the longer of the period of post-release control 10171  
specified for the new felony under division (B) or (C) of this 10172  
section or the time remaining under the period of post-release 10173  
control imposed for the earlier felony as determined by the parole 10174  
board or court. 10175

**Sec. 2981.07.** (A) No person shall destroy, damage, remove, or 10176

transfer property that is subject to forfeiture or otherwise take 10177  
any action in regard to property that is subject to forfeiture 10178  
with purpose to do any of the following: 10179

(1) Prevent or impair the state's or political subdivision's 10180  
lawful authority to take the property into its custody or control 10181  
under this chapter or to continue holding the property under its 10182  
lawful custody or control; 10183

(2) Impair or defeat the court's continuing jurisdiction over 10184  
the person and property; 10185

(3) Devalue property that the person knows, or has reasonable 10186  
cause to believe, is subject to forfeiture proceedings under this 10187  
chapter. 10188

(B)(1) Whoever violates this section is guilty of 10189  
interference with or diminishing forfeitable property. 10190

(2) Except as otherwise provided in divisions (B)(3), (4), 10191  
and (5) of this section, interference with or diminishing 10192  
forfeitable property is a misdemeanor of the first degree. 10193

(3) If the value of the property is ~~five hundred~~ one thousand 10194  
dollars or more but less than five seven thousand five hundred 10195  
dollars, interference with or diminishing forfeitable property is 10196  
a felony of the fifth degree. 10197

(4) If the value of the property is five seven thousand five 10198  
hundred dollars or more but less than one hundred fifty thousand 10199  
dollars, interference with or diminishing forfeitable property is 10200  
a felony of the fourth degree. 10201

(5) If the value of the property is one hundred fifty 10202  
thousand dollars or more, interference with or diminishing 10203  
forfeitable property is a felony of the third degree. 10204

**Sec. 4507.51.** (A)(1) Every application for an identification 10205  
card or duplicate shall be made on a form furnished by the 10206

registrar of motor vehicles, shall be signed by the applicant, and 10207  
by the applicant's parent or guardian if the applicant is under 10208  
eighteen years of age, and shall contain the following information 10209  
pertaining to the applicant: name, date of birth, sex, general 10210  
description including the applicant's height, weight, hair color, 10211  
and eye color, address, and social security number. The 10212  
application also shall state whether an applicant wishes to 10213  
certify willingness to make an anatomical gift under section 10214  
2108.05 of the Revised Code and shall include information about 10215  
the requirements of sections 2108.01 to 2108.29 of the Revised 10216  
Code that apply to persons who are less than eighteen years of 10217  
age. The statement regarding willingness to make such a donation 10218  
shall be given no consideration in the decision of whether to 10219  
issue an identification card. Each applicant shall be photographed 10220  
in color at the time of making application. 10221

(2)(a) The application also shall state whether the applicant 10222  
has executed a valid durable power of attorney for health care 10223  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 10224  
executed a declaration governing the use or continuation, or the 10225  
withholding or withdrawal, of life-sustaining treatment pursuant 10226  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 10227  
applicant has executed either type of instrument, whether the 10228  
applicant wishes the identification card issued to indicate that 10229  
the applicant has executed the instrument. 10230

(b) On and after October 7, 2009, the application also shall 10231  
state whether the applicant is a veteran, active duty, or 10232  
reservist of the armed forces of the United States and, if the 10233  
applicant is such, whether the applicant wishes the identification 10234  
card issued to indicate that the applicant is a veteran, active 10235  
duty, or reservist of the armed forces of the United States by a 10236  
military designation on the identification card. 10237

(3) The registrar or deputy registrar, in accordance with 10238

section 3503.11 of the Revised Code, shall register as an elector 10239  
any person who applies for an identification card or duplicate if 10240  
the applicant is eligible and wishes to be registered as an 10241  
elector. The decision of an applicant whether to register as an 10242  
elector shall be given no consideration in the decision of whether 10243  
to issue the applicant an identification card or duplicate. 10244

(B) The application for an identification card or duplicate 10245  
shall be filed in the office of the registrar or deputy registrar. 10246  
Each applicant shall present documentary evidence as required by 10247  
the registrar of the applicant's age and identity, and the 10248  
applicant shall swear that all information given is true. An 10249  
identification card issued by the department of rehabilitation and 10250  
correction under section 5120.59 of the Revised Code shall be 10251  
sufficient documentary evidence under this division upon 10252  
verification of the applicant's social security number by the 10253  
registrar or a deputy registrar. Upon issuing an identification 10254  
card under this section for a person who has been issued an 10255  
identification card under section 5120.59 of the Revised Code, the 10256  
registrar or deputy registrar shall destroy the identification 10257  
card issued under section 5120.59 of the Revised Code. 10258

All applications for an identification card or duplicate 10259  
shall be filed in duplicate, and if submitted to a deputy 10260  
registrar, a copy shall be forwarded to the registrar. The 10261  
registrar shall prescribe rules for the manner in which a deputy 10262  
registrar is to file and maintain applications and other records. 10263  
The registrar shall maintain a suitable, indexed record of all 10264  
applications denied and cards issued or canceled. 10265

(C) In addition to any other information it contains, on and 10266  
after the date that is fifteen months after the effective date of 10267  
this amendment, the form furnished by the registrar of motor 10268  
vehicles for an application for an identification card or 10269  
duplicate shall inform applicants that the applicant must present 10270

a copy of the applicant's DD-214 or an equivalent document in 10271  
order to qualify to have the card or duplicate indicate that the 10272  
applicant is an honorably discharged veteran of the armed forces 10273  
of the United States based on a request made pursuant to division 10274  
(A)(2)(b) of this section. 10275

Sec. 5120.035. (A) As used in this section: 10276

(1) "Alcohol and drug addiction services" has the same 10277  
meaning as in section 3793.01 of the Revised Code. 10278

(2) "Second Chance Act" means the "Second Chance Act of 2007: 10279  
Community Safety Through Recidivism Prevention," 122 Stat. 657, 42 10280  
U.S.C. 17501, et seq., as now or hereafter amended. 10281

(B) The department of rehabilitation and correction, together 10282  
with the department of alcohol and drug addiction services as the 10283  
single state authority for alcohol and drug addiction services, 10284  
shall develop an implementation plan related to any funding 10285  
approved by the bureau of justice assistance of the United States 10286  
department of justice through the Second Chance Act related to 10287  
reentry of offenders into the community. The department of 10288  
rehabilitation and correction, together with the department of 10289  
alcohol and drug addiction services, shall develop the plan not 10290  
later than ninety days after either of the departments is notified 10291  
by the United States department of justice that this state will 10292  
receive funding through the Second Chance Act. The implementation 10293  
plan shall include, but is not limited to, all of the following: 10294

(1) A process and funding system for the reentry of offenders 10295  
seeking alcohol and drug addiction services; 10296

(2) The planning, development, implementation, outcomes, 10297  
monitoring, regulation, and evaluation of a statewide system for 10298  
clinically appropriate alcohol and drug addiction services. 10299

Sec. 5120.036. (A) The department of rehabilitation and 10300

correction shall provide risk reduction programming and treatment 10301  
for inmates whom a court under section 2929.143 of the Revised 10302  
Code recommends serve a risk reduction sentence and who meet the 10303  
eligibility criteria described in division (B) of this section. 10304

(B) If an offender is sentenced to a term of imprisonment in 10305  
a state correctional institution and the sentencing court 10306  
recommended that the offender serve a risk reduction sentence, the 10307  
department of rehabilitation and correction shall conduct a 10308  
validated and objective assessment of the person's needs and risk 10309  
of reoffending. If the offender cooperates with the risk 10310  
assessment and agrees to participate in any programming or 10311  
treatment ordered by the department, the department shall provide 10312  
programming and treatment to the offender to address the risks and 10313  
needs identified in the assessment. 10314

(C) If the department determines that an offender serving a 10315  
term of incarceration for whom the sentencing court recommended a 10316  
risk redaction sentence under section 2929.143 of the Revised Code 10317  
has successfully completed the assessment and treatment or 10318  
programming required by the department under division (B) of this 10319  
section, the department shall release the offender to supervised 10320  
release after the offender has served a minimum of seventy-five 10321  
per cent of that term of incarceration. The department shall 10322  
notify the sentencing court that the offender has successfully 10323  
completed the terms of the risk reduction sentence at least thirty 10324  
days prior to the date upon which the offender is to be released. 10325

