

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

129th General Assembly

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Sub. H. B. No. 86

Representatives Blessing, Heard

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A B I L L

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
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(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
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(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
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(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
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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.

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

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 (NH₃). 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
Sec. 2913.11. (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 connection with the manufacture of goods or services, whether or not the goods or services are intended for sale or resale;	2482 2483 2484
(2) Possess, sell, or offer for sale tools, machines, instruments, materials, articles, or other items of personal property with the knowledge that they are designed for the production or reproduction of counterfeit marks;	2485 2486 2487 2488
(3) Purchase or otherwise acquire goods, and keep or otherwise have the goods in the person's possession, with the knowledge that a counterfeit mark is attached to, affixed to, or otherwise used in connection with the goods and with the intent to sell or otherwise dispose of the goods;	2489 2490 2491 2492 2493
(4) Sell, offer for sale, or otherwise dispose of goods with the knowledge that a counterfeit mark is attached to, affixed to, or otherwise used in connection with the goods;	2494 2495 2496
(5) Sell, offer for sale, or otherwise provide services with the knowledge that a counterfeit mark is used in connection with that sale, offer for sale, or other provision of the services.	2497 2498 2499
(B)(1) Whoever violates this section is guilty of trademark counterfeiting.	2500 2501
(2) Except as otherwise provided in this division, a violation of division (A)(1) of this section is a felony of the fifth degree. Except as otherwise provided in this division, if the cumulative sales price of the goods or services to which or in connection with which the counterfeit mark is attached, affixed, or otherwise used in the offense is five thousand dollars or more but less than one hundred thousand dollars or if the number of units of goods to which or in connection with which the counterfeit mark is attached, affixed, or otherwise used in the offense is more than one hundred units but less than one thousand units, a violation of division (A)(1) of this section is a felony	2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 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
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(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
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(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
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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 five hundred <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
Sec. 2917.21. (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
Sec. 2917.31. (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 4088
weeks out of one hundred four consecutive weeks, whether or not 4089
the twenty-six weeks were consecutive, then a violation of 4090
division (A)(2) or (B) of this section is a felony of the fifth 4091
degree. If the offender previously has been convicted of or 4092
pleaded guilty to a felony violation of this section, a violation 4093
of division (A)(2) or (B) of this section is a felony of the 4094
fourth degree. If 4095

If the violation of division (A) or (B) of this section is a 4096
felony, all of the following apply to the sentencing of the 4097
offender: 4098

(a) Except as otherwise provided in division (G)(1)(b) of 4099
this section, the court in imposing sentence on the offender shall 4100
first consider placing the offender on one or more community 4101
control sanctions under section 2929.16, 2929.17, or 2929.18 of 4102
the Revised Code, with an emphasis under the sanctions on 4103
intervention for nonsupport, obtaining or maintaining employment, 4104
or another related condition. 4105

(b) The preference for placement on community control 4106
sanctions described in division (G)(1)(a) of this section does not 4107
apply to any offender to whom one or more of the following 4108
applies: 4109

(i) The court determines that the imposition of a prison term 4110
on the offender is consistent with the purposes and principles of 4111
sentencing set forth in section 2929.11 of the Revised Code. 4112

(ii) The offender previously was convicted of or pleaded 4113
guilty to a violation of this section that was a felony, the 4114
conviction or guilty plea occurred on or after the effective date 4115
of this amendment, and the offender was sentenced to a prison term 4116
for that violation. 4117

(iii) The offender previously was convicted of or pleaded 4118

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
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~~(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
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~~(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
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(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
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(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
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(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
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(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
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(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
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(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
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(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code. 6593
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(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense. 6598
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(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. 6601
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(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense. 6611
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(HH) "Fourth degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree. 6616
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(II) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative 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
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(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
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(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
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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
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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
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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 6994
applies: 6995

(i) The offense was committed prior to August 3, 2006, the 6996
offender previously was convicted of or pleaded guilty to rape, 6997
the former offense of felonious sexual penetration, or sexual 6998
battery, and the victim of the previous offense was less than 6999
thirteen years of age. 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, 7002
2903.11, 2903.12, 2903.13, or 2907.07 of the Revised Code if the 7003
section requires the imposition of a prison term; 7004

(5) A first, second, or third degree felony drug offense for 7005
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 7006
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 7007
4729.99 of the Revised Code, whichever is applicable regarding the 7008
violation, requires the imposition of a mandatory prison term; 7009

(6) Any offense that is a first or second degree felony and 7010
that is not set forth in division (F)(1), (2), (3), or (4) of this 7011
section, if the offender previously was convicted of or pleaded 7012
guilty to aggravated murder, murder, any first or second degree 7013
felony, or an offense under an existing or former law of this 7014
state, another state, or the United States that is or was 7015
substantially equivalent to one of those offenses; 7016

(7) Any offense that is a third degree felony and either is a 7017
violation of section 2903.04 of the Revised Code or an attempt to 7018
commit a felony of the second degree that is an offense of 7019
violence and involved an attempt to cause serious physical harm to 7020
a person or that resulted in serious physical harm to a person if 7021
the offender previously was convicted of or pleaded guilty to any 7022
of the following offenses: 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 term previously or subsequently imposed upon the offender.

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

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

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

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

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

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.

(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.

(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.