**Sec. 5120.07.** (A) There is hereby created the ex-offender 10326  
reentry coalition consisting of the following seventeen members or 10327  
their designees: 10328

(1) The director of rehabilitation and correction; 10329

(2) The director of aging; 10330

(3) The director of alcohol and drug addiction services;	10331
(4) The director of development;	10332
(5) The superintendent of public instruction;	10333
(6) The director of health;	10334
(7) The director of job and family services;	10335
(8) The director of mental health;	10336
(9) The director of developmental disabilities;	10337
(10) The director of public safety;	10338
(11) The director of youth services;	10339
(12) The chancellor of the Ohio board of regents;	10340
(13) <del>The director</del> <u>A representative or member</u> of the	10341
governor's <del>office of external affairs and economic opportunity</del>	10342
<u>staff</u> ;	10343
(14) <del>The director of the governor's office of faith based and</del>	10344
<del>community initiatives;</del>	10345
<del>(15)</del> The director of the rehabilitation services commission;	10346
<del>(16)</del> <u>(15)</u> The director of the department of commerce;	10347
<del>(17)</del> <u>(16)</u> The executive director of a health care licensing	10348
board created under Title XLVII of the Revised Code, as appointed	10349
by the chairperson of the coalition;	10350
<u>(17) The director of veterans services.</u>	10351
(B) The members of the coalition shall serve without	10352
compensation. The director of rehabilitation and correction or the	10353
director's designee shall be the chairperson of the coalition.	10354
(C) In consultation with persons interested and involved in	10355
the reentry of ex-offenders into the community, including but not	10356
limited to, service providers, community-based organizations, and	10357
local governments, the coalition shall identify and examine social	10358

service barriers and other obstacles to the reentry of 10359  
ex-offenders into the community. Not later than one year after 10360  
April 7, 2009, and on or before the same date of each year 10361  
thereafter, the coalition shall submit to the speaker of the house 10362  
of representatives and the president of the senate a report, 10363  
including recommendations for legislative action, the activities 10364  
of the coalition, and the barriers affecting the successful 10365  
reentry of ex-offenders into the community. The report shall 10366  
analyze the effects of those barriers on ex-offenders and on their 10367  
children and other family members in various areas, including but 10368  
not limited to, the following: 10369

- (1) Admission to public and other housing; 10370
- (2) Child support obligations and procedures; 10371
- (3) Parental incarceration and family reunification; 10372
- (4) Social security benefits, veterans' benefits, food 10373  
stamps, and other forms of public assistance; 10374
- (5) Employment; 10375
- (6) Education programs and financial assistance; 10376
- (7) Substance abuse, mental health, and sex offender 10377  
treatment programs and financial assistance; 10378
- (8) Civic and political participation; 10379
- (9) Other collateral consequences under the Revised Code or 10380  
the Ohio administrative code law that may result from a criminal 10381  
conviction. 10382

**Sec. 5120.10.** (A)(1) The director of rehabilitation and 10383  
correction, by rule, shall promulgate minimum standards for jails 10384  
in Ohio, including minimum security jails dedicated under section 10385  
341.34 or 753.21 of the Revised Code. Whenever the director files 10386  
a rule or an amendment to a rule in final form with both the 10387

secretary of state and the director of the legislative service 10388  
commission pursuant to section 111.15 of the Revised Code, the 10389  
director of rehabilitation and correction promptly shall send a 10390  
copy of the rule or amendment, if the rule or amendment pertains 10391  
to minimum jail standards, by ordinary mail to the political 10392  
subdivisions or affiliations of political subdivisions that 10393  
operate jails to which the standards apply. 10394

(2) The rules promulgated in accordance with division (A)(1) 10395  
of this section shall serve as criteria for the investigative and 10396  
supervisory powers and duties vested by division (D) of this 10397  
section in the division of parole and community services of the 10398  
department of rehabilitation and correction or in another division 10399  
of the department to which those powers and duties are assigned. 10400

(B) The director may initiate an action in the court of 10401  
common pleas of the county in which a facility that is subject to 10402  
the rules promulgated under division (A)(1) of this section is 10403  
situated to enjoin compliance with the minimum standards for jails 10404  
or with the minimum standards and minimum renovation, 10405  
modification, and construction criteria for minimum security 10406  
jails. 10407

(C) Upon the request of an administrator of a jail facility, 10408  
the chief executive of a municipal corporation, or a board of 10409  
county commissioners, the director of rehabilitation and 10410  
correction or the director's designee shall grant a variance from 10411  
the minimum standards for jails in Ohio for a facility that is 10412  
subject to one of those minimum standards when the director 10413  
determines that strict compliance with the minimum standards would 10414  
cause unusual, practical difficulties or financial hardship, that 10415  
existing or alternative practices meet the intent of the minimum 10416  
standards, and that granting a variance would not seriously affect 10417  
the security of the facility, the supervision of the inmates, or 10418  
the safe, healthful operation of the facility. If the director or 10419

the director's designee denies a variance, the applicant may 10420  
appeal the denial pursuant to section 119.12 of the Revised Code. 10421

(D) The following powers and duties shall be exercised by the 10422  
division of parole and community services unless assigned to 10423  
another division by the director: 10424

(1) The investigation and supervision of county and municipal 10425  
jails, workhouses, minimum security jails, and other correctional 10426  
institutions and agencies; 10427

(2) The review and approval of plans submitted to the 10428  
department of rehabilitation and correction pursuant to division 10429  
(E) of this section; 10430

(3) The management and supervision of the adult parole 10431  
authority created by section 5149.02 of the Revised Code; 10432

(4) The review and approval of proposals for community-based 10433  
correctional facilities and programs and district community-based 10434  
correctional facilities and programs that are submitted pursuant 10435  
to division (B) of section 2301.51 of the Revised Code; 10436

(5) The distribution of funds made available to the division 10437  
for purposes of assisting in the renovation, maintenance, and 10438  
operation of community-based correctional facilities and programs 10439  
and district community-based correctional facilities and programs 10440  
in accordance with section 5120.112 of the Revised Code; 10441

(6) The performance of the duty imposed upon the department 10442  
of rehabilitation and correction in section 5149.31 of the Revised 10443  
Code to establish and administer a program of subsidies to 10444  
eligible municipal corporations, counties, and groups of 10445  
contiguous counties for the development, implementation, and 10446  
operation of community-based corrections programs; 10447

(7) Licensing halfway houses and community residential 10448  
centers for the care and treatment of adult offenders in 10449

accordance with section 2967.14 of the Revised Code; 10450

(8) Contracting with a public or private agency or a 10451  
department or political subdivision of the state that operates a 10452  
licensed halfway house or community residential center for the 10453  
provision of housing, supervision, and other services to parolees, 10454  
releasees, persons placed under a residential sanction, persons 10455  
under transitional control, and other eligible offenders in 10456  
accordance with section 2967.14 of the Revised Code. 10457

Other powers and duties may be assigned by the director of 10458  
rehabilitation and correction to the division of parole and 10459  
community services. This section does not apply to the department 10460  
of youth services or its institutions or employees. 10461

(E) No plan for any new jail, workhouse, or lockup, and no 10462  
plan for a substantial addition or alteration to an existing jail, 10463  
workhouse, or lockup, shall be adopted unless the officials 10464  
responsible for adopting the plan have submitted the plan to the 10465  
department of rehabilitation and correction for approval, and the 10466  
department has approved the plan as provided in division (D)(2) of 10467  
this section. 10468

(F) The division of parole and community services shall 10469  
review, approve, and certify proposals for community alternative 10470  
sentencing centers and district community alternative sentencing 10471  
centers that are submitted pursuant to section 307.932 of the 10472  
Revised Code. 10473

**Sec. 5120.111.** With respect to community-based correctional 10474  
facilities and programs and district community-based correctional 10475  
facilities and programs authorized under section 2301.51 of the 10476  
Revised Code and to community alternative sentencing centers and 10477  
district community alternative sentencing centers authorized under 10478  
section 307.932 of the Revised Code, the department of 10479  
rehabilitation and correction shall do all of the following: 10480

(A) Adopt rules, under Chapter 119. of the Revised Code, that 10481  
serve as criteria for the operation of community-based 10482  
correctional facilities and programs and district community-based 10483  
correctional facilities and programs approved in accordance with 10484  
sections 2301.51 and 5120.10 of the Revised Code; 10485

(B) Adopt rules, under Chapter 119. of the Revised Code, 10486  
governing the procedures for the submission of proposals for the 10487  
establishment of community-based correctional facilities and 10488  
programs and district community-based correctional facilities and 10489  
programs to the division of parole and community services under 10490  
division (B) of section 2301.51 of the Revised Code or for the 10491  
establishment and operation of community alternative sentencing 10492  
centers and district community alternative sentencing centers 10493  
under section 307.932 of the Revised Code and adopt rules under 10494  
Chapter 119. of the Revised Code that establish certification 10495  
guidelines for community alternative sentencing centers and 10496  
district community alternative sentencing centers under section 10497  
307.932 of the Revised Code; 10498

(C) Prescribe forms that are to be used by facility governing 10499  
boards of community-based correctional facilities and programs and 10500  
district community-based correctional facilities and programs in 10501  
making application for state financial assistance under section 10502  
2301.56 of the Revised Code; 10503

(D) Adopt rules, under Chapter 119. of the Revised Code, that 10504  
prescribe the standards of operation for the facilities and 10505  
programs that must be satisfied for ~~the~~ community-based 10506  
correctional facilities and programs and district community-based 10507  
correctional facilities and programs to be eligible for state 10508  
financial assistance; 10509

(E) Through the division of parole and community services, 10510  
accept and review proposals for the establishment of ~~the~~ 10511  
community-based correctional facilities and programs and district 10512

community-based correctional facilities and programs and approve 10513  
those proposals that satisfy the minimum requirements contained in 10514  
section 2301.52 of the Revised Code; and administer the program 10515  
for state financial assistance to the facilities and programs in 10516  
accordance with section 5120.112 of the Revised Code; 10517

(F) Accept, through the division of parole and community 10518  
services, and review proposals for the establishment and operation 10519  
of community alternative sentencing centers and district community 10520  
alternative sentencing centers and approve and certify those 10521  
proposals that satisfy the requirements contained in section 10522  
307.932 of the Revised Code. 10523

Sec. 5120.113. (A) For each inmate committed to the 10524  
department of rehabilitation and correction, except as provided in 10525  
division (B) of this section, the department shall prepare a 10526  
written reentry plan for the inmate to help guide the inmate's 10527  
rehabilitation program during imprisonment, to assist in the 10528  
inmate's reentry into the community, and to assess the inmate's 10529  
needs upon release. 10530

(B) Division (A) of this section does not apply to an inmate 10531  
who has been sentenced to life imprisonment without parole or who 10532  
has been sentenced to death. Division (A) of this section does not 10533  
apply to any inmate who is expected to be imprisoned for thirty 10534  
days or less, but the department may prepare a written reentry 10535  
plan of the type described in that division if the department 10536  
determines that the plan is needed. 10537

(C) The department may collect, if available, any social and 10538  
other information that will aid in the preparation of reentry 10539  
plans under this section. 10540

(D) In the event the department does not prepare a written 10541  
reentry plan as specified in division (A) of this section, or 10542  
makes a decision to not prepare a written reentry plan under 10543

division (B) of this section or to not collect information under 10544  
division (C) of this section, that fact does not give rise to a 10545  
claim for damages against the state, the department, the director 10546  
of the department, or any employee of the department. 10547

**Sec. 5120.114.** (A) The department of rehabilitation and 10548  
correction shall select a single validated risk assessment tool. 10549  
This assessment tool shall be used by the following entities: 10550

(1) Municipal courts; 10551

(2) Common pleas courts; 10552

(3) County courts; 10553

(4) Municipal court departments of probation; 10554

(5) County departments of probation; 10555

(6) Probation departments established by two or more 10556  
counties; 10557

(7) State and local correctional institutions; 10558

(8) Private correctional facilities; 10559

(9) Community-based correctional facilities; 10560

(10) The adult parole authority; 10561

(11) The parole board. 10562

(B) All employees of entities required to use the assessment 10563  
tool shall be trained and certified by a trainer who is certified 10564  
by the department. Each entity utilizing the assessment tool shall 10565  
develop policies and protocols regarding all of the following 10566  
activities: 10567

(1) Application and integration of the assessment tool into 10568  
operations, supervision, and case planning; 10569

(2) Administrative oversight of the use of the assessment 10570  
tool; 10571

- (3) Staff training; 10572
- (4) Quality assurance; 10573
- (5) Data collection and sharing. 10574

**Sec. 5120.16.** (A) Persons sentenced to any institution, 10575  
division, or place under the control of the department of 10576  
rehabilitation and correction are committed to the control, care, 10577  
and custody of the department. Subject to division (B) of this 10578  
section, the director of rehabilitation and correction or the 10579  
director's designee may direct that persons sentenced to the 10580  
department, or to any institution or place within the department, 10581  
shall be conveyed initially to an appropriate facility established 10582  
and maintained by the department for reception, examination, 10583  
observation, and classification of the persons so sentenced. If a 10584  
presentence investigation report was not prepared pursuant to 10585  
section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 10586  
32.2 regarding any person sentenced to the department or to any 10587  
institution or place within the department, the director or the 10588  
director's designee may order the department's field staff to 10589  
conduct an offender background investigation and prepare an 10590  
offender background investigation report regarding the person. The 10591  
investigation and report shall be conducted in accordance with 10592  
division (A) of section 2951.03 of the Revised Code and the report 10593  
shall contain the same information as a presentence investigation 10594  
report prepared pursuant to that section. 10595

When the examination, observation, and classification of the 10596  
person have been completed by the facility and a written report of 10597  
the examination, observation, and classification is filed with the 10598  
commitment papers, the director or the director's designee, 10599  
subject to division (B) of this section, shall assign the person 10600  
to a suitable state institution or place maintained by the state 10601  
within the director's department or shall designate that the 10602

person is to be housed in a county, multicounty, municipal, 10603  
municipal-county, or multicounty-municipal jail or workhouse, if 10604  
authorized by section 5120.161 of the Revised Code, there to be 10605  
confined, cared for, treated, trained, and rehabilitated until 10606  
paroled, released in accordance with section 2929.20, 2967.26, ~~or~~ 10607  
2967.28, or 5120.036 of the Revised Code, or otherwise released 10608  
under the order of the court that imposed the person's sentence. 10609  
No person committed by a probate court, a trial court pursuant to 10610  
section 2945.40, 2945.401, or 2945.402 of the Revised Code 10611  
subsequent to a finding of not guilty by reason of insanity, or a 10612  
juvenile court shall be assigned to a state correctional 10613  
institution. 10614

If a person is sentenced, committed, or assigned for the 10615  
commission of a felony to any one of the institutions or places 10616  
maintained by the department or to a county, multicounty, 10617  
municipal, municipal-county, or multicounty-municipal jail or 10618  
workhouse, the department, by order duly recorded and subject to 10619  
division (B) of this section, may transfer the person to any other 10620  
institution, or, if authorized by section 5120.161 of the Revised 10621  
Code, to a county, multicounty, municipal, municipal-county, or 10622  
multicounty-municipal jail or workhouse. 10623

(B) If the case of a child who is alleged to be a delinquent 10624  
child is transferred for criminal prosecution to the appropriate 10625  
court having jurisdiction of the offense pursuant to section 10626  
2152.12 of the Revised Code, if the child is convicted of or 10627  
pleads guilty to a felony in that case, if the child is sentenced 10628  
to a prison term, as defined in section 2901.01 of the Revised 10629  
Code, and if the child is under eighteen years of age when 10630  
delivered to the custody of the department of rehabilitation and 10631  
correction, all of the following apply regarding the housing of 10632  
the child: 10633

(1) Until the child attains eighteen years of age, subject to 10634

divisions (B)(2), (3), and (4) of this section, the department 10635  
shall house the child in a housing unit in a state correctional 10636  
institution separate from inmates who are eighteen years of age or 10637  
older. 10638