(b) If the judges of the various courts of this state having authority to supervise a concurrent supervision offender cannot

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
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- (3) A condition that confines the person to a residence, facility, or other structure; 9299
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- (4) A condition that prohibits the person from contacting or communicating with any specified individual; 9301
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- (5) A condition that prohibits the person from associating with a specified individual; 9303
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- (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
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- (B) ~~Upon~~ Within three business days after making an arrest under this section, the arresting field officer, probation officer, or peace officer or the department or agency of the arresting officer ~~promptly~~ shall notify the chief probation officer or the chief probation officer's designee that the person has been arrested. ~~Upon~~ Within thirty days of being notified that a field officer, probation officer, or 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
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- (C) Nothing in this section limits the powers of arrest granted to certain law enforcement officers and citizens under 9324
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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 9355
cause death to the inmate within twelve months. 9356

(iii) Institutional confinement of the inmate does not offer 9357
additional protections for public safety or against the inmate's 9358
risk to reoffend. 9359

(b) The department of rehabilitation and correction shall 9360
adopt rules pursuant to Chapter 119. of the Revised Code to 9361
implement the definition of "terminal illness" in division 9362
(A)(3)(a) of this section. 9363

(B)(1) Upon the recommendation of the director of 9364
rehabilitation and correction, accompanied by a certificate of the 9365
attending physician that an inmate is terminally ill, medically 9366
incapacitated, or in imminent danger of death, the governor may 9367
order the inmate's release ~~as if~~ on indefinite parole on or after 9368
a specified date, reserving the right to return the inmate to the 9369
institution pursuant to this section. ~~If~~ An inmate ordered to be 9370
released under this section may be released to a skilled nursing 9371
facility or may be released under a general release that is not to 9372
a skilled nursing facility. 9373

(2) An inmate who is to be released under this section to a 9374
skilled nursing facility shall not be released until an 9375
appropriate placement in a skilled nursing facility has been 9376
secured for the inmate and the skilled nursing facility has 9377
secured a funding source for the placement. When an inmate is to 9378
be released under this section to a skilled nursing facility, the 9379
department of job and family services shall give priority to the 9380
processing and determination of an inmate's eligibility for 9381
initial or continued medicaid funding under this section. When an 9382
inmate is to be released under this section to a skilled nursing 9383
facility, the department of job and family services' processing 9384
and determination of the inmate's eligibility may be based solely 9385
on identifying information provided by the department of 9386

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 degree₇. 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
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(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
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(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
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9571
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(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
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(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
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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
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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
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(L) The department shall adopt under Chapter 119. of the Revised Code any rules necessary to implement this section. 9769
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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
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~~If a prisoner is released before the expiration of the prisoner's stated prison term by reason of credit earned under~~ 9795
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~~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 seriousness;	10052 10053
(b) Define the circumstances under which formal action by the parole board is warranted;	10054 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 most misdemeanor and technical violations;	10058 10059
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	10060 10061
(F)(1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	10062 10063 10064 10065 10066 10067 10068 10069 10070 10071 10072 10073 10074 10075 10076 10077 10078 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) The director <u>A representative or member</u> of the	10341
governor's office of external affairs and economic opportunity	10342
<u>staff</u> ;	10343
(14) The director of the governor's office of faith based and	10344
community initiatives;	10345
(15) The director of the rehabilitation services commission;	10346
(16) <u>(15)</u> The director of the department of commerce;	10347
(17) <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; 10694
10695

(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; 10696
10697
10698
10699

(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; 10700
10701
10702
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(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; 10705
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(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; 10709
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(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. 10713
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(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. 10718
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(C) Each annual report prepared under division (A) of this section shall be distributed to each member of the general assembly. 10721
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(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 inmate. 10941
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(C) The failure of the department to comply with the requirements of division (A) or (B) of this section does not give any rights or any grounds for appeal or post-conviction relief to any inmate. 10943
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(D) This section, and the related provisions of sections 2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted in the act in which this section was enacted, shall be known as "Laura's Law." 10947
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Sec. 5149.01. As used in Chapter 5149. of the Revised Code: 10951

(A) "Authority" means the adult parole authority created by section 5149.02 of the Revised Code. 10952
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(B) "State correctional institution," "pardon," "commutation," "reprieve," "parole," "head of a state correctional institution," "convict," "prisoner," "parolee," "final release," and "parole violator" have the same meanings as in section 2967.01 of the Revised Code. 10954
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(C) "Full board hearing" means a parole board hearing conducted by a ~~minimum~~ majority of ~~seven~~ parole board members as described in section 5149.101 of the Revised Code. 10959
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Sec. 5149.10. (A)(1) The parole board shall consist of up to twelve members, one of whom shall be designated as chairperson by the director of the department of rehabilitation and correction and who shall continue as chairperson until a successor is designated, and any other personnel that are necessary for the orderly performance of the duties of the board. In addition to the rules authorized by section 5149.02 of the Revised Code, the chief of the adult parole authority, subject to the approval of the chief of the division of parole and community services and subject 10962
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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
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(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
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(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
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(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
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(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
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(D) The following stipulations apply to both the probation improvement grant and the probation incentive grant: 11186
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(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
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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
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(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
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(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
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(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
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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
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(A) Maintain programs that meet the standards adopted under division ~~(B)~~(A)(2) of section 5149.31 of the Revised Code; 11213
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(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
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(C) Demonstrate that the comprehensive plan for the county in which the municipal corporation is located, for the county, or for 11219
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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~~;~~i a 11263
county commissioner of that county~~;~~i a judge of the court of 11264
common pleas of that county~~;~~i a judge of a municipal court or 11265
county court of that county~~;~~i an attorney whose practice of law 11266
primarily involves the representation of criminal defendants~~;~~i the 11267
chief law enforcement officer of the largest municipal corporation 11268
located in the county~~;~~i the county sheriff~~;~~i one or more 11269
prosecutors, as defined in section 2935.01 of the Revised Code~~;~~i 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_{7i}; one or more 11285
additional representatives of the law enforcement community_{7i}; one 11286
or more additional representatives of the judiciary_{7i}; one or more 11287
additional representatives of the field of corrections_{7i}; 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