(2) The department is not required to house the child in the 10639  
manner described in division (B)(1) of this section if the child 10640  
does not observe the rules and regulations of the institution or 10641  
the child otherwise creates a security risk by being housed 10642  
separately. 10643

(3) If the department receives too few inmates who are under 10644  
eighteen years of age to fill a housing unit in a state 10645  
correctional institution separate from inmates who are eighteen 10646  
years of age or older, as described in division (B)(1) of this 10647  
section, the department may house the child in a housing unit in a 10648  
state correctional institution that includes both inmates who are 10649  
under eighteen years of age and inmates who are eighteen years of 10650  
age or older and under twenty-one years of age. 10651

(4) Upon the child's attainment of eighteen years of age, the 10652  
department may house the child with the adult population of the 10653  
state correctional institution. 10654

(C) The director or the director's designee shall develop a 10655  
policy for dealing with problems related to infection with the 10656  
human immunodeficiency virus. The policy shall include methods of 10657  
identifying individuals committed to the custody of the department 10658  
who are at high risk of infection with the virus and counseling 10659  
those individuals. 10660

Arrangements for housing individuals diagnosed as having AIDS 10661  
or an AIDS-related condition shall be made by the department based 10662  
on security and medical considerations and in accordance with 10663  
division (B) of this section, if applicable. 10664

Sec. 5120.331. (A) Not later than the first day of April of 10665  
each year, the department of rehabilitation and correction shall 10666  
prepare an annual report covering the preceding calendar year that 10667  
does all of the following: 10668

(1) Indicates the total number of persons sentenced to any 10669  
institution, division, or place under its control and management 10670  
who are delivered within that calendar year to its custody and 10671  
control; 10672

(2) Indicates the total number of persons who, during that 10673  
calendar year, were released from a prison term on any of the 10674  
following bases: 10675

(a) On judicial release under section 2929.20 of the Revised 10676  
Code; 10677

(b) On transitional control under section 2967.26 of the 10678  
Revised Code; 10679

(c) As a result of successfully completing a risk reduction 10680  
sentence under section 5120.036 of the Revised Code; 10681

(d) On parole; 10682

~~(d)~~(e) Due to the expiration of the stated prison term 10683  
imposed; 10684

~~(e)~~(f) On any basis not described in divisions (A)(2)(a) to 10685  
~~(d)~~(e) of this section. 10686

(3) Lists each offense, by Revised Code section number and, 10687  
if applicable, by designated name, for which at least one person 10688  
who was released from a prison term in that calendar year was 10689  
serving a prison term at the time of release; 10690

(4) For each offense included in the list described in 10691  
division (A)(3) of this section, indicates all of the following: 10692

(a) The total number of persons released from a prison term 10693

in that calendar year who were serving a prison term for that offense at the time of release;

(b) The shortest, longest, and average prison term that had been imposed for that offense upon the persons described in division (A)(4)(a) of this section and that they were serving at the time of release;

(c) The shortest, longest, and average period of imprisonment actually served by the persons described in division (A)(4)(a) of this section under a prison term that had been imposed for that offense upon them and that they were serving at the time of release;

(d) The total number of persons released from a prison term in that calendar year under each of the bases for release set forth in division (A)(2) of this section who were serving a prison term for that offense at the time of release;

(e) The shortest, longest, and average prison term that had been imposed for that offense upon the persons in each category described in division (A)(4)(d) of this section and that they were serving at the time of release;

(f) The shortest, longest, and average period of imprisonment actually served by the persons in each category described in division (A)(4)(d) of this section under a prison term that had been imposed for that offense upon them and that they were serving at the time of release.

(B) No report prepared under division (A) of this section shall identify or enable the identification of any person released from a prison term in the preceding calendar year.

(C) Each annual report prepared under division (A) of this section shall be distributed to each member of the general assembly.

(D) As used in this section, "prison term" and "stated prison term" have the same meanings as in section 2929.01 of the Revised Code.

**Sec. 5120.48.** (A) If a prisoner escapes from a state correctional institution, the managing officer of the institution, after consultation with and upon the advice of appropriate law enforcement officials, shall assign and deploy into the community appropriate staff persons necessary to apprehend the prisoner. Correctional officers and officials may carry firearms when required in the discharge of their duties in apprehending, taking into custody, or transporting to a place of confinement a prisoner who has escaped from a state correctional institution.

(B) If a prisoner is released from a state correctional institution prior to the lawful end of the person's prison term or term of imprisonment, whether by error, inadvertence, fraud, or any other cause except a lawful parole or judicial release granted pursuant to section 2929.20 of the Revised Code or the successful completion of a risk reduction sentence under section 5120.036 of the Revised Code, the managing officer of the institution, after consulting with the bureau of sentence computation, shall notify the chief of the adult parole authority, the office of victim services of the division of parole and community services, and the sentencing court of the mistaken release. Upon the direction of the chief, or the chief's designee, field officers of the authority may arrest the prisoner without a warrant and return the prisoner to the state correctional institution to complete the balance of the prisoner's sentence. The chief of the adult parole authority, or the chief's designee, may require the assistance of any peace officer or law enforcement officer in the apprehension of a prisoner of that nature.

**Sec. 5120.59.** Before a prisoner is released from a state

correctional institution, the department of rehabilitation and 10755  
correction shall attempt to verify the prisoner's identification 10756  
and social security number. If the department is not able to 10757  
verify the prisoner's identification and social security number, 10758  
if the prisoner has no other documentary evidence required by the 10759  
registrar of motor vehicles for the issuance of an identification 10760  
card under section 4507.50 of the Revised Code, and if the 10761  
department determines that the prisoner is legally living in the 10762  
United States, the department shall issue to the prisoner upon the 10763  
prisoner's release an identification card that the prisoner may 10764  
present to the registrar or a deputy registrar of motor vehicles 10765  
~~to obtain an identification card under section 4507.50 of the~~ 10766  
~~Revised Code. The director of rehabilitation and correction may~~ 10767  
~~adopt rules for the implementation of this section.~~ 10768

**Sec. 5120.60.** (A) There is hereby created in the division of 10769  
parole and community services the office of ~~victims'~~ victim 10770  
services. 10771

(B) The office shall provide assistance to victims of crime, 10772  
victims' representatives designated under section 2930.02 of the 10773  
Revised Code, and members of the victim's family. The assistance 10774  
shall include, but not be limited to, providing information about 10775  
the policies and procedures of the department of rehabilitation 10776  
and correction and the status of offenders under the department's 10777  
jurisdiction. 10778

(C) The office shall also make available publications that 10779  
will assist victims in contacting staff of the department about 10780  
problems with offenders under the supervision of the adult parole 10781  
authority or confined in state correctional institutions under the 10782  
department's jurisdiction. 10783

(D) The office shall employ a ~~victims~~ victim coordinator who 10784

shall administer the office's functions. The ~~victims~~ victim 10785  
coordinator shall be in the unclassified civil service and report 10786  
directly to the chief of the division. 10787

(E) The office shall also employ at least three persons in 10788  
the unclassified civil service whose primary duties shall be to 10789  
help parole board hearing officers identify victims' issues and to 10790  
make recommendations to the parole board in accordance with rules 10791  
adopted by the department. The member of the parole board 10792  
appointed pursuant to division (B) of section 5149.10 of the 10793  
Revised Code shall approve the hiring of the employees of the 10794  
office. 10795

(F) The office shall coordinate its activities with the 10796  
member of the parole board appointed pursuant to division (B) of 10797  
section 5149.10 of the Revised Code. The ~~victims~~ victim 10798  
coordinator and other employees of the office shall have full 10799  
access to records of prisoners under the department's 10800  
jurisdiction. 10801

(G) Information provided to the office of victim services by 10802  
victims of crime or a victim representative designated under 10803  
section 2930.02 of the Revised Code for the purpose of program 10804  
participation, of receiving services, or to communicate acts of an 10805  
inmate or person under the supervision of the adult parole 10806  
authority that threaten the safety and security of the victim 10807  
shall be confidential and is not a public record under section 10808  
149.43 of the Revised Code. 10809

(H)(1) If a person who was convicted of or pleaded guilty to 10810  
an offense of violence that is a felony escapes from a 10811  
correctional institution under the control of the department of 10812  
rehabilitation and correction or otherwise escapes from the 10813  
custody of the department, the office of victim services shall 10814  
notify each victim of the offense or offenses committed by that 10815  
person of that person's escape and, if applicable, of that 10816

person's subsequent apprehension. The office shall give this 10817  
notice as soon as practicable after the escape and the office 10818  
identifies and locates the victim. The office shall give this 10819  
notice to each victim of the escaped person, regardless of whether 10820  
the victim is registered for notification with the office, unless 10821  
the victim has specifically notified the office that the victim 10822  
does not wish to be notified regarding the person. 10823

The office may give the notice required by this division by 10824  
telephone, in person, or by e-mail or other electronic means. If 10825  
the office cannot locate a victim to whom notice is to be provided 10826  
under this division, the office shall send the notice in writing 10827  
to the last known address of that victim. 10828

(2) If a person escapes as described in division (H)(1) of 10829  
this section, the office of victim services may request assistance 10830  
from the prosecuting attorney of the county in which the person 10831  
was convicted of or pleaded guilty to the offense in identifying 10832  
and locating the victim of the offense. 10833

(I) Any reference in any Revised Code section other than this 10834  
section to the "office of victims' services" of the division of 10835  
parole and community services or of the department of 10836  
rehabilitation and correction shall be construed as being a 10837  
reference to, and meaning, the office of victim services created 10838  
by division (A) of this section. 10839

(J) As used in this section, "crime," "member of the victim's 10840  
family," and "victim" have the meanings given in section 2930.01 10841  
of the Revised Code. 10842

**Sec. 5120.66.** (A) Within ninety days after November 23, 2005, 10843  
but not before January 1, 2006, the department of rehabilitation 10844  
and correction shall establish and operate on the internet a 10845  
database that contains all of the following: 10846

(1) For each inmate in the custody of the department under a sentence imposed for a conviction of or plea of guilty to any offense, all of the following information:

(a) The inmate's name;

(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's custody, the name of the offense, the Revised Code section of which the offense is a violation, the gender of each victim of the offense if those facts are known, whether each victim of the offense was an adult or child if those facts are known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense, and either the date on which the inmate will be eligible for parole relative to the offense if the prison term or term of imprisonment is an indefinite term or life term or the date on which the term ends if the prison term is a definite term;

(c) All of the following information that is applicable regarding the inmate:

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of ~~that~~ section 2929.20 or division (H) of section 2967.19 of the Revised Code, whichever is applicable, to submit to the court a written

statement regarding the possible judicial release~~r~~ or release. The 10879  
department also shall post notice of the filing of any petition 10880  
for release of the inmate pursuant to section 2967.19 of the 10881  
Revised Code, as required by division (E) of that section. 10882

(ii) If the inmate is serving a prison term pursuant to 10883  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 10884  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 10885  
Code, prior to the conduct of any hearing pursuant to section 10886  
2971.05 of the Revised Code to determine whether to modify the 10887  
requirement that the inmate serve the entire prison term in a 10888  
state correctional facility in accordance with division (C) of 10889  
that section, whether to continue, revise, or revoke any existing 10890  
modification of that requirement, or whether to terminate the 10891  
prison term in accordance with division (D) of that section, 10892  
notice of the fact that the inmate will be having a hearing 10893  
regarding those determinations and of the date of the hearing; 10894

(iii) At least three weeks before the adult parole authority 10895  
recommends a pardon or commutation of sentence for the inmate or 10896  
at least three weeks prior to a hearing before the adult parole 10897  
authority regarding a grant of parole to the inmate in relation to 10898  
any prison term or term of imprisonment the inmate is serving for 10899  
any offense, notice of the fact that the inmate might be under 10900  
consideration for a pardon or commutation of sentence or will be 10901  
having a hearing regarding a possible grant of parole, of the date 10902  
of any hearing regarding a possible grant of parole, and of the 10903  
right of any person to submit a written statement regarding the 10904  
pending action; 10905

(iv) At least three weeks before the inmate is transferred to 10906  
transitional control under section 2967.26 of the Revised Code in 10907  
relation to any prison term or term of imprisonment the inmate is 10908  
serving for any offense, notice of the pendency of the transfer, 10909  
of the date of the possible transfer, and of the right of any 10910

person to submit a statement regarding the possible transfer; 10911

(v) Prompt notice of the inmate's escape from any facility in 10912  
which the inmate was incarcerated and of the capture of the inmate 10913  
after an escape; 10914

(vi) Notice of the inmate's death while in confinement; 10915

(vii) Prior to the release of the inmate from confinement, 10916  
notice of the fact that the inmate will be released, of the date 10917  
of the release, and, if applicable, of the standard terms and 10918  
conditions of the release; 10919

(viii) Notice of the inmate's judicial release pursuant to 10920  
section 2929.20 of the Revised Code or release pursuant to section 10921  
2967.19 of the Revised Code. 10922

(2) Information as to where a person can send written 10923  
statements of the types referred to in divisions (A)(1)(c)(i), 10924  
(iii), and (iv) of this section. 10925

(B)(1) The department shall update the database required 10926  
under division (A) of this section every twenty-four hours to 10927  
ensure that the information it contains is accurate and current. 10928

(2) The database required under division (A) of this section 10929  
is a public record open for inspection under section 149.43 of the 10930  
Revised Code. The department shall make the database searchable by 10931  
inmate name and by the county and zip code where the offender 10932  
intends to reside after release from a state correctional 10933  
institution if this information is known to the department. 10934

(3) The database required under division (A) of this section 10935  
may contain information regarding inmates who are listed in the 10936  
database in addition to the information described in that 10937  
division. 10938

(4) No information included on the database required under 10939  
division (A) of this section shall identify or enable the 10940

identification of any victim of any offense committed by an 10941  
inmate. 10942

(C) The failure of the department to comply with the 10943  
requirements of division (A) or (B) of this section does not give 10944  
any rights or any grounds for appeal or post-conviction relief to 10945  
any inmate. 10946

(D) This section, and the related provisions of sections 10947  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 10948  
in the act in which this section was enacted, shall be known as 10949  
"Laura's Law." 10950

**Sec. 5149.01.** As used in Chapter 5149. of the Revised Code: 10951

(A) "Authority" means the adult parole authority created by 10952  
section 5149.02 of the Revised Code. 10953

(B) "State correctional institution," "pardon," 10954  
"commutation," "reprieve," "parole," "head of a state correctional 10955  
institution," "convict," "prisoner," "parolee," "final release," 10956  
and "parole violator" have the same meanings as in section 2967.01 10957  
of the Revised Code. 10958

(C) "Full board hearing" means a parole board hearing 10959  
conducted by a ~~minimum~~ majority of ~~seven~~ parole board members as 10960  
described in section 5149.101 of the Revised Code. 10961

**Sec. 5149.10.** (A)(1) The parole board shall consist of up to 10962  
twelve members, one of whom shall be designated as chairperson by 10963  
the director of the department of rehabilitation and correction 10964  
and who shall continue as chairperson until a successor is 10965  
designated, and any other personnel that are necessary for the 10966  
orderly performance of the duties of the board. In addition to the 10967  
rules authorized by section 5149.02 of the Revised Code, the chief 10968  
of the adult parole authority, subject to the approval of the 10969  
chief of the division of parole and community services and subject 10970

to this section, shall adopt rules governing the proceedings of 10971  
the parole board. The rules shall provide for the convening of 10972  
full board hearings, the procedures to be followed in full board 10973  
hearings, and general procedures to be followed in other hearings 10974  
of the board and by the board's hearing officers. The rules also 10975  
shall require agreement by a majority of all the board members to 10976  
any recommendation of clemency transmitted to the governor. 10977

(2) When the board members sit as a full board, the 10978  
chairperson shall preside. The chairperson shall also allocate the 10979  
work of the parole board among the board members. The full board 10980  
shall meet at least once each month. In the case of a tie vote on 10981  
the full board, the chief of the adult parole authority shall cast 10982  
the deciding vote. The chairperson may designate a person to serve 10983  
in the chairperson's place. 10984

(3)(a) Except for the chairperson, except for the member 10985  
appointed under division (B) of this section, and except as 10986  
otherwise provided in division (A)(3)(b) of this section, a member 10987  
appointed to the parole board shall be appointed to a six-year 10988  
term. A member shall hold office from the date of appointment 10989  
until the end of the term for which the member was appointed. A 10990  
member is eligible for reappointment for another six-year term 10991  
that may or may not be consecutive to the first six-year term. A 10992  
member is not eligible for reappointment after serving two 10993  
six-year terms whether or not served consecutively. Vacancies 10994  
shall be filled in the same manner provided for original 10995  
appointments. Any member appointed under this division to fill a 10996  
vacancy occurring prior to the expiration date of the term for 10997  
which the member's predecessor was appointed shall begin that 10998  
member's first six-year term upon appointment, regardless of the 10999  
time remaining in the term of the member's predecessor. A member 11000  
appointed under this division shall continue in office subsequent 11001  
to the expiration date of the member's term until the member's 11002

successor takes office or until a period of sixty days has 11003  
elapsed, whichever occurs first. 11004

(b) A member of the parole board on the effective date of 11005  
this amendment who has served on the board less than six years 11006  
shall have the time so served applied toward a six-year term and 11007  
at the end of that six-year term shall be eligible for 11008  
reappointment to an additional six-year term. A member of the 11009  
parole board on the effective date of this amendment who has 11010  
served on the board at least six years but less than twelve years 11011  
shall have six of the years so served applied toward the first 11012  
six-year term and the remaining time so served applied toward a 11013  
second six-year term, shall serve the remainder of that second 11014  
six-year term, and at the end of that second six-year term shall 11015  
not be eligible for reappointment. A member of the parole board on 11016  
the effective date of this amendment who has served on the board 11017  
twelve years or longer shall serve until a successor member is 11018  
appointed or a period of six months after the effective date of 11019  
this amendment has elapsed, whichever occurs first, and after the 11020  
end of that service shall be eligible for reappointment to an 11021  
additional six-year term. 11022

(4) Except as otherwise provided in division (B) of this 11023  
section, no person shall be appointed a member of the board who is 11024  
not qualified by education or experience in correctional work, 11025  
including law enforcement, prosecution of offenses, advocating for 11026  
the rights of victims of crime, probation, or parole, in law, in 11027  
social work, or in a combination of the three categories. 11028

(B) The director of rehabilitation and correction, in 11029  
consultation with the governor, shall appoint one member of the 11030  
board, who shall be a person who has been a victim of crime or who 11031  
is a member of a victim's family or who represents an organization 11032  
that advocates for the rights of victims of crime. After 11033  
appointment, this member shall be an unclassified employee of the 11034

department of rehabilitation and correction. 11035

The initial appointment shall be for a term ending four years 11036  
after July 1, 1996. Thereafter, the term of office of the member 11037  
appointed under this division shall be for four years, with each 11038  
term ending on the same day of the same month as did the term that 11039  
it succeeds. The member shall hold office from the date of 11040  
appointment until the end of the term for which the member was 11041  
appointed and may be reappointed. Vacancies shall be filled in the 11042  
manner provided for original appointments. Any member appointed 11043  
under this division to fill a vacancy occurring prior to the 11044  
expiration date of the term for which the member's predecessor was 11045  
appointed shall hold office as a member for the remainder of that 11046  
term. The member appointed under this division shall continue in 11047  
office subsequent to the expiration date of the member's term 11048  
until the member's successor takes office or until a period of 11049  
sixty days has elapsed, whichever occurs first. 11050

The member appointed under this division shall be compensated 11051  
in the same manner as other board members and shall be reimbursed 11052  
for actual and necessary expenses incurred in the performance of 11053  
the ~~members'~~ member's duties. The member may vote on all cases 11054  
heard by the full board under section 5149.101 of the Revised 11055  
Code, has such duties as are assigned by the chairperson of the 11056  
board, and shall coordinate the member's activities with the 11057  
office of victims' services created under section 5120.60 of the 11058  
Revised Code. 11059

As used in this division, "crime," "member of the victim's 11060  
family," and "victim" have the meanings given in section 2930.01 11061  
of the Revised Code. 11062

(C) The chairperson shall submit all recommendations for or 11063  
against clemency directly to the governor. 11064

(D) The chairperson shall transmit to the chief of the adult 11065

parole authority all determinations for or against parole made by 11066  
the board. Parole determinations are final and are not subject to 11067  
review or change by the chief. 11068

(E) In addition to its duties pertaining to parole and 11069  
clemency, if an offender is sentenced to a prison term pursuant to 11070  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 11071  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 11072  
Code, the parole board shall have control over the offender's 11073  
service of the prison term during the entire term unless the board 11074  
terminates its control in accordance with section 2971.04 of the 11075  
Revised Code. The parole board may terminate its control over the 11076  
offender's service of the prison term only in accordance with 11077  
section 2971.04 of the Revised Code. 11078

**Sec. 5149.31.** (A) The department of rehabilitation and 11079  
correction shall do all of the following: 11080

~~(A)~~(1) Establish and administer a program of subsidies for 11081  
eligible counties and groups of counties for felony offenders and 11082  
a program of subsidies for eligible municipal corporations, 11083  
counties, and groups of counties for misdemeanor offenders for the 11084  
development, implementation, and operation of community 11085  
corrections programs. Department expenditures for administration 11086  
of both programs of subsidies shall not exceed ten per cent of the 11087  
moneys appropriated for each of the purposes of this division. 11088

~~(B)~~(2) Adopt and promulgate rules, under Chapter 119. of the 11089  
Revised Code, providing standards for community corrections 11090  
programs. The standards shall be designed to improve the quality 11091  
and efficiency of the programs and to reduce the number of persons 11092  
committed to state correctional institutions and to county, 11093  
multicounty, municipal, municipal-county, or multicounty-municipal 11094  
jails or workhouses for offenses for which community control 11095  
sanctions are authorized under section 2929.13, 2929.15, or 11096

2929.25 of the Revised Code. In developing the standards, the department shall consult with, and seek the advice of, local corrections agencies, law enforcement agencies, and other public and private agencies concerned with corrections. The department shall conduct, and permit participation by local corrections planning boards established under section 5149.34 of the Revised Code and joint county corrections planning boards established under section 5149.35 of the Revised Code in, an annual review of the standards to measure their effectiveness in promoting the purposes specified in this division and shall amend or rescind any existing rule providing a standard or adopt and promulgate additional rules providing standards, under Chapter 119. of the Revised Code, if the review indicates that the standards fail to promote the purposes.

~~(C)~~(3) Accept and use any funds, goods, or services from the federal government or any other public or private source for the support of the subsidy programs established under division (A) of this section. The department may comply with any conditions and enter into any agreements that it considers necessary to obtain these funds, goods, or services.

~~(D)~~(4) Adopt rules, in accordance with Chapter 119. of the Revised Code, and do all other things necessary to implement sections 5149.30 to 5149.37 of the Revised Code;

~~(E)~~(5) Evaluate or provide for the evaluation of community corrections programs funded by the subsidy programs established under division (A)(1) of this section and establish means of measuring their effectiveness;

~~(F)~~(6) Prepare an annual report evaluating the subsidy programs established under division (A)(1) of this section. The report shall include, but need not be limited to, analyses of the structure of the programs and their administration by the department, the effectiveness of the programs in the development

and implementation of community corrections programs, the specific 11129  
standards adopted and promulgated under division ~~(B)~~(A)(2) of this 11130  
section and their effectiveness in promoting the purposes of the 11131  
programs, and the findings of the evaluations conducted under 11132  
division ~~(E)~~(A)(5) of this section. The director of rehabilitation 11133  
and correction shall review and certify the accuracy of the report 11134  
and provide copies of it, upon request, to members of the general 11135  
assembly. 11136

~~(G)~~(7) Provide training or assistance, upon the request of a 11137  
local corrections planning board or a joint county corrections 11138  
planning board, to any local unit of government, subject to 11139  
available resources of the department. 11140

(B)(1) In order to be eligible for the subsidies under this 11141  
section, counties, groups of counties, and municipal corporations 11142  
shall satisfy all applicable requirements under sections 2301.27 11143  
and 2301.30 of the Revised Code and shall utilize the single 11144  
validated risk assessment tool selected by the department under 11145  
section 5120.114 of the Revised Code. 11146

(2) The department shall give any county, group of counties, 11147  
or municipal corporation found to be noncompliant with the 11148  
requirements described in division (B)(1) of this section a 11149  
reasonable period of time to come into compliance. If the 11150  
noncompliant county, group of counties, or municipal corporation 11151  
does not become compliant after a reasonable period of time, the 11152  
department shall reduce or eliminate the subsidy granted to that 11153  
county, group of counties, or municipal corporation. 11154

**Sec. 5149.311.** (A) The department of rehabilitation and 11155  
correction shall establish and administer the probation 11156  
improvement grant and the probation incentive grant for court of 11157  
common pleas probation departments that supervise felony 11158  
offenders. 11159

(B)(1) The probation improvement grant shall provide funding to court of common pleas probation departments to adopt policies and practices based on the latest research on how to reduce the number of felony offenders on probation supervision who violate the conditions of their supervision. 11160  
11161  
11162  
11163  
11164

(2) The department shall adopt and promulgate rules for the distribution of the probation improvement grant, including the formula for the allocation of the subsidy based on the number of felony offenders placed on probation annually in each jurisdiction. 11165  
11166  
11167  
11168  
11169

(C)(1) The probation incentive grant shall provide a performance-based level of funding to court of common pleas probation departments that are successful in reducing the number of felony offenders on probation supervision whose terms of supervision are revoked. 11170  
11171  
11172  
11173  
11174

(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation were revoked. The cost savings estimate shall be calculated for each county and be based on the difference from fiscal year 2010 and the fiscal year under examination. 11175  
11176  
11177  
11178  
11179  
11180

(3) The department shall adopt and promulgate rules that specify the subsidy amount to be appropriated to court of common pleas probation departments that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked. 11181  
11182  
11183  
11184  
11185

(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant: 11186  
11187

(1) In order to be eligible for the probation improvement grant and the probation incentive grant, courts of common pleas must satisfy all requirements under sections 2301.27 and 2301.30 11188  
11189  
11190

of the Revised Code and must utilize the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code. 11191  
11192  
11193

(2) The department may deny a subsidy under this section to any applicant if the applicant fails to comply with the terms of any agreement entered into pursuant to any of the provisions of this section. 11194  
11195  
11196  
11197

(3) The department shall evaluate or provide for the evaluation of the policies, practices, and programs the court of common pleas probation departments utilize with the programs of subsidies established under this section and establish means of measuring their effectiveness. 11198  
11199  
11200  
11201  
11202

(4) The department shall specify the policies, practices, and programs for which court of common pleas probation departments may use the program subsidy and shall establish minimum standards of quality and efficiency that recipients of the subsidy must follow. The department shall give priority to supporting evidence-based policies and practices, as defined by the department. 11203  
11204  
11205  
11206  
11207  
11208

**Sec. 5149.32.** To be eligible for funds from the subsidy programs established under division (A)(1) of section 5149.31 of the Revised Code, a municipal corporation, county, or group of counties shall comply with all of the following that are relevant: 11209  
11210  
11211  
11212

(A) Maintain programs that meet the standards adopted under division ~~(B)~~(A)(2) of section 5149.31 of the Revised Code; 11213  
11214

(B) Demonstrate that it has made efforts to unify or coordinate its correctional service programs through consolidation, written agreements, purchase of service contracts, or other means; 11215  
11216  
11217  
11218

(C) Demonstrate that the comprehensive plan for the county in which the municipal corporation is located, for the county, or for 11219  
11220

each county of the group of counties, as adopted under section 11221  
5149.34 of the Revised Code, has been approved by the director of 11222  
rehabilitation and correction; 11223

(D) Deliver programming that addresses the assessed needs of 11224  
high risk offenders as established by the single validated risk 11225  
assessment tool described in section 5120.114 of the Revised Code 11226  
and that may be delivered through available and acceptable 11227  
resources within the municipal corporation, county, or group of 11228  
counties or through the department of rehabilitation and 11229  
correction; 11230

(E) If a subsidy was received in any prior fiscal year from a 11231  
subsidy program established under division (A)(1) of section 11232  
5149.31 of the Revised Code, demonstrate that the subsidy was 11233  
expended in a good faith effort to improve the quality and 11234  
efficiency of its community corrections programs and to reduce the 11235  
number of persons committed to state correctional institutions and 11236  
to county, multicounty, municipal, municipal-county, or 11237  
multicounty-municipal jails or workhouses. 11238

**Sec. 5149.33.** No municipal corporation, county, or group of 11239  
counties receiving a subsidy under division (A)(1) of section 11240  
5149.31 of the Revised Code shall reduce, by the amount of the 11241  
subsidy it receives or by a greater or lesser amount, the amount 11242  
of local, nonfederal funds it expends for corrections, including, 11243  
but not limited to, the amount of local, nonfederal funds it 11244  
expends for the operation of the county, multicounty, municipal, 11245  
municipal-county, or multicounty-municipal jail or workhouse, for 11246  
any county or municipal probation department, or for any community 11247  
corrections program. Each subsidy shall be used to make 11248  
corrections expenditures in excess of those being made from local, 11249  
nonfederal funds. No subsidy or portion of a subsidy shall be used 11250  
to make capital improvements. If a recipient violates this 11251

section, the department of rehabilitation and correction ~~shall~~ may 11252  
discontinue subsidy payments to the recipient. 11253

**Sec. 5149.34.** (A)(1) If a county desires to receive a subsidy 11254  
from a subsidy program established under division (A)(1) of 11255  
section 5149.31 of the Revised Code for community corrections 11256  
programs as described in division (B) of that section, the board 11257  
of county commissioners of the county shall establish, by a 11258  
resolution as described in this division, and maintain a local 11259  
corrections planning board that, except as provided in division 11260  
(A)(2) of this section, shall include an administrator of a 11261  
county, multicounty, municipal, municipal-county, or 11262  
multicounty-municipal jail or workhouse located in the county<sub>7i</sub> a 11263  
county commissioner of that county<sub>7i</sub> a judge of the court of 11264  
common pleas of that county<sub>7i</sub> a judge of a municipal court or 11265  
county court of that county<sub>7i</sub> an attorney whose practice of law 11266  
primarily involves the representation of criminal defendants<sub>7i</sub> the 11267  
chief law enforcement officer of the largest municipal corporation 11268  
located in the county<sub>7i</sub> the county sheriff<sub>7i</sub> one or more 11269  
prosecutors, as defined in section 2935.01 of the Revised Code<sub>7i</sub> 11270  
the executive director of the board of alcohol, drug addiction, 11271  
and mental health services serving that county or the executive 11272  
director's designee, or the executive directors of both the 11273  
community mental health board and the alcohol and drug addiction 11274  
services board serving that county or their designees, whichever 11275  
is applicable; the executive director of the county board of 11276  
mental retardation and developmental disabilities of that county 11277  
or the executive director's designee; an administrator of a 11278  
halfway house serving that county, if any, or the administrator's 11279  
designee; an administrator of a community-based correctional 11280  
facility, if any, serving the court of common pleas of that county 11281  
or the administrator's designee; an administrator of a community 11282  
corrections act-funded program in that county, if any, or the 11283

administrator's designee; one or more representatives of the 11284  
public, one of whom shall be a victim of crime<sub>7i</sub>; one or more 11285  
additional representatives of the law enforcement community<sub>7i</sub>; one 11286  
or more additional representatives of the judiciary<sub>7i</sub>; one or more 11287  
additional representatives of the field of corrections<sub>7i</sub>; and 11288  
officials from the largest municipal corporation located in the 11289  
county. A majority of the members of the board shall be employed 11290  
in the adult criminal justice field. At least two members of the 11291  
board shall be members of the largest racial minority population, 11292  
if any, in the county, and at least two other members of the board 11293  
shall be women. The resolution shall state the number and nature 11294  
of the members, the duration of their terms, the manner of filling 11295  
vacancies on the board, and the compensation, if any, that members 11296  
are to receive. The board of county commissioners also may 11297  
specify, as part of the resolution, any other duties the local 11298  
corrections planning board is to assume. 11299

(2) If, for good cause shown, including, but not limited to, 11300  
the refusal of a specified individual to serve on a local 11301  
corrections planning board, a particular county is not able to 11302  
satisfy the requirements specified in division (A)(1) of this 11303  
section for the composition of such a board, the director of 11304  
rehabilitation and correction may waive the requirements to the 11305  
extent necessary and approve a composition for the board that 11306  
otherwise is consistent with the requirements. 11307

(B) Each local corrections planning board established 11308  
pursuant to division (A) of this section shall adopt within 11309  
eighteen months after its establishment, and from time to time 11310  
shall revise, a comprehensive plan for the development, 11311  
implementation, and operation of corrections services in the 11312  
county. The plan shall include a description of the offender 11313  
population's assessed needs as established by the single validated 11314  
risk assessment tool described in section 5120.114 of the Revised 11315

Code, with particular attention to high risk offenders, and the 11316  
capacity to deliver services and programs within the county and 11317  
surrounding region that address the offender population's needs. 11318  
The plan shall be adopted and revised after consideration has been 11319  
given to the impact that it will have or has had on the 11320  
populations of state correctional institutions and county, 11321  
multicounty, municipal, municipal-county, or multicounty-municipal 11322  
jails or workhouses in the county, and shall be designed to unify 11323  
or coordinate corrections services in the county and to reduce the 11324  
number of persons committed, consistent with the standards adopted 11325  
under division ~~(B)~~(A)(2) of section 5149.31 of the Revised Code, 11326  
from that county to state correctional institutions and to county, 11327  
multicounty, municipal, municipal-county, or multicounty-municipal 11328  
jails or workhouses. The plan and any revisions to the plan shall 11329  
be submitted to the board of county commissioners of the county in 11330  
which the local corrections planning board is located for 11331  
approval. 11332

If a county has a community-based correctional facility and 11333  
program established in accordance with sections 2301.51 to 2301.58 11334  
of the Revised Code, the budgets of the facility and program shall 11335  
not be subject to approval by the local corrections planning 11336  
board, but instead shall continue to be determined in accordance 11337  
with those sections. However, the local corrections planning board 11338  
shall include the facility and program as part of the 11339  
comprehensive plan adopted and revised pursuant to this division. 11340

(C) As used in this section: 11341

(1) "Halfway house" and "community-based correctional 11342  
facility" have the same meanings as in section 2929.01 of the 11343  
Revised Code. 11344

(2) "Offender population" means the total number of offenders 11345  
currently receiving corrections services provided by the county. 11346

**Sec. 5149.36.** Subject to appropriations by the general assembly, the department of rehabilitation and correction shall award subsidies to eligible municipal corporations, counties, and groups of counties pursuant to the subsidy programs described in division (A)(1) of section 5149.31 of the Revised Code only in accordance with criteria that the department shall specify in rules adopted pursuant to Chapter 119. of the Revised Code. The criteria shall be designed to provide for subsidy awards only on the basis of demonstrated need and the satisfaction of specified priorities. The criteria shall be consistent with the following:

(A) First priority shall be given to the continued funding of existing community corrections programs that satisfy the standards adopted pursuant to division ~~(B)~~(A)(2) of section 5149.31 of the Revised Code and that are designed to reduce the number of persons committed to state correctional institutions.

(B) Second priority shall be given to new community corrections programs that are designed to reduce the number of persons committed to state correctional institutions or the number of persons committed to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses.

**Section 2.** That existing sections 109.42, 307.93, 309.18, 341.12, 926.99, 1333.99, 1707.99, 1716.99, 2301.27, 2301.30, 2743.191, 2909.03, 2909.05, 2909.11, 2911.12, 2913.01, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 2929.20, 2929.26, 2929.34, 2930.12, 2930.16, 2930.17, 2950.99, 2951.041, 2951.08, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.16,

5120.331, 5120.48, 5120.59, 5120.60, 5120.66, 5149.01, 5149.10, 11378  
5149.31, 5149.32, 5149.33, 5149.34, and 5149.36 of the Revised 11379  
Code are hereby repealed. 11380

**Section 3.** The amendment of section 5120.07 of the Revised 11381  
Code by Sections 1 and 2 of this act is not intended to supersede 11382  
the earlier repeal of that section, with the delayed effective 11383  
date of December 31, 2011. 11384

**Section 4.** The amendments to sections 2925.01, 2925.03, 11385  
2925.05, and 2925.11 of the Revised Code, and to division (W) of 11386  
section 2929.01 of the Revised Code, that are made in this act 11387  
apply to a person who commits an offense involving marihuana, 11388  
cocaine, or hashish on or after the effective date of this act and 11389  
to a person to whom division (B) of section 1.58 of the Revised 11390  
Code makes the amendments applicable. 11391

The provisions of sections 2925.01, 2925.03, 2925.05, and 11392  
2925.11 of the Revised Code, and of division (W) of section 11393  
2929.01 of the Revised Code, in existence prior to the effective 11394  
date of this act shall apply to a person upon whom a court imposed 11395  
sentence prior to the effective date of this act for an offense 11396  
involving marihuana, cocaine, or hashish. The amendments to 11397  
sections 2925.01, 2925.03, 2925.05, and 2925.11 of the Revised 11398  
Code, and to division (W) of section 2929.01 of the Revised Code, 11399  
that are made in this act do not apply to a person upon whom a 11400  
court imposed sentence prior to the effective date of this act for 11401  
an offense involving marihuana, cocaine, or hashish. 11402

**Section 5.** The amendments to sections 926.99, 1333.99, 11403  
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 11404  
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 11405  
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 11406

2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 11407  
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 and divisions (A) 11408  
and (M) of section 2929.14 of the Revised Code that are made in 11409  
this act apply to a person who commits an offense specified or 11410  
penalized under those sections on or after the effective date of 11411  
this section and to a person to whom division (B) of section 1.58 11412  
of the Revised Code makes the amendments applicable. 11413

The provisions of sections 926.99, 1333.99, 1707.99, 1716.99, 11414  
2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 11415  
2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 11416  
2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 11417  
2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2921.13, 11418  
2921.41, 2923.31, and 2981.07 of the Revised Code in existence 11419  
prior to the effective date of this section shall apply to a 11420  
person upon whom a court imposed sentence prior to the effective 11421  
date of this section for an offense specified or penalized under 11422  
those sections. The amendments to sections 926.99, 1333.99, 11423  
1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 11424  
2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 11425  
2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 11426  
2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 11427  
2917.32, 2921.13, 2921.41, 2923.31, and 2981.07 of the Revised 11428  
Code that are made in this act do not apply to a person who upon 11429  
whom a court imposed sentence prior to the effective date of this 11430  
section for an offense specified or penalized under those 11431  
sections. 11432

**Section 6.** Section 1716.99 of the Revised Code is presented 11433  
in this act as a composite of the section as amended by both Am. 11434  
Sub. H.B. 59 and Sub. S.B. 2 of the 123rd General Assembly. 11435  
Section 2301.27 of the Revised Code is presented in this act as a 11436  
composite of the section as amended by both Am. Sub. H.B. 490 and 11437  
Sub. H.B. 510 of the 124th General Assembly. Section 2929.14 of 11438

the Revised Code is presented in this act as a composite of the 11439  
section as amended by both Am. Sub. H.B. 130 and Am. Sub. H.B. 280 11440  
of the 127th General Assembly. Section 2929.20 of the Revised Code 11441  
is presented in this act as a composite of the section as amended 11442  
by both Am. Sub. H.B. 130 and Sub. S.B. 108 of the 127th General 11443  
Assembly. Section 2967.193 of the Revised Code is presented in 11444  
this act as a composite of the section as amended by both Am. Sub. 11445  
S.B. 269 and Am. Sub. H.B. 180 of the 121st General Assembly. The 11446  
General Assembly, applying the principle stated in division (B) of 11447  
section 1.52 of the Revised Code that amendments are to be 11448  
harmonized if reasonably capable of simultaneous operation, finds 11449  
that the composites are the resulting versions of the sections in 11450  
effect prior to the effective date of the sections as presented in 11451  
this act. 11